

## Chapter 14 – Operational Skills and Practices

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## 14.1 Introduction

This chapter consolidates matters relating to operational skills and practices employed by police. Officers should be aware of their powers and responsibilities in terms of legislation and best practices in connection with the contents of this chapter.

## 14.2 Definitions

For the purpose of this chapter:

### **Firearms training officers**

are officers who have successfully completed a course of instruction, or as otherwise determined by the Service.

### **POST Instructors**

are police operational skills and tactics instructors, who have successfully completed a course of instruction or as otherwise determined by the Service.

### **Service handgun**

means a Service-issue handgun.

### **Service rifle**

means a Service-issued rifle.

### **Service weapon**

means a weapon issued by the Service to members of the Service for use in the performance of duties and includes an approved weapon.

### **Approved weapon**

means a weapon approved for use in the performance of duties in accordance with Service policy or otherwise by a deputy commissioner or the Commissioner.

### **Taser training officers**

are police operational skills and tactics instructors, who have successfully completed a course of instruction or as otherwise determined by the Service.

## 14.3 Use of force

For the purpose of this section:

### **Officer**

is reference to a police officer, protective services officer and watchhouse officer.

Officers responding to an incident involving non-compliant offender(s) should aim to gain and maintain control without the use of unnecessary force.

### **ORDER**

Officers are to only use the minimum amount of force necessary to safely resolve an incident.

The preservation of human life should remain a primary focus of officers attending any incident.

The force a protective services officer may use does not include force likely to cause grievous bodily harm or death.

It is lawful to use such force as may be reasonably necessary to overcome any force used in resisting the execution of any lawful process or arrest. However, it is unlawful to use more force than is justified by law to affect a lawful purpose.

If an officer is required to use physical force to affect a lawful process, or in self-defence of themselves or others, control should be established as quickly as practicable. Once control and restraint has been achieved, officers should transition from 'use of force' to 'provision of care' without unnecessary delay and ensure an ongoing assessment of the subject person is conducted.

The time it takes for an officer to transition from using force and establishing control to becoming the care provider could be the difference between a subject person making a full recovery or the situation deteriorating rapidly and becoming a medical emergency.

If an officer suspects a subject person is suffering a medical emergency (which includes a change in consciousness), urgent medical assistance is to be requested without delay ensuring clear, succinct and correct information is provided

in the request. Once medical assistance is in attendance a casualty handover is to be conducted (see s. 14.3.7: 'Post arrest collapse (medical risk factors)' of this section).

It is the responsibility of all officers involved in any interaction with the public, in particular those matters involving a use of force, to assist colleagues in doing their job. This may include fixing something that is going wrong, intervening where a use of force is excessive and reporting instances of excessive use of force (see s. 14.3.9: 'Use of force reporting' of this section).

For all use of force reporting requirements, in addition to the information contained in this section, see **Appendix 14.8: 'Quick reference (use of force reporting requirements)'** of this chapter.

### **Continual threat assessment**

During any interaction, officers are to conduct a continual threat assessment. This means considering any **person, object or place** which could put the officer (or others) at risk, and understanding that in all situations every person, object or place falls into one of two categories. These categories are:

- (i) high risk, which refers to an obvious risk such as attending an armed robbery call or responding to a person armed with a weapon; and
- (ii) assessed risk, which refers to a situation where an officer has assessed a person, object or place and considers a response based on the circumstances, the information known at the time and the officer's previous experience and training.

### **14.3.1 Decision-making and planning the approach**

Prior to attending an incident, officers should plan an approach that allows for the minimum use of force necessary to be applied, in order to resolve the incident.

Whilst attending an incident, officers should conduct continual threat assessments, and continually re-assess plans, to make sound decisions about management of an incident and application of appropriate situational use of force. The safety of the general public, police and any individual/s subject to a use of force situation should be considered during the decision-making process.

Officers may develop an Incident Action Plan (IAP) by applying relevant elements of the ICENRIRE incident management model (see s. 1.12.7: 'Incident action plans' of this Manual).

At all times, the mission priority should be at the centre of planning and the decision-making process.

Planning includes, but is not limited to:

- (i) gathering information and intelligence;
- (ii) assessing threats and developing a working strategy;
- (iii) considering powers and policy;
- (iv) identifying options and contingencies; and
- (v) engaging appropriate resources.

Physical force should only be used as an operational necessity when other options have failed or have been assessed as being inappropriate for the circumstances.

Officers should familiarise themselves with the content of the Method of Entry (MOE) Learning Guide available on the Frontline Skills Training webpage on the Service Intranet. The Guide provides information about MOE techniques.

Officers should refer to s. 1.5: 'Planning' of this Manual for further information.

### **14.3.2 Situational Use of Force Model (2016)**

The Service has adopted a 'Situational Use of Force (SOUF) Model' as a guide to assist officers when dealing with incidents requiring the use of force.

For the purpose of this section, officer refers to a police officer, watchhouse officer and protective services officer.

The SOUF Model visually represents the use of force options available to officers, with communication central to all available options. Officers are to be aware that communication skills includes consideration and application of both verbal and nonverbal communication. Protective services officers and watchhouse officers are only to consider the use of force options in which they are trained and authorised to use. Protective services officers and watchhouse officers are not to use SUOF Model options likely to cause grievous bodily harm or death.

The 'Situational Use of Force Model' is not restrictive. Officers may select other use of force options to escalate or de-escalate the use of force, as necessary. When applying any use of force option officers should communicate effectively with all involved people, with the aim of de-escalation of the incident and/or resolution of the incident with minimum amount of force used. De-escalation means decreasing the magnitude, identified risks and/or intensity of a situation, with an aim to avoid or minimise the use of physical force.



## Situational Use of Force Model (2016)

*Use the minimum amount of force necessary to safely resolve an incident*



### Use of force considerations

The functions of the Service are contained in s. 2.3: 'Functions of service' of the PSAA. Briefly, these are as follows:

- (i) the preservation of peace and good order;
- (ii) the protection of all communities in the State;
- (iii) the prevention of crime;
- (iv) the detection of offences and bringing of offenders to justice;
- (v) the upholding of the law generally;
- (vi) the administration, in a responsible, fair and efficient manner and subject to due process of law and directions of the Commissioner;
- (vii) the provision of services, and the rendering of help reasonably sought, in situations of emergency or otherwise; and
- (viii) the provision of services for the security of state buildings.

The Service has adopted the philosophy of 'Consider all Options and Practise Safety' (COPS). Officers should embrace this philosophy when dealing with incidents which may require the use of force.

Officers should consider all the 'use of force' options available to them and all the circumstances of an incident when determining the most appropriate 'use of force' option(s) to be used.

Officers should bear in mind that all 'use of force' applications must be:

- (i) authorised;
- (ii) justified;
- (iii) reasonable / proportionate / appropriate;
- (iv) legally defensible; and
- (v) tactically sound and effective.

In this regard:



- (i) police officers should consider the provisions of ss. 615: 'Power to use force against individuals—police officers' and 616: 'Power to use force against individuals in critical situations' of the PPRA and s. 283: 'Excessive force' of the CC;
- (ii) protective services officers should consider the provisions of s. 615A: 'Power to use force against individuals—protective services officers' of the PPRA and s. 283: 'Excessive force' of the CC; and
- (iii) watchhouse officers should consider the provisions of ss. 652: 'Power to use force against individual at watchhouse', 653: 'Power to use force—transfer etc. of person in custody to or from court cell or other place' and 612: 'Assistance in exercising powers' of the PPRA and s. 283: 'Excessive force' of the CC.

Officers should also consider the following factors when selecting a 'use of force' option:

- (i) the physical attributes of the person concerned as opposed to the police officer or watchhouse officer;
- (ii) the circumstances and location of the incident;
- (iii) the possibility that the police officer or watchhouse officer may be required to increase or decrease the initial 'use of force' option as the situation changes;
- (iv) the possibility of injury to the police officer or watchhouse officer;
- (v) the possibility of injury to the person concerned;
- (vi) the possibility of injury to other persons;
- (vii) in the case of police officers, the requirement to act quickly and professionally (having made the decision to make an arrest) to prevent an escalation of an incident; and
- (viii) the requirement for decisions made by police officers and watchhouse officers to satisfy the 'SELF Test' (see the 'SELF Test' decision making model on the Service Intranet).

There is a risk of causing injury or death to a person by the application of some 'use of force' options. Therefore, police officers and watchhouse officers should exercise due care at all times when using any of these options.

### Communication

Communication includes the application of both verbal and non-verbal communication skills. Officers should, in aiming to de-escalate any conflict situation, use calm and even communication with a view towards negotiation rather than use of force. Effective communication involves engagement and trying to establish a connection with another person. Examples of effective communication skills in this context can include:

- (i) calling the person by their name;
- (ii) asking open-ended and clarifying questions;
- (iii) taking steps to put the person at ease;
- (iv) trying different approaches to making a connection; and
- (v) explaining what you're doing.

### Situational containment

Situational containment is the process of assessing a situation and identifying the hazards, potential risks, threat levels and the likelihood of situation escalation. Situational containment maintains control through containment of a threat within a cordoned area whilst minimising the threat of escape and any potential triggers of escalation or expansion.

### Tactical repositioning

Tactical repositioning is a decision to move to an alternate position when faced with a real and present danger in order to allow officers to tactically plan and assess a response to an incident. Tactical repositioning may enhance control and safety without providing a significant advantage to the threat and can include withdrawing, creating distance, advancing or moving to cover.

### Other resources

Other resources are the use of improvised equipment, items, weapons or personnel necessary to effectively resolve an incident, in accordance with the provisions of this section, where application of standard options is not appropriate or available. This may include the activation of specialist units or personnel (e.g. SERT, EORT, negotiators), the use of their methodologies, tactics and equipment. Other resources may also include obtaining assistance from agencies or authorities external to the QPS to assist in resolving the incident (e.g. QFES, health professionals etc.).

### 14.3.3 Open hand tactics

Open hand tactics are skills that may be used by officers when control of a policing situation cannot be achieved otherwise. Open hand tactics equip officers with a range of operational skills and tactics which assist officers in performing their functions safely, efficiently and effectively. Application of these tactics may allow officers to achieve and maintain control of a subject or policing situation.

Open hand tactics may include but are not limited to:

- (i) come along and escort holds;
- (ii) wrist and arm locks;
- (iii) arm restraint holds and upper body holds;
- (iv) pressure point control tactics;
- (v) transition techniques; or
- (vi) ground restraint.

### **Pressure point control tactics**

Pressure point control tactics are taught to police officers and watchhouse officers as part of operational skills and tactics training.

Police officers and watchhouse officers should not use pressure point control tactics to areas above the shoulders of individuals, unless:

- (i) an incident is assessed as high risk and there is an immediate operational necessity to apply the restraint; or
- (ii) acting or aiding in self-defence.

In particular, this applies to crowd control situations and demonstrations generally.

### **14.3.4 Closed hand tactics**

Closed hand tactics refers to officers using their body to strike a person in order to defend themselves, or to achieve a tactical advantage. Such tactics include but are not limited to punches, elbows, knee strikes or kicks. Application of these tactics may allow officers to achieve and maintain control of a subject or policing situation.

Closed hand tactics are an available option to defend against the threat of serious injury, and in particular circumstances may be the only effective tactical option available to an officer. Officers are to only use the minimum amount of force necessary to resolve an incident.

### **14.3.5 Use of lethal force**

The terms 'lethal force' and 'less lethal force' are defined in the SMD.

#### **Criminal Code**

Sections 271: 'Self-defence against unprovoked assault' and 272: 'Self-defence against provoked assault' of the CC provides circumstances where a person is excused from criminal responsibility for the use of force in self-defence in preservation from death or grievous bodily harm although such force may cause death or grievous bodily harm.

Section 273: 'Aiding in self-defence' of the CC makes it lawful for a person aiding another person to use a like degree of force to defend the other person where the use of force would have been lawful for the person to have used in the circumstances.

#### **Police Powers and Responsibilities Act**

Section 616: 'Power to use force against individuals in critical situations' of the PPRA provides police officers with the power to cause death or grievous bodily harm in certain circumstances. The force used may include force likely to cause grievous bodily harm to a person or a person's death but before using such force the police officer must, if practicable, first call on the person to stop doing the act (ss. 616(4) and 616(5) of the PPRA).

However, under the provisions of s. 652: 'Power to use force against individual at watchhouse' and s. 653: 'Power to use force – transfer etc. of person in custody to or from court cell or other place' of the PPRA, the force a watchhouse officer can use does not include force likely to cause grievous bodily harm to a person or the person's death.

Police officers and watchhouse officers should consider all of the 'use of force' options available to them and all of the circumstances of an incident when determining the most relevant level of force to be used.

### **14.3.6 Acute psychostimulant-induced episode and excited delirium**

Psychostimulants are a group of drugs that stimulate the activity of the central nervous system, causing individuals to feel falsely or overly confident, euphoric, alert and energetic. However, at toxic (poisonous) levels, an individual may become extremely agitated, irrational, impulsive and paranoid, which may lead the person to behave in an aggressive and/or violent manner.

Psychostimulant drugs include:

- (i) MDMA (methylenedioxymethamphetamine) 'ecstasy';
- (ii) cocaine;

- (iii) amphetamine sulphate or hydrochloride 'speed';
- (iv) methamphetamine also known as:
  - (a) crystalline 'ice', 'crystal meth';
  - (b) tablets 'pills';
  - (c) a moist, oily substance 'base'; and
  - (d) powder 'speed';
- (v) paramethoxyamphetamine (PMA); and
- (vi) paramethoxymethamphetamine (PMMA).

Acute psychotic episodes are common in persons suffering from schizophrenia, schizo-affective disorders, bipolar disorder, severe mood disorders, and delusional disorders. Whilst modern medications and treatment plans reduce the number and severity of episodes suffered, when the medication or treatment plan is changed, an acute psychotic episode can occur.

It is usually impossible to discriminate between drug-induced and naturally occurring (mental health) psychosis, but both conditions are potentially lethal and should be considered a medical emergency. The response to and management of either condition by police is the same.

These conditions are commonly known as 'excited delirium' and will be referred to mean acute psychostimulant-induced and acute psychotic episodes for the purpose of this policy.

Where a person progresses to an excited delirium episode whilst suffering from a hyperthermic (feverish/high body temperature) condition, the person can suddenly succumb to respiratory or cardiac arrest. Without immediate medical intervention death may follow within a matter of minutes.

Levels of other drugs such as alcohol, cannabis or opioids (e.g. heroin) may also be present or at concentrated levels in a person suffering an excited delirium episode.

Behaviours that can indicate excited delirium include:

- (i) extreme agitation;
- (ii) acting on paranoid ideas;
- (iii) impulsive behaviour;
- (iv) startling easily, and reacting strongly to any stimuli (e.g. noises, unexpected movement);
- (v) acting according to fixed false beliefs (delusions);
- (vi) appearing to talk to people who are not present or to respond to verbal commands that no one else can hear (auditory hallucinations);
- (vii) increased physical strength;
- (viii) aggressive behaviour;
- (ix) violent behaviour;
- (x) lack of response to usual 'talk-down' communication techniques and may escalate despite appropriate and calming verbal interaction; and
- (xi) reduced or no response to:
  - (a) OC spray; or
  - (b) pain compliance techniques.

These behaviours may also be attributable to mental illness or temporary emotional disturbance, but no attempt should be made to make such an assessment based on these behaviours alone.

Physical signs and symptoms of excited delirium include:

- (i) increased pupil size that does not (or only sluggishly) decrease in bright light;
- (ii) hot, flushed and sweaty skin which may indicate a fever (i.e. above 38°C);
- (iii) rapid breathing;
- (iv) jerky movements of limbs;
- (v) shaking in lower limbs, progressing to the upper body;
- (vi) racing pulse;
- (vii) chest pain;

- (viii) jaw clenching;
- (ix) body stiffness and rigid limbs; and
- (x) intense headache.

Effective communication strategies with a person suspected of suffering from excited delirium include:

- (i) one officer conducting negotiations with the subject;
- (ii) using the individual's name (if known) to personalise the interaction;
- (iii) calm, open-ended questioning to ascertain the cause of the behaviour;
- (iv) a consistently even tone of voice, even if the person's communication style becomes hostile or aggressive;
- (v) avoidance of the use of 'no' language, which may prompt an aggressive outburst. Terms like 'I'll see what I can do' encourage further communication and are often calming;
- (vi) allow the individual as much personal space as possible while maintaining control and containment;
- (vii) reduce external stimulation of the subject by:
  - (a) avoiding rapid movements;
  - (b) reducing the noise level if possible (e.g. loud music, machinery); and
  - (c) moving bystanders and persons who may be causing agitation;
- (viii) offer positive feedback as the subject responds in a positive manner;
- (ix) suggest the subject sit down or drink water, as these actions may assist in calming down;
- (x) make eye contact only occasionally, as sustained eye contact can increase fear or promote aggressive outbursts in some hostile or paranoid individuals; and
- (xi) if relevant, tell the person an ambulance has been called and medical assistance will soon arrive, or that police will take them to hospital.

Medical studies indicate the peak risk times for cocaine toxicity is 20 to 40 minutes after administration, and for amphetamine toxicity, approximately 2 to 3 hours after administration.

When attempting to resolve an incident involving a person who is exhibiting behaviours and physical signs and symptoms which indicate the person is suffering from excited delirium, officers should:

- (i) ensure medical assistance is sought for the person as soon as practicable;
- (ii) attempt to establish what drugs the person may have taken and when the person may have taken them, by:
  - (a) direct questioning of the person and witnesses; and
  - (b) the presence of drugs or drug paraphernalia (needles, spoons, cipseal bags etc.) on or near the person or at the place where the person is located;
- (iii) when communicating with the person, use the communication strategies as outlined in points (i) to (xi) above;
- (iv) where it is necessary to physically restrain the person:
  - (a) have sufficient officers present to achieve safe restraint in the shortest time;
  - (b) restrain the person for the least possible time and until it is safe to do otherwise; and
  - (c) restrain the person by the arms and legs, where possible avoiding LVNR or chest compression;
- (v) talk calmly to the person until medical assistance is obtained;
- (vi) constantly monitor the person's physical signs and symptoms while in police custody;
- (vii) if possible, commence cooling of the person whilst waiting for medical assistance by:
  - (a) loosening of restrictive clothing;
  - (b) provision of cool oral fluids (water);
  - (c) cold or wet packs placed under armpits, on head and back of neck; and
  - (d) a cooling fan; and
- (viii) whilst waiting for medical assistance to arrive seek telephone advice from:
  - (a) the ambulance service;
  - (b) 13Health; or
  - (c) a doctor.

## ORDER

Officers are to seek medical assistance for the person as soon as practicable and where required, transport of the person by ambulance service. Officers are not to transport a person with suspected excited delirium to a hospital or other medical facility by Service vehicle unless exceptional circumstances exist. Exceptional circumstances may include where medical assistance is not available within a reasonable time period and medical advice indicates the person needs medical treatment immediately, or if requested to transport the persons (e.g. for safety reasons) by ambulance or paramedic staff.

See also s. 14.3.7: 'Post arrest collapse (medical risk factors)' of this chapter.

**14.3.7 Post arrest collapse (medical risk factors)**

Officers in arrest situations may encounter persons who, due to their physical resistance to the arrest or other unknown pre-existing conditions, may be at risk of collapsing or suffering from a fatal incident whilst being taken into custody. It is highly likely that there will be little or no warning of the onset of a person collapsing.

## POLICY

Officers are to monitor and medically assess persons taken into custody in compliance with s. 16.13: 'Health of prisoners and persons in custody' of this Manual.

Officers are to be aware that the risk of a person collapsing or suffering from a fatal incident may be increased by:

- (i) a pre-existing medical condition; and/or
- (ii) the use of alcohol or other drugs; and/or
- (iii) the effects of a psychostimulant-induced episode and excited delirium (see s. 14.3.6: 'Acute psychostimulant-induced episode and excited delirium' of this chapter); and/or
- (iv) positional asphyxia (see s. 14.3.8: 'Monitoring restrained prisoners (positional asphyxia)' of this chapter); and/or
- (v) the use of:
  - (a) mechanical restraints (handcuffs);
  - (b) physical restraint holds; and
  - (c) multiple officers restraining the individual.

Officers are to closely supervise (constant face-to-face monitoring) persons taken into custody where there is a high risk of excited delirium and positional asphyxia occurring.

Officers are to ensure that transporting and watchhouse officers are aware of the circumstances of the arrest so that ongoing health assessments are conducted of the person.

To assist officers a 'Custody and Arrest Risk Evaluation' (CARE) guide has been provided to assist officers in their decision making regarding potential health issues of persons who are in their custody, particularly after an intense struggle or some other severe physical activity.

Officers should continually assess every arrest and/or custody situation, and rely on their reasoned discretion to determine an appropriate course of action which is based on the presenting indicia.

Officers observing the following indicia should consider seeking immediate medical assistance:

- (i) profuse sweating and shivering at the same time;
- (ii) loss of consciousness;
- (iii) semi-conscious and unresponsiveness;
- (iv) seizure;
- (v) respiratory rate below six breaths per minute;
- (vi) severe headache;
- (vii) chest pain;
- (viii) obvious respiratory distress; and/or
- (ix) gagging, coughing or choking lasting longer than four minutes after OC Spray.

**CUSTODY AND ARREST RISK EVALUATION (CARE) GUIDE****INDICATORS**

Officers who observe or detect multiple indicators should exercise extreme diligence in regard to the subject's health and wellbeing.

**ALCOHOL RELATED**

- Alcohol consumption and intoxication
- Acute alcohol intoxication
- History of alcohol abuse

**DRUG RELATED**

- Recent drug consumption
- Stimulants (Ephedrine, amphetamines, cocaine and ecstasy)
- Depressants (Minor tranquillisers, cannabis, heroin, morphine, codeine and methadone)
- Hallucinogens (Ketamine, LSD, mescaline, cannabis and ecstasy)
- Steroids
- Volatile substances (Aerosols, solvents, petrol and glue)
- Anti-psychotic drugs
- History of drug abuse
- Poly drug use (consumption of more than one drug)

**BEHAVIOUR RELATED**

- Previous and current mental illness
- Bizarre behaviour
- Shouting
- Paranoia
- Violence against others
- Display of above normal physical strength
- Sudden tranquillity and/or lethargy
- Confusion and/or disorientation
- Hallucinations
- Loss of inhibitions
- Restless

**PHYSICAL RELATED**

- Obesity
- Large stomach (Beer Belly)
- Profuse sweating
- Shivering
- 'Ragged' or laboured breathing
- Lack of effectiveness of OC Spray
- Cyanosis (blueness) of lips and/or nail beds
- Moderate physical activity
- Intense physical activity
- Restrained under bodyweight
- Excessive compression of neck
- Exposure to Taser deployment/s
- Flushed (or pallid) complexion

**14.3.8 Monitoring restrained prisoners (positional asphyxia)**

Positional asphyxia can occur when body position interferes with respiration. This may occur in circumstances where a person is severely restrained. In situations of positional asphyxia the person will generally become inactive after several minutes, exhibit respiratory difficulties and subsequently stop breathing (see s. 14.3.7: 'Post arrest collapse (medical risk factors)' of this chapter).

The following factors increase the risk of a person experiencing positional asphyxia:

- drug or alcohol intoxication;
- excited delirium in conjunction with certain restraints (see s. 14.3.6: 'Acute psychostimulant-induced episode and excited delirium' of this chapter);
- violent muscular activity;
- high stress situations; and
- the placing of restrained persons in a face down position.



## POLICY

Police officers and watchhouse officers should ensure restrained prisoners are placed in an upright or seated position or rolled onto their side for the purpose of transportation. Police officers and watchhouse officers should not transport restrained prisoners in a face down position.

**14.3.9 Use of force reporting**

For the purposes of this section:

**First aid**

means the provision of first aid services required for the initial treatment of a person suffering an injury. An example of first aid treatment includes placing a compression bandage on a wound.

For the purposes of this policy, first aid is more than offering just reassurance to a person.

**Injury**

means an identifiable bodily injury to a person requiring first aid or medical treatment by a qualified ambulance officer, nurse or doctor at the time of the incident.

The term injury includes abrasions, cuts, and fractures requiring first aid or medical treatment. An injury is more than mere pain, discomfort, bruising or swelling alone that does not require first aid or medical treatment.

The term injury does not include psychological injury and psychiatric injury.

**Medical treatment**

means carrying out a medical procedure for the initial treatment of a person suffering an injury.

Examples of a medical procedure include suturing an open wound and resetting a broken limb.

Medical treatment does not include treatment beyond initial diagnostic tests, advice or treatment.

**Reportable use of force incident**

means an incident where an officer:

(i) uses:

- (a) a Service-issued firearm;
- (b) a Taser;
- (c) OC spray; or
- (d) any chemical or irritant agent by specialist police personnel e.g. PSRT.

(ii) an injury occurs to any person (including an officer), as a result of:

- (a) an officer using open or closed hand tactics;
- (b) an officer using restraining accoutrements;
- (c) an officer using a baton;
- (d) the deployment of a police dog as a use of force option; or
- (e) the deployment of a police horse as a use of force option, e.g. crowd control.

(iii) presents and uses an object as a use of force option against a person, e.g. fence paling, branch, guide post, etc.

For the purpose of this definition, 'officer' includes watchhouse officer and protective services officer.

An incident that occurs in a training environment is not a reportable use of force incident.

**Use of Service-issued firearm, Taser and OC spray**

For the definition of use of:

- (i) a Service-issued firearm (see s. 14.7: 'Use of firearms');
- (ii) a Taser (see s. 14.23.8: 'Reporting the use of a Taser'); and
- (iii) OC spray (see s. 14.21.4: 'Reporting the use of Oleoresin Capsicum spray'),

of this chapter.

## Responsibility of all officers

It is the responsibility of all officers when interacting with the public, in particular those matters involving a use of force to:

- (i) assist your colleagues in doing their job;
- (ii) fix something that is going wrong;
- (iii) intervene when a use of force is excessive; and
- (iv) report instances of excessive use of force (see s. 14.3: 'Use of force' of this chapter).

## Use of force report

When a reportable use of force incident occurs:

- (i) the member using the reportable use of force option, or their supervisor if the member is incapacitated, is to ensure a 'Use of force report' is completed; and
- (ii) a person other than the subject person is injured, the reporting member is to ensure an 'Injury report' is completed,

in the relevant QPRIME occurrence within 24 hours of the occurrence being generated.

## QPRIME custody report 'use of force' tab to be completed

ORDER

Where an officer has initially:

- (i) arrested/detained a person; or
- (ii) received in a watchhouse a transferred prisoner from corrective services,

the officer is to complete or cause to be completed the QPRIME custody report use of force tab in accordance with the QPRIME User Guide.

## Additional reporting requirements

Completion of a 'Use of force report', Custody report 'Use of force' tab or 'Injury report' is in addition to any:

- (i) reporting requirements of the Incident/Injury Notification and Reporting System on the Service Intranet; and
- (ii) applicable significant event reporting requirements (see s. 1.18: 'Significant events' of this Manual).

Policelink client service officers are to enter the 'Use of force report' and where applicable the 'Injury report' in QPRIME when contacted by the reporting member.

See Appendix 14.8: 'Quick reference (use of force reporting requirements)' of this chapter to assist members in determining their use of force reporting requirements.

Where a member is required to complete a 'Use of force report' or 'Injury report' the member is to ensure the data is entered on the related QPRIME occurrence.

## Special Emergency Response Team exempt from use of force reporting

Members of the Special Emergency Response Team are exempted from the QPRIME use of force reporting requirements of this policy unless otherwise directed by the Deputy Commissioner, Regional Services.

## Public Safety Response Team exempt from QPRIME use of force reporting requirements in certain circumstances

Officers performing duty as members of the Public Safety Response Team are exempted from the QPRIME use of force reporting requirements of this policy where the reportable use of force incident involved a Service approved use of force option being removed from its carrier, case or holster, and carried and presented only, without it otherwise being used, deployed or fired, unless otherwise directed by the Deputy Commissioner, Regional Services.

## Protective services officer use of force reporting

Whenever a protective services officer uses a use of force option, the officer is to;

- (i) complete the QPRIME custody report use of force tab or injury report; and
- (ii) complete an IMAC incident report.

## 14.3.10 Operational Skills and Tactics (OST) training

The Service has Operational Skills and Tactics (OST) training which is based on the 'Situational Use of Force Model'.

POLICY

For the purposes of this section, a 'training year' is the twelve-month period commencing on 1 July.

Operational Skills and Tactics (OST) training comprises of the following elements;

Operational Skills Training	<p>Is holistic use of force training for the Queensland Police Service.</p> <p>The combination of 'less than lethal' and 'lethal' use of force options that form the basis of this training can be drawn from the Operational Skills, Conducted Energy Weapon (Taser), Service Pistol, Tactical First Aid, and Active Armed Offender training curriculum.</p> <p>This training may take the form of theoretical and skills based instruction.</p> <p>This training may introduce new techniques or tactics or alternatively; revise previously instructed techniques and tactics.</p> <p>This training may include an online learning product.</p>
Dynamic Interactive Scenario Training (DIST)	<p>DIST is focussed on enhancing officers practical policing skills, decision making, and problem solving through scenario based training.</p> <p>The techniques and tactics that form the basis of this training can be drawn from the Operational Skills and Tactics, Service Pistol, Conducted Energy Weapon (Taser), Tactical First Aid, and Active Armed Offender training curriculum.</p>
Pistol and Taser Requalification	<p>Pistol requalification is the practical requalification with the Service Pistol. Officers are required to demonstrate competence with the Minimum Firearms Training Requirement, and tests of elementary training. Pistol training is based on the Service Pistol curriculum.</p> <p>Taser requalification is the practical requalification with the Conducted Energy Weapon (Taser). Officers are required to demonstrate competence with target deployment and tests of elementary training.</p> <p>Taser training is based on the Conducted Energy Weapon (Taser) curriculum.</p>
Rifle Requalification	<p>Rifle requalification is the practical requalification with the Service Rifle. Officers are required to demonstrate competence by achieving the designated rifle qualification standard, and tests of elementary training.</p>

### Delivery of OST training

#### POLICY

Operational Skills Training should be completed before Dynamic Interactive Scenario Training.

#### ORDER

Unless otherwise exempted (see s. 14.3.11: 'Operational Skills and Tactics training exemptions' of this Manual) by a Regional assistant commissioner, district officer or public service equivalent, all:

- (i) police officers and watchhouse officers are to undertake and complete any online training component associated with OST training as a prerequisite to undertaking training;
- (ii) police officers are to undertake Operational Skills Training, Dynamic Interactive Scenario Training, and Pistol and where qualified Taser Requalification;
- (iii) police officers who have successfully completed the Service rifle training course, should undertake Rifle Requalification; and
- (iv) watchhouse officers are to successfully complete the specific OST training course which reflects their available use of force options;

each training year.

### Operational Skills and Tactics competence

#### ORDER

Police officers and watchhouse officers who undertake OST training are required to maintain and demonstrate the required standard of competence with their operational skills and will be assessed as competent or not competent by an OST instructor.

If an officer fails to demonstrate the required standard of competence during:

- (i) Operational Skills Training, Dynamic Interactive Scenario Training or Pistol and Taser Requalification training, for which they have previously qualified, they are immediately deemed not competent and the officer:
  - (a) is to relinquish the specific accoutrements in question to the OST instructor or to their respective officer in charge; and
  - (b) cannot perform operational duties,

until the officer successfully completes the training and is deemed competent; or

(ii) Rifle Requalification, for which they have previously qualified, the officer is not to use the Service rifle until the officer successfully completes the training and is deemed competent.

First Year Constables who successfully complete the relevant initial Service firearms, CEW (Taser) and policing skills qualifying courses as police recruits, are considered 'OST qualified' for twelve months from the date the officer is sworn in.

The Chief OST Instructor is responsible for ensuring the necessary systems are in place to enable OST training for watchhouse officers and police officers to take place.

### Recognised prior learning

#### POLICY

The Chief OST Instructor can apply the principles of recognised prior learning to any part of the OST curriculum for any officer who can demonstrate through prior learning the required OST skills. Recognised prior learning can only be examined on written application through the chain of command to the Chief OST Instructor by the officer concerned, who will need to demonstrate to the satisfaction of the Chief OST Instructor the recognition of prior learning is appropriate under the circumstances.

### 14.3.11 Operational Skills and Tactics training exemptions

Officers who are unable to meet Operational Skills and Tactics (OST) training requirements, in accordance with s. 14.3.10: 'Operational Skills and Tactics (OST) training' of this chapter, are to make application for an exemption.

#### Grounds for OST exemptions

The following grounds and approval periods for OST exemptions apply:

- (i) Provisional Restriction (PR) for medical restrictions of 12 months or more (reviewed at 24 months);
- (ii) Temporary Medical Restriction (TMR) for medical restrictions of less than 12 months;
- (iii) Pregnancy or Breast Feeding (P/BF) (reviewed at 12 months) (see 'officers who are pregnant or breastfeeding attending firearms training' of this section); and
- (iv) Special Circumstances Restriction (SCR) (reviewed at 12 months).

For SCR exemptions, examples can include those officers:

- (i) subject to criminal or disciplinary investigations;
- (ii) subject to a legal process e.g. domestic violence; or
- (iii) on extended leave or secondments to external agencies.

An application for an OST exemption is to be made on a QP 0913: 'Application for Exemption from Operational Skills and Tactics (OST) Training' and submitted to the OIC for the approval by the district officer.

For SCR exemptions the Regional assistant commissioner or equivalent is the approving authority.

Before an application for PR and TMR exemptions can be submitted, the officer must first contact the Injury Management Section, Health, Safety and Wellbeing Division who will allocate a case number for inclusion on the QP 0913 and will manage the officer's injuries in coordination with the officer's Region.

If an OST exemption has been granted and an extension is sought, a new application is to be submitted 4 weeks prior to the expiry of the current exemption.

Regions are to:

- (i) maintain a record of all officers who have been exempted from undertaking OST training on IGNITE;
- (ii) ensure officers who are exempted from undertaking the practical component of OST training complete any computer based or non-practical skills curriculum training;
- (iii) ensure a new QP 0913, if applicable, is submitted 4 weeks prior to the expiration of an approved exemption; and
- (iv) record the exemption in the Regional register.

#### ORDER

Officers exempted from OST training are not to perform operational duties, including special services. An assistant commissioner or equivalent may provide an exemption to an officer who is only exempt in the firearms component of OST training to work in an operational role where a firearm is not required e.g. watchhouse duties.

Where an officer is not qualified in Operational Skills and Tactics training, they are to travel to and from work in plain clothes. This does not apply if the officer is only exempt in the firearms component of OST training.

Exemptions only apply to practical skills training. Exempted officers are required to undertake all computer based or non-practical skills training within the exempted period.

### **Officers who are pregnant or breastfeeding attending firearms training**

Officers who are pregnant are not to participate in firearms training or attend a firearms range and are to apply for an OST exemption as soon as they become aware they are pregnant.

Officers who are breastfeeding:

- (i) are not to be directed to attend firearms training; and
- (ii) if they decide not to participate in firearms training are to submit a QP 0913.

Officer who are breastfeeding and who choose to attend firearms training are to:

- (i) review the information contained on the Health, Safety and Wellbeing Division website;
- (ii) advise their district firearms training officer (who will apply for and obtain personal protection equipment (PPE) from Safety and Wellbeing and record the officer's decision on IGNITE);
- (iii) ensure they advise the officer in charge of a firearms practice that they are breastfeeding; and
- (iv) wear all issued PPE and comply with the health guidelines.

### **Returning from OST training exemptions**

When an officer returns from an OST training exemption, the officer is to undertake and complete:

- (i) the current OST training curriculum prior to performing operational duties; and
- (ii) all specified components of the OST training curriculum identified in the training matrix for the exemption period within twelve months of returning to operational duties.

Where an officer is able to complete OST training but has been exempt from the requirement to complete OST training for three or more years, the officer in charge of the officer's Education and Training Office is to:

- (i) conduct a training needs analysis of the officer; and
- (ii) deliver any additional training in order to meet the required standard of competence in OST.

ORDER

The Chief OST Instructor is to maintain a training matrix recording all elements covered in OST training over a five-year period in order to:

- (i) provide assistance and advice in the performance of the training needs analysis; and
- (ii) identify the general needs of officers returning from OST training exemptions.

## **14.4 Service-issued weapons**

### **Possession of a Service-issued weapon**

Police officers, special constables, trainee members or other authorised members (see s. 2(1)(e): 'Application of Act' of the *Weapons Act (WA)*) of the Service may possess and use Service-issued weapons:

- (i) only as part of the performance of their duty;
- (ii) in compliance with the relevant provisions of Service policy and Service-approved training;
- (iii) while the person is not on duty as a member of the Service if acting in accordance with the direction of the Commissioner in relation to the off-duty possession and use of weapons (see s. 2(1)(e)(ii) of the WA);

are to observe the security precautions consistent with Part 21: 'Safety precautions generally' of the Weapons Regulation.

(see ss. 792: 'Performance of duty' of the PPRA and 2.3: 'Functions of service' of the PSAA).

ORDER

Officers are not to possess Service-owned and issued weapons whilst not on duty, except in accordance with:

- (i) s. 14.4.1: 'Authorisation to possess weapons off duty as part of an officer's performance of duty' of this chapter;
- (ii) s. 14.4.2: 'Authorisation to possess weapons off duty where a possible threat exists' of this chapter;
- (iii) s. 14.18.4: 'Carriage of extendable batons' of this chapter; and
- (iv) s. 14.19.3: 'Carriage of handcuffs' of this chapter.



Officers may possess protective body armour where approval from the Commissioner has been granted in accordance with Delegation D 8.1.

### **Wearing firearms and accoutrements whilst on rostered duty**

For the purpose of this section the term '**on rostered duty**' includes:

- (i) rostered duty;
- (ii) being recalled to duty while on call on a rotational basis for duty;
- (iii) being recalled to duty where permanently on call for duty in a place where there is a station at which no more than one or two officers are permanently stationed;
- (iv) recalled to duty on overtime and where not on call, provided the officer (though not subject to) would be in compliance with s. 5A.7: 'Alcohol limits' of the PSAA (see also s. 59: 'Possession or use of weapon under the influence of liquor or a drug prohibited' of the WA); or
- (v) special duties.

ORDER

Officers recalled to duty on overtime, who:

- (i) are not on call; and
- (ii) would not be in compliance with s. 5A.7 of the PSAA if they had been on a rostered shift,

are required to have an exemption in writing in accordance with the subsection 'Exceptions to wearing Service-issued weapons and prohibited items on duty' of this section below. Officers who are granted an exemption are only to perform duties, where the carriage and use of Service-issued weapons would not reasonably be expected.

### **OST training**

Operational Skills and Tactics (OST) training is provided to all members and is based on the 'Situational Use of Force Model' (see s. 14.3.2: 'Situational use of force model (2016)' of this chapter) linked to Service-issued accoutrements.

ORDER

All members are to undertake OST training each calendar year in accordance with s. 14.3.10: 'Operational Skills and Tactics (OST) Training' of this chapter.

All officers OST qualified are to wear their Service-issued firearm, oleoresin capsicum (OC) spray, extendable baton and handcuffs at all times whilst on rostered duty.

Protective service officers (PSOs) are authorised to use handcuffs and batons in the performance of their duties.

### **Exceptions to wearing Service-issued weapons and prohibited items on duty**

Officers are to be aware exceptions to this order are contained in:

- (i) s. 1.7.8: 'Police in schools';
- (ii) s. 14.11: 'Carriage of firearms, ammunition, handcuffs, batons, conducted energy weapons (TASER) and OC spray etc. on aircraft at airports';
- (iii) s. 14.12: 'Carriage of firearms in court, the Family Court and in Crime and Corruption Commission premises';
- (iv) s. 14.13: 'Carriage of firearms in mental health units or hospitals';
- (v) s. 14.14: 'Carriage of firearms and ammunition in correctional centres, detention centres and watchhouses'; and
- (vi) s. 14.16: 'Carriage of firearms – domestic violence',

of this Manual. Officers are exempt from this order where it is not practicable to carry their Service-issued firearm and accoutrements whilst travelling to or from the locations outlined in the above exceptions (e.g. police prosecutors and officers required to attend court, whilst travelling to and from court).

Further exemptions to this order may be made in writing by a director, an officer at rank of superintendent, or higher.

All ACs and executive directors are to maintain a central register of all written exceptions granted to officers within their areas of responsibility.

### **Wearing firearms and accoutrements whilst off rostered duty (to and from work)**

Where it is necessary for an officer to possess a Service-issued firearm, Taser and/or OC spray off duty see ss. 14.4.1: 'Authorisation to possess weapons off duty as part of an officer's performance of duty' and 14.4.2: 'Authorisation to possess weapons off duty where a possible threat exists' of this chapter.

Officers qualified in OST should carry their Service-issued:

- (i) handcuffs; and



(ii) extendable baton,

whilst in transit to and from duty.

#### 14.4.1 Authorisation to possess weapons off duty as part of an officer's performance of duty

For the purposes of this section, the term 'officer's performance of duty' refers to instances such as:

- (i) police motorcyclists who take a Service motorcycle home; or
- (ii) officers who are on-call on a regular basis and would be required to respond immediately to an incident from their home,

and would reasonably be expected to travel and be in possession of their accoutrements, including Service firearm and, if issued, a conducted energy weapon (Taser) and/or oleoresin capsicum (OC) spray.

Where it is necessary for an officer to possess a weapon off duty due to a possible threat to the officer or their immediate family, see s. 14.4.2: 'Authorisation to possess weapons off duty where a possible threat exists' of this chapter.

In accordance with s. 2(1)(e)(ii): 'Application of Act' of the *Weapons Act* (WA), district officers or branch managers (where an officer is not attached to a police district) may give a specific authorisation to an officer under their control to have possession of a Service weapon at their residence or other place as part of that officer's performance of duty as such, provided the authorisation only applies where:

- (i) in the case of firearms:
  - (a) a suitable weapons storage facility is supplied and is properly fitted by the Service at the officer's residence or other place or a personal safe is properly fitted and is approved by the Service;
  - (b) the officer stores the firearm in the relevant weapons storage facility and the locking mechanism of the facility is engaged. If the weapons storage facility provides more than one locking mechanism (e.g. a keyed lock and a combination lock) all locking mechanisms provided are to be used; and
  - (c) any ammunition is stored elsewhere to the firearm in a manner consistent with s. 99: 'Requirements for storing small arms ammunition and power device cartridges' of the Explosives Regulation (ER); and
- (ii) in all cases, the officer observes security precautions consistent with the WA and Weapons Regulation (WR) for the category of the weapon.

In situations where officers are required to have possession of a Service weapon at their residence or other place as part of those officers' performance of duty for a short or limited period of time, a district officer may authorise possession of the weapon without the imposition of the requirements provided for in subparagraphs (i) and (ii) above. An officer who has been authorised to have possession of the Service weapon is to:

- (i) comply with the storage requirements of s. 60: 'Secure storage of weapons' of the WA and s. 94: 'Storage of particular weapons not in person's physical possession – secure storage facilities' of the WR; or
- (ii) where that is not practical to comply with subsection (i), the officer is to comply with the storage requirements of ss. 95: 'Storage of weapon not in person's physical possession if away from secure storage facilities or visitor to Queensland – secure storage' and 96: 'Safety precautions for weapons in or on vehicles' of the WR; and
- (iii) additionally in the case of a firearm, that any ammunition is stored elsewhere to the firearm (see s. 99: 'Requirements for storing small arms ammunition and power device cartridges' of the ER).

In deciding whether to give a specific authorisation under s. 2(1)(e)(ii) of the WA, district officers or branch managers should consider:

- (i) the duties being performed by the officer;
- (ii) the personal circumstances of the officer (including the presence of children or other adults in the home or other place); and
- (iii) whether the possession of a Service weapon at the officer's residence or other place is necessitated by more than slight inconvenience.

Authorisations given to officers for the possession of a Service weapon at an officer's residence or other place are to be recorded by the district officer or branch manager giving the authorisation. All ongoing or long-term authorisations are to be reviewed on a yearly basis to establish the necessity or otherwise of the authorisation to continue.

Where an officer is authorised to have possession of a Service weapon at their residence or other place as part of that officer's performance of duty on an ongoing basis, the district officer or branch manager is to:

- (i) ensure QPRIME flags, against the officer and the residence, records the authorisation and the details of the weapons(s); and
- (ii) the weapon storage facility; and
- (iii) any ammunition storage and weapons clearing facilities,

installed at the officer's residence are inspected annually by an appropriately nominated officer.

#### 14.4.2 Authorisation to possess weapons off duty where a possible threat exists

For the purpose of this section, a weapon only includes:

- (i) Service owned 'category H' weapons (handguns) issued to an officer;
- (ii) Service owned 'category E' weapons (protective body armour etc.) issued to an officer;
- (iii) privately owned 'category E' weapons (protective body armour etc.);
- (iv) Service owned 'category R' weapons (oleoresin capsicum (OC) spray etc.) issued to an officer; and
- (v) Service owned 'restricted items' (handcuffs, baton etc.) issued to an officer.

##### ORDER

For the purpose of this section, an officer is not to possess a conducted energy device (Taser) off duty.

Where it is necessary for an officer to possess a weapon off duty as part of an officer's performance of duty, see s. 14.4.1: 'Authorisation to possess weapons off duty as part of an officer's performance of duty' of this chapter.

The authority for officers to possess a weapon whilst not on duty is provided by the Commissioners direction in accordance with s. 2(1)(e)(ii): 'Application of Act' of the *Weapons Act* (WA).

All members of the Service who are authorised to possess one of the aforementioned weapons can, where a threat exists, request to possess such a weapon when off duty.

When an officer receives or is made aware of a possible threat to themselves or their family they should familiarise themselves with:

- (i) s. 2.33: 'Security and Counter-Terrorism Command' of this Manual;
- (ii) s. 5.3: 'Personal and non-work related use' (of social media) of the Information Management Manual (available on the Service Intranet);
- (iii) the:
  - (a) 'Threat Response Guidelines'; and
  - (b) 'Personal Security Guidelines for Employees of the Queensland Police Service',which are available in Officer Safety information on the officer safety portal on the Service Intranet.

The supervising commissioned officer is to review:

- (i) the officer's original request to possess a weapon off duty within three months of the request;
- (ii) any continuation of the original approval within twelve months of the decision; and
- (iii) annually where the officer continues to maintain off duty possession of a weapon.

Where circumstances change, an officer can decide to no longer possess a weapon off duty.

##### ORDER

Where an officer receives or is made aware of a possible threat to themselves or their immediate family, they are to comply with the provisions of s. 2.33 of this Manual.

In deciding if it is necessary to possess a weapon when off duty, an officer must be satisfied on reasonable grounds that a threat:

- (i) exists;
- (ii) has been directed at themselves or a member of their immediate family;
- (iii) represents a significant risk of grievously bodily harm or death; and
- (iv) all other reasonable steps have been taken to mitigate the risk posed by the threat.

An officer is not to make a final decision to possess a weapon when off duty until they have:

- (i) sought and received advice and guidance from their officer in charge (OIC);
- (ii) considered any alternative options to mitigate the risk posed by the threat; and
- (iii) submitted written notification to their OIC.

When a decision is made that it is necessary for an officer to possess a weapon off duty, the officer is to:

- (i) submit a written report outlining:
  - (a) what weapon(s) the officer intends to possess off duty;

- (b) how the officer proposes to secure the weapon(s) when not in their physical possession; and
  - (c) how the officer proposes to carry the weapon(s) when in their physical possession;
- (ii) ensure their decision to possess a weapon off duty is recorded by the Prepare, Prevent, Protect Group (PPPG), Security and Counter-Terrorism Command; and
- (iii) ensure the officer, their family member(s) under threat and their residence are appropriately flagged in **QPRIME**.

When notified of an officer's request to possess or use a weapon off duty, the OIC is to:

- (i) ensure that the provisions of s. 2.33 of this Manual have been complied with;
- (ii) arrange for the officer, any relevant family members and their residence to be flagged in **QPRIME** as either 'Protected Security Person' (PSP) or Protected Security Location' (PSL);
- (iii) ensure each flag is recorded to expire within three months of the officer's decision, with a notification date set two weeks prior to expiry;
- (iv) ensure the **QPRIME** flags against the officer and the residence records the details of the weapon(s) (including serial number if applicable) in the possession of the officer; and
- (v) ensure the station/establishment's accoutrements register is noted to record the officer's decision.

When notified of an officer's request to possess a weapon off duty, the supervising commissioned officer is to ensure:

- (i) the provisions of s. 2.33 of this Manual have been complied with;
- (ii) the officer's request is recorded by PPPG in relation to the threat;
- (iii) the officer, any relevant family members and their residence are flagged in **QPRIME**;
- (iv) the officer's request is reviewed:
  - (a) before the end of the initial three-month period; and
  - (b) within twelve months and annually thereafter,

of the original approval and decide:

- (a) to direct the officer to no longer possess a weapon off duty (except as it relates to privately-owned personal body armour);
- (b) to confirm the officer's decision to possess a weapon off duty for a:
  - further three months (with or without any conditions); or
  - longer period, less than twelve months and, where appropriate, commence a process to provide the officer with a secure storage facility in accordance with s. 60: 'Secure storage of weapons' of the WA (with or without any conditions);
- (v) any decision is communicated in writing to both officer and the OIC of the relevant station/establishment; and
- (vi) the:
  - (a) approved weapons storage facility; and
  - (b) any ammunition storage and weapons clearing facilities,

installed at the officer's residence are inspected after approval is granted for an officer to possess weapons off duty and annually by an appropriately nominated officer.

Where an officer decides it is no longer necessary to possess a weapon off duty, the officer is to:

- (i) no longer possess a weapon off duty (except in the case of privately-owned protective body armour); and
- (ii) notify their OIC of their decision in writing.

### Storage of the weapon

Where a member of the Service decides it is necessary to possess a weapon when off duty but it is not necessary to maintain physical possession (i.e. carriage) of the weapon, the officer is to:

- (i) comply with the storage requirements of s. 60: 'Secure storage of weapons' of the WA and s. 94: 'Storage of particular weapons not in person's physical possession – secure storage facilities' of the Weapons Regulation (WR); or
- (ii) where that is not practical to comply with subsection (i), the officer is to comply with the storage requirements of ss. 95: 'Storage of weapon not in person's physical possession if away from secure storage facilities or visitor to Queensland – secure storage' and 96: 'Safety precautions for weapons in or on vehicles' of the WR.

In the case of a category H weapon (handgun), ammunition for the weapon is to be stored separately to the weapon (see s. 99: 'Requirements for storing small arms ammunition and power device cartridges' of the ER).

### Physical possession of the weapon

Where a member of the Service decides it is necessary to possess a weapon off duty and they need to maintain physical possession of the weapon, they should do so:

- (i) in their place of residence, in such a manner as to take all reasonable safety precautions to ensure that no other person will gain possession of the weapon;
- (ii) elsewhere:
  - (a) in the same manner as they are authorised to do so whilst performing their functions as a member of the Service (see s. 14.9: 'Carriage of firearms – generally' of this chapter); and
  - (b) in accordance with Chapter 14: 'Operational Skills and Practices' of this Manual.

ORDER

Officers are not to use:

- (i) non-Service-issued accoutrements, holsters or equipment; or
- (ii) Service-issued accoutrements, holsters or equipment, for which they do not hold current Operational Skills and Tactics qualifications,

to carry a weapon whilst off duty.

### Use of force reporting

ORDER

Where an off-duty officer is required to:

- (i) present their Service firearm;
- (ii) discharge their Service firearm; or
- (iii) use their baton, oleoresin capsicum (OC) spray or handcuffs,

to protect themselves or a family member, the officer is to contact the regional duty officer or patrol group inspector responsible for the incident location as soon as reasonably practicable.

The officer is to comply with s. 14.3.9: 'Use of force reporting' of this chapter in relation to the use of force.

The regional duty officer or patrol group inspector is to:

- (i) investigate the use of force;
- (ii) review the level of safety of the officer and family members as a result of the incident; and
- (iii) brief the relevant officer's district officer in relation to the incident.

### 14.4.3 Staff members (authorisation to possess or use weapons as part of the performance of their duty)

Assistant commissioners, chief superintendents and superintendents have been delegated the power to authorise staff members to possess or use a weapon as part of the performance of their duty, pursuant to s. 2(1)(e): 'Application of Act' of the *Weapons Act* (WA) (see Delegation D 8.7).

ORDER

When staff members are detailed to perform duties in areas where they are required to possess or use weapons, including the possession or use of a weapon as part of a Service-approved weapon training program, the relevant assistant commissioner, chief superintendent or superintendent may provide a specific authorisation, in conjunction with s. 2(1)(e) of the WA, for that particular staff member to possess or use a weapon as part of the performance of their duty. An example authorisation is provided in Appendix 14.2: 'Authority to possess weapons' of this chapter.

However, this authorisation should only be provided if:

- (i) the assistant commissioner, chief superintendent or superintendent is satisfied the staff member has the necessary expertise or experience; or
- (ii) the staff member has satisfactorily completed approved training, in the safe handling of weapons.

This authority is not to be issued to a staff member who is or has been named as a respondent in a domestic violence order (DVO) or in an interstate order within the meaning of the DFVPA or who for any other reason is ineligible to obtain a licence under s. 10B: 'Fit and proper person – licensees' of the WA to possess weapons.

Staff members authorised pursuant to this policy, or who have previously been authorised to possess or use a weapon as part of the performance of their duty, and who have been named as a respondent in a DVO or in an interstate order

within the meaning of the DFVPA or who for any other reason become ineligible to obtain a licence under the WA to possess weapons are to immediately notify their relevant assistant commissioner, chief superintendent or superintendent.

The relevant assistant commissioner, chief superintendent or superintendent notified in accordance with the previous paragraph or who becomes aware of those circumstances prevailing are to take appropriate action in revoking authorisations issued where required.

Authorisations given to staff members for the possession or use of weapons as part of the performance of duty are to be forwarded to the Inspector, Manager, Weapons Licensing, who is responsible for maintaining a register of the details of staff members provided with this authority.

#### 14.4.4 Exemptions (s. 2(1)(m) Weapons Act)

Assistant commissioners or other delegated persons who have been delegated the power to issue additional exemptions to officers pursuant to s. 2(1)(m): 'Application of Act' of the *Weapons Act (WA)* (see Delegation D 8.1) may allow officers to have possession and use of weapons outside the performance of their duties as part of officially sanctioned competitions (i.e. police games).

The authority provided by this delegation is to be used only in respect to applications for exemptions made by officers on a Form 15F: 'Application for an exemption' (available on Weapons Licensing webpage on the Service Internet).

When making an application for an exemption, officers are:

- (i) to fully complete a Form 15F: 'Application for an exemption'; and
- (ii) submit it through their chain of command to the assistant commissioner or in the case of officers seconded to other government agencies, to the Assistant Commissioner, Operations Support Command.

Assistant commissioners or other delegated persons should upon receipt of an application, liaise with the Director, Weapons Licensing Group, so an exemption number may be obtained, and Weapons Licensing computer records are accurate.

Whenever an assistant commissioner or other delegated person exercises the delegated power to issue exemptions pursuant to s. 2(1)(m) of the WA, the minimum requirement in any exemption should include the following conditions:

- (i) the exemption specifically authorises the possession and/or the use of the specified weapon, which may include the location and storage of the weapon;
- (ii) the time frame the exemption remains in force;
- (iii) whenever any weapon subject to the exemption is not in the officer's actual physical possession, it is to be secured in a storage facility for the category of weapon as provided for in ss. 93-96 of the *Weapons Regulation*; and
- (iv) any ammunition is stored elsewhere to the firearm in a manner consistent with s. 99: 'Requirements for storing small arms ammunition and power device cartridges' of the *Explosives Regulation*.

#### ORDER

Exemptions are not to be issued for the use of Service firearms in non-police sports or target shooting competitions or practice.

#### 14.4.5 Participation in Service firearms training by non-Service members

For the purpose of this section, a 'non-Service member' refers to a person who is not a police officer, recruit or staff member as defined in ss. 2.2: 'Membership of service' and 2.5: 'Administration of staff members' of the *Police Service Administration Act*. Examples of non-Service members include visiting interstate or international police.

Where non-Service members seek to participate in Service-approved firearms training, a report seeking approval is to be submitted to the assistant commissioner of the region or command.

Assistant commissioners of regions or commands deciding whether to approve such applications should consider the applicability or otherwise of s. 53: 'An unlicensed person may use a weapon at an approved range' of the *Weapons Act (WA)*.

Where s. 53 of the WA applies, the assistant commissioner of a region or command may give approval for a non-member of the Service to participate in Service-approved firearms training.

The officer making application for a non-Service member to participate in Service-approved firearms training is to ensure a Form 33: 'Declaration by an unauthorised person for use of a weapon at an approved range' (available on the QPS Internet website) is completed and submitted with the application report.



## ORDER

Where approval has been given by the assistant commissioner of the region or command, the participation of a non-Service member in Service-approved firearms training, is to be conducted in compliance with s. 53 and any other relevant provisions of the WA.

## 14.5 Issue of firearms

## POLICY

Firearms related material contained in this Manual should be read in conjunction with the applicable Operational Skills and Tactics (OST) training manuals and good practice guides.

The provisions of the Operational Procedures Manual are to take precedence over the contents of these manuals where any inconsistency between these manuals and Service policies, procedures or orders arises.

A Service firearm should not be issued to an officer unless the officer has been trained and qualified in the use of the particular type of firearm, as determined by a qualified firearms training officer.

Service firearms may be issued on a personal or station/establishment basis, depending on the needs of each station/establishment.

## PROCEDURE

Procedures for the requisition of Service handguns are contained on the Armoury webpage, QPS Corporate Intranet.

Should a firearm require replacement, a form QP413: 'Requisition for weapons/restricted item' is to be completed and the reason for replacement is to be inserted in the comments box.

## ORDER

All police officers are to undertake firearms training, unless otherwise exempted by their District officer. The Chief OST Instructor is to ensure that the necessary systems are in place to enable firearms training to take place.

Firearms training will be conducted as part of Blocks 1 and 2 OST training. Officers are required to qualify on each occasion training is undertaken to a standard as determined by the Chief OST Instructor.

Officers who fail to qualify are to undertake further instruction at the earliest opportunity. Officers who fail to qualify after further instruction are to deliver as soon as practicable, any Service firearm in their possession to:

- (i) the firearms training officer who conducted such training; or
- (ii) another officer nominated by the firearms training officer;

and are not to use or carry that type of Service firearm until such time as the officer qualifies.

District officers are to maintain a record of officers in their area of responsibility, who are, or have been, exempted from undertaking the firearms component of Blocks 1 and 2 OST training (see s. 14.3.1: 'Operational Skills and Tactics (OST) training' of this chapter).

Officers are not to use or carry a Service-issued firearm unless they have successfully completed firearms training to a standard as determined by the Chief OST Instructor.

## POLICY

In circumstances where a Service firearm is taken possession of as an exhibit following an incident involving an officer, a replacement firearm should normally be issued to that officer subject to consideration of the circumstances of the incident and the psychological state of the officer.

Officers should not possess or use a Service firearm which has not been issued to them.

Officers are not to use or carry privately owned firearms while on duty, unless special circumstances exist and the officer in charge of their region or command has approved of the use of such firearm. In determining whether to grant approval in such instances, officers in charge of regions or commands should comply with s. 14.6.9: 'Non-standard equipment approvals' of this chapter.

### 14.5.1 Service rifles

For the purposes of this section:

**Performance of duty**

excludes Service-approved rifle training, other activity authorised pursuant s. 2(1)(m) of the *Weapons Act*, and activities involving the handling, maintenance or inspection of a Service rifle.

**Use of Service rifles**

Service rifles provide officers with the option of having access to a longarm to increase their capability to effectively engage threats at a greater range and with more accuracy that can be usually achieved with the issued Service pistol.



Service rifles enhance officer and public safety by ensuring that officers are not defeated by weapon overmatch when an offender is, or could be, armed with a longarm such as a rifle or shotgun.

Service rifles are issued to stations or establishments for use by qualified officers (rifle users);

- (i) when a threat assessment indicates a Service rifle is an appropriate use of force option (see s. 14.3.2: 'Situational Use of Force Model (2016)' of this chapter);
- (ii) in tactically dangerous situations (see s. 17.3.7: 'Tactically dangerous situations' of this Manual);
- (iii) in the containment of high risk situations until the arrival of the Special Emergency Response Team (see s. 17.10.4: 'Special Emergency Response Team (SERT)' of this Manual);
- (iv) in the performance of high risk operational functions of specialist units; or
- (v) in the destruction of animals and stock (see s. 13.16.4: 'Destruction of animals' of this Manual).

#### ORDER

Unless exceptional circumstances exist, officers are not to use a Service rifle in the performance of their duty unless currently qualified. First response rifle users are to ensure, where available, a Service rifle is carried in their Service vehicle when on duty. An OIC may direct a Service rifle not be carried in a Service vehicle in accordance with local risk management assessment (e.g. in remote communities or protests).

#### Carriage, storage and maintenance

OIC are responsible for the storage of Service rifles issued to their station or establishment in accordance with 'Minimum Storage Standards for Weapons Held in Police Facilities' on the Service Intranet.

In addition to this section, rifle users and OICs are to comply with:

- (i) s. 14.6.4: 'Safety of firearms' of this chapter; and
- (ii) s. 14.22.1: 'Operational equipment' of this chapter.

Service rifles are to be carried, stored, and maintained in accordance with manufacturer's instructions and where applicable in a Service-approved rifle container, or where authorised by an OIC, a commercially available soft rifle case.

#### Carriage in Service vehicles

Hard rifle containers carried in Service vehicles are to be padlocked at both ends of the container. Where the use of a soft rifle case has been authorised, the case is to be locked with a padlock through the zip loops and an additional padlock should be placed through carry straps to provide further security.

Padlocks are to:

- (i) have short shanks that do not allow the partial opening of the rifle container; and
- (ii) be keyed alike to not restrict operational effectiveness.

#### ORDER

Rifles are not to be physically held or transported outside of a rifle container or case whilst travelling in a vehicle unless authorised or exceptional operational circumstances exist e.g. using a police vehicle to quickly travel from one location to another during a major incident. Rifle users are to ensure the rifle is always in an unloaded condition when placed within a rifle container or case.

#### Soft rifle cases

Where a rifle container is unable to be effectively carried in a Service vehicle, an OIC may authorise the use of a commercially available rifle soft case (see Operational Initiatives on the Operational Equipment website).

Where the use of a soft rifle case has been authorised, the OIC of the station or establishment is to ensure the Service rifle is zeroed at an interval not exceeding 6 months.

#### Carriage in Service vehicles without lockable boots

Where possible, rifle containers/cases in vehicles without lockable boots e.g. station wagons, should have the rifle container/case covered so it is not easily identifiable as a firearm.

#### Rifle ammunition and magazines

Rifle magazines and ammunition are to be readily available and stored with the rifle container/case. The Explosives Regulation (ER) do not apply to ammunition required for operational preparedness and response (use), however, training ammunition or ammunition held only as replacement ammunition in a station or establishment must comply with s. 99: 'Requirements for storing small arms ammunition and power device cartridges' of the ER.

In situations of authorised off duty possession, the requirements of s. 14.4.1: 'Authorisation to possess weapons off duty as part of an officer's performance of duty' apply until recalled to duty.

## Use of force reporting

### ORDER

Officers who remove a Service rifle from its container or carry case, in the performance of their duty are to ensure a Use of Force report is completed in the relevant QPRIME occurrence. See s. 14.7: 'Use of firearms' of this chapter for carriage exemptions for specialist units.

## Training

The Chief OST Instructor is responsible for ensuring the necessary systems and resources are in place to qualify sufficient numbers of officers state-wide annually.

Assistant commissioners are to ensure sufficient numbers of officers undertake Service-approved training for their area of responsibility to the required level (Senior firearm instructor (SRI), rifle qualified district firearm training officers (DFTO), rifle user). Officers are to re-qualify annually.

## Logbook and inspections

OICs of stations or establishments issued with a Service rifle are to ensure:

- (i) the issued QPB72: 'Service Rifle Log Book' is maintained for every rifle recording the serial number, progressive total of rounds fired, dates of Armoury inspections and when the rifle was sighted;
- (ii) rifles are inspected by a rifle qualified DFTO for cleanliness and serviceability at every training session and as part of the monthly accoutrement inspection (see s. 14.6.5: 'Responsibilities of officers in charge of stations and establishments' of this chapter); and
- (iii) the rifle and its individual QPB72 is delivered to the Armoury for inspection:
  - (a) upon the expiration of 2000 rounds or twenty-four (24) months duration, whichever is the sooner, or
  - (b) where inspection by a qualified user identifies the rifle is defective or damaged.

Rifle qualified DFTOs are to inspect Service rifles prior to the commencement of all training activities.

## 14.6 Possession, maintenance, care and safety of weapons and officers' responsibilities

### 14.6.1 Possession of weapons and ammunition when travelling

Officers travelling as part of the performance of their duty, including on transfer, should, wherever practicable, store any Service:

- (i) weapon in their possession:
  - (a) in the case of a firearm, in a gun safe at a police station or establishment at a place where they may be required to stay overnight or otherwise; or
  - (b) in the case of other weapons or where it is not practicable to store a firearm in a gun safe in compliance with subparagraph (a), by:
    - locking the weapon in the boot compartment of their vehicle; or
    - where their vehicle has no boot compartment, elsewhere in the vehicle so the weapon, including any firearm(s) and any holster/case, is placed out of view ensuring the vehicle is locked;
    - in a lockable receptacle which only the officer has access to and which is in a reasonably secure location; or
    - taking other precautions that, so far as practicable, ensure the security of the weapon(s); and
- (ii) magazines and ammunition for a firearm, elsewhere to the firearm, in a secure manner consistent with the Explosives Regulation, Service policies and preferably in a cool dry place.

### 14.6.2 Security of weapons and ammunition

#### POLICY

Officers are to take all reasonable precautions to protect and safeguard Service weapons, magazines and ammunition on issue to them and will be held responsible for their strict security, proper use and maintenance.

Officers should immediately report to their officer in charge:

- (i) the loss of;
- (ii) any damage or defect to; or

(iii) any unsatisfactory condition relating to;  
any Service weapon, magazine or ammunition.

### 14.6.3 Maintenance of firearms

#### ORDER

Officers issued with a Service firearm are to:

- (i) be responsible for the proper maintenance and care of the firearm in accordance with the provisions contained in the applicable Operational Skills and Tactics (OST) training manual;
- (ii) ensure that unless operational requirements dictate otherwise, in the case of a Service semi-automatic pistol, the firearm is only to be stripped to a level to allow cleaning in compliance with the OST, Glock Semi-Automatic Pistol Manual'. Further stripping, repairs or alterations are only to be performed by the Service Armourer or another person authorized in writing by the supervisor of the Armoury, Richlands Supply Services;
- (iii) carry the firearm in the holster issued to them, or authorised for their use in accordance with s. 14.9: 'Carriage of firearms generally' of this chapter, to prevent damage to the mechanism and/or finish of the firearm;
- (iv) in the event of the firearm and/or holster becoming wet, remove the firearm from the holster and ensure that both are thoroughly dried. The firearm is then to be cleaned and oiled;
- (v) in the event of the firearm being submerged in water, officers are to comply with the procedures outlined in the applicable OST training manual; and
- (vi) produce their Service firearm to a firearms training officer for inspection at least every twelve months.

### 14.6.4 Safety of firearms

#### ORDER

Members are to:

- (i) treat every firearm as if it is loaded until personally proven otherwise;
- (ii) prove a firearm before handing same to someone else;
- (iii) prove a firearm upon receiving same from someone else;
- (iv) never throw a firearm to someone else or attempt to catch a firearm;
- (v) never fire while running;
- (vi) never point a firearm at any person, or in any direction where any person is likely to be, whether it is believed that the firearm is unloaded or not, unless it is actually intended to fire at a person where lawfully entitled to;
- (vii) observe security precautions consistent with the *Weapons Act* and Service policies;
- (viii) not handle a firearm unnecessarily;
- (ix) be familiar with the mechanism, loading system and safety features of a firearm under their control; and
- (x) use only Service-approved ammunition (ammunition is to be replaced every twelve months).

When removing a Service firearm from a gun safe or other approved safe provided by the Service at their respective station or establishment, members are to prove and load the weapon in compliance with the procedures outlined in the relevant Operational Skills and Tactics (OST) training manual.

Officers are to not leave their Service firearm unattended in a vehicle or other place without good and sufficient reason. This may include:

- (i) officers having to attend a situation where the carriage of a firearm poses a risk to security or safety, e.g. riot, serious street disturbance or authorised assembly;
- (ii) where the firearm restricts operational activity, e.g. officers being involved in a rescue operation; or
- (iii) where it is necessary for special operational situations or circumstances, e.g. hostage or suicide negotiations.

Prior to ceasing duty or where a Service firearm is not required for duty, members are to:

- (i) unload any Service firearm in their possession in compliance with the procedures outlined in the relevant OST training manual;
- (ii) place it in a gun safe or other approved safe provided by the Service at their respective station or establishment;
- (iii) where practicable, secure the firearm in the gun safe with a padlock supplied by the Service at their respective station or establishment for that purpose;
- (iv) observe security precautions consistent with the *Weapons Act* and Service policies; and

(v) where practicable, store any magazines and ammunition for the firearm, at their respective station or establishment, in a location elsewhere to the firearm, in a secure manner consistent with the Explosives Regulation, Service policies and preferably in a cool dry place.

Each member accessing a gun safe or other approved safe provided by the Service is to ensure that the safe is securely locked immediately after use.

Where possible, Service firearms should only be loaded or unloaded in a 'designated safe weapon clearing area' (see s. 14.2: 'Definitions and references to legislation' of this chapter).

### 14.6.5 Responsibilities of officers in charge of stations and establishments

Officers in charge of stations and establishments are to:

(i) ensure a personal inspection of all Service weapons and handcuffs issued to officers under their control or to their station/establishment is made monthly. They are to ensure these weapons and handcuffs are well maintained. Particulars of these inspections are to be recorded in a register kept for this purpose (see s. 2.3.4: 'Registers' of the MSM). Inspections are to include all related equipment. District officers may authorise inspections of weapons and handcuffs to be undertaken at other specified time intervals;

(ii) immediately report to the district officer or supervising commissioned officer the loss of, any damage or defect to or any unsatisfactory condition relating to Service weapons, handcuffs or equipment, and comply with the provisions of the Financial Management Practice Manual in relation to any losses and, where appropriate, the recovery of debts resulting from the loss or destruction or damage to property while in the care of members;

(iii) ensure any:

(a) firearm or magazine that is damaged, defective or otherwise requires servicing is forwarded to the Service Armourer, Brisbane; and

(b) ammunition that is damaged, defective or otherwise requires replacement is forwarded to a firearms training officer;

(iv) where a Service rifle has been issued to that station or establishment:

(a) maintain a log book for every rifle, recording the serial number, a progressive total of the number of rounds fired and dates of inspections by the Service Armourer; and

(b) upon the expiration of 2000 rounds or 24 months duration, whichever is the sooner, forward or deliver the rifle to the Service Armourer, Brisbane, for inspection and any necessary repair;

(v) ensure officers under their control carry firearms in accordance with the provisions of this chapter;

(vi) in liaison with the firearms training officer concerned, ensure all officers under their control who have been issued with Service firearms, undertake firearms training in accordance with s. 14.3.10: 'Operational skills and tactics (OST) training' of this chapter;

(vii) where officers are not OST qualified or subject to an OST exemption, deploy officers to appropriate non-operational duties; and

(viii) designate a safe weapon clearing area in their station/establishment for the loading and unloading of all firearms. OICs are to consider the following:

(a) that it be positioned adjacent to or in close proximity to the station or establishment firearms safe;

(b) that a weapon clearing station should be installed at this location;

(c) weapon loading and unloading instructions are to be clearly displayed; and

(d) the area is to be clear of other office equipment or obstructions. Officers should be able to stand unhindered directly in front of any weapon clearing station (see Weapon clearing station guidelines contained within the Operational Equipment webpage on the Service intranet).

### Weapons clearing station, ballistic blanket and panel guidelines

The OIC of a station/establishment is to comply with the Weapon clearing station guidelines contained within the Operational Equipment webpage on the Service intranet.

### 14.6.6 Firearms training officers (responsibilities)

ORDER

Firearms training officers are to:

(i) inspect all Service firearms within their area of responsibility, including station/establishment issue at least every six months and record the results of that inspection in a register kept for that purpose. Details of any defective firearm are to be given to the OIC of the station or establishment;

(ii) instruct officers in the use of, cleaning and maintenance of firearms and other related equipment;

- (iii) in liaison with the respective officers in charge of stations and establishments, arrange for officers at their district or establishment to receive firearms training as part of Blocks 1 and 2 Operational Skills and Tactics training, or more frequently if required;
- (iv) maintain a record of training conducted in relation to officers within their area of responsibility; and
- (v) recommend to the relevant OIC the relinquishment of firearms from those officers who fail to qualify after receiving further instruction.

#### 14.6.7 Firearms and firearm holsters modifications

The OIC of a region or command may authorise the fitting of a locking device or other item to a personal-issue Service firearm if it will assist an officer in the use, control, or safety of the firearm. In determining whether to grant approval, the OIC of a region or command should comply with s. 14.6.9: 'Non-standard equipment approvals' of this chapter.

Unless authorised by the OIC of the region or command, officers are not to modify:

- (i) a personal-issue Service firearm in any way other than by installing a rubber sleeve or sandpaper decal (black only) to the grip of a Service-issued pistol; or
- (ii) Service-issued or authorised holster.

ORDER

An officer is not to fit sandpaper decal to the slide of a Service-issued pistol.

#### 14.6.8 Return of accoutrements while on extended absence

POLICY

Officers who will be absent from their station or establishment on leave or for another reason that does not require them to retain possession of their firearm, handcuffs or extendible baton (accoutrements) for any continuous period in excess of four weeks should ensure the accoutrements on issue to them are delivered into the possession of the officer in charge of their station or establishment immediately prior to, or in the case of an unplanned absence, as soon as practicable after commencing the period of absence.

For Oleoresin Capsicum (OC) spray canisters, officers should comply with the policy contained in s. 14.21.4: 'Issue and return of OC spray canisters' of this chapter.

See also s. 14.17: 'Officers affected by a relevant medical condition' of this chapter.

#### Responsibility of officer in charge

POLICY

Officers in charge who are aware that an officer under their control is to be, or is absent from their station or establishment on leave or for another reason that does not require them to retain possession of their firearm, handcuffs or extendible baton (accoutrements) for any continuous period in excess of four weeks should, wherever practicable, ensure the provisions of this section are complied with.

Officers in charge should ensure that accoutrements delivered into their possession pursuant to this section are dealt with in accordance with ss. 14.6.2: 'Security of weapons', 14.19.4: 'Storage of handcuffs' and 14.18.5: 'Storage (extendable batons)' of this chapter as if the accoutrements were on issue to them.

#### 14.6.9 Operational equipment approval

'Operational equipment' is defined within SMD and is an item associated with the use of force.

The Assistant Commissioner, OCC is the Service approval authority for authorising:

- (i) non-weapon; or
- (ii) restricted item,

operational equipment including the relevant state-wide budget approvals (see Delegation D 12.11).

#### Operational Equipment Subcommittee

The Operational Equipment Subcommittee functions under the authority of the Assistant Commissioner, OCC and is tasked to strategically manage selection, deployment and replacement of operational equipment in a manner to best meet Service demands.

Referral by Service members to the Operational Equipment Subcommittee is to be governed by:

- (i) the provisions of this section;
- (ii) where a risk has been identified in accordance with Chapter 3: 'Risk Management' of the MSM; and
- (iii) on request of the Operational Equipment Subcommittee itself.



## Weapons and restricted items

Applications to use operational equipment subject of a pre-existing approval for use elsewhere by the Service which are weapons or restricted items under the *Weapons Act (WA)* should involve initial consultation with the Inspector, Operational Equipment and Armoury, OCC. This use will require the final approval of a deputy commissioner or the Commissioner. A copy of the approval is to be forwarded to the Director, Weapons Licensing Group. Where applicable, a completed Form 28: 'Application for Permit to Acquire' is to be attached.

The Operational Equipment Subcommittee will be notified of the final approval by the Director, Weapons Licensing Group.

### Pre-existing operational equipment approvals

An officer is to ensure all operational equipment in use is either:

- (i) a state-wide 'approved item' – previously approved for state-wide use and identified as such on the Operational Equipment and Armoury page on the Service Intranet. This includes weapons or restricted items also previously approved for state-wide use by a deputy commissioner or the Commissioner; or
- (ii) a regional or command 'exempted use item' – namely either:
  - (a) weapons or restricted items under the WA which have been previously approved within a region or command for a specific use/user by a deputy commissioner or the Commissioner; or
  - (b) any other weapons, ammunition, accoutrements and equipment previously approved within a region or command for a specific use/user by the relevant assistant commissioner or the Operational Equipment Subcommittee.

All new submissions for use of an 'exempted use item' of operational equipment are to be forwarded via the chain of command:

- (i) in the case of weapons or restricted items to the relevant deputy commissioner or the Commissioner; or
- (ii) otherwise to the Operational Equipment Subcommittee.

The Inspector, Operational Equipment and Armoury, OCC, is responsible for holding and maintaining a register of all Service operational equipment approvals. Exempted items of operational equipment approved for use are recorded on a local register only.

Any region or command may self-fund any personal issue or station issue operational equipment which is subject of approval.

Use of all operational equipment is also to comply with the provisions of s. 14.22.1: 'Operational equipment' of this chapter.

Further information is available from the Inspector, Operational Equipment and Armoury, OCC.

#### ORDER

Officers are not to use operational equipment which has not been subject of a specific pre-existing operational equipment approval in accordance with the provisions of this section.

### New initiative proposals

New initiative proposals may occur where it has been identified that an item of equipment, not currently a 'Service-approved item' or 'exempted-use item', holds the potential to provide further benefit to the Service.

Officers who identify the potential or benefit of a new item of equipment, including weapons and restricted items under the WA, will in the first instance contact the Inspector, Operational Equipment and Armoury, OCC to enable an assessment.

Where progression is advised against, any request to reconsider this position can be made directly to the Inspector, Operational Equipment and Armoury or to the Superintendent, OCC (as chair of the Operational Equipment Subcommittee).

If a new initiative proposal is to proceed, the proposing officer, utilising local procedures (report, email etc.), is to make written request at their district officer level for further Service investigation.

This request is to:

- (i) nominate the item of equipment, the potential benefit and the result of initial consultation with Operational Equipment and Armoury, OCC;
- (ii) identify whether the request relates to seeking an approved item (state-wide) or an exempted use item (specific use/user);
- (iii) identify if the item is a weapon or restricted item under the WA. If so, provide district officer level approval for continuing the request:



(a) request further investigation and recommendation by the Operational Equipment Subcommittee prior to seeking approval of a deputy commissioner or the Commissioner; or

(b) forward the new initiative proposal for direct approval to a deputy commissioner or the Commissioner.

Note: in either case, and for purposes of Service coordination, the Operational Equipment Subcommittee will be advised of all final approvals by the Director, Weapons Licensing Group; or

(iv) if the item is not a weapon or restricted item under the WA, request investigation and approval by the Operational Equipment Subcommittee.

With the exception of the provisions of subsection (iii)(b) above, if approved for progression at the district level this request is to be directed to the secretariat of the Operational Equipment Subcommittee, OCC for the consideration of the subcommittee.

All requests are evaluated and coordinated by the Operational Equipment Subcommittee to ensure operational equipment is standardised, appropriate and fit for use whilst taking into account regional variations and specific specialist unit requirements.

Most new initiative operational equipment, approved for investigation, will involve a trial before final approval. The nature, length, rigour and leadership of a trial is to be decided and further governed by the Operational Equipment Subcommittee.

#### **14.6.10 Load Bearing Vests**

A Load Bearing Vest (LBV) is issued to officers to better distribute the weight of operational equipment and reduce the risk of injury.

A LBV is not ballistic or stab resistant (see s. 14.20: 'Protective body armour' of this chapter).

A LBV is not to be used by an officer in the performance of their duties unless the officer has successfully completed Operational Skills and Tactics (OST) approved LBV training conducted by a qualified OST Instructor.

Officers who have a pre-existing injury or condition must consult with their regional Health and Safety Coordinator (HSCO) or Injury Management Consultant (IMC) and where necessary, undergo assessment by a qualified occupational therapist or other health care professional.

Officers who require a LBV for use in the performance of their duty should:

(i) forward the completed QP0313: 'Requisition for Supply of Uniform' form or a 'Supply of Police Uniforms' request (see Service Intranet) to Richlands Supply Services for processing; and

(ii) complete the OST approved LBV training.

The Executive Manager, Operational Equipment and Warehousing is to ensure the LBV is forwarded to the applicant officer's DETO or equivalent. The DETO or equivalent will only release the vest to the eligible officer when the officer's OST LBV training is scheduled.

#### **14.6.11 Load Bearing Vest training and use**

A load bearing vest (LBV) should only be used in a manner prescribed in Operational Skills and Tactics (OST) approved LBV training and the LBV Good Practice Guide located on the Operational Skills and Tactics webpage on the Service Intranet.

The Chief OST Instructor is responsible for ensuring the necessary OST training is developed and made available for the effective use of a LBV by officers in the performance of their duties. LBV training may be conducted in conjunction with OST training, or separately (see s. 14.3.10: 'Operational Skills and Tactics (OST) training' of this chapter).

Officers issued with a LBV should undertake all OST training wearing the LBV, unless otherwise directed by the OST Instructor conducting the training.

OICs of ETOs, or equivalent, are to ensure appropriate training records with respect to the use of a LBV are retained at their respective establishments.

ORDER

Officers are not to carry a Service firearm, extra magazines or Taser mounted on a LBV, unless they are:

(i) qualified in the use of that specialist equipment; or

(ii) a member of a specialist unit and have formal approval from their respective Superintendent e.g. members of the Special Emergency Response Team or Public Safety Response Team.

Officers issued with a LBV are to thoroughly familiarise themselves with:

(i) the positioning and use of accoutrements with respect to the wearing of the LBV; and

(ii) any subsequent change in positioning of their accoutrements due to operational, medical or other reasons.

Officers should not alter the location of any accoutrement on the LBV unless exceptional circumstances exist e.g. if the officer is of such small physical stature they are unable to safely and effectively carry all their accoutrements in the issue pouches on the LBV. Under these circumstances an officer may move an accoutrement from the LBV and onto their utility belt.

Officers experiencing exceptional circumstances can make application to obtain written approval from their OIC, after an assessment and approval from a suitably qualified (OST) Instructor.

Privately owned LBV are not to be worn by officers.

### Repairs and replacement of load bearing vests

If a LBV is damaged or in need of repair, members are to forward the vest to the Uniform Quality Development Officer (Tailor), Richlands Supply Services for inspection, necessary repairs or replacement.

## 14.6.12 Carriage and use of knives, multifunction and rescue tools

For the purposes of this section:

### Fixed blade knife

means a knife with the blade permanently affixed to the handle and hilt. The blade is not moveable;

### Folding knife

means a knife or an implement whose primary function is that of a cutting tool with one or more blades which can be folded inside the handle. A knife in the pattern of a 'folding hunting knife', 'jack-knife', or 'tactical folder' is regarded as a folding knife;

### Ligature knife (or Rescue 911 knife)

means a folding knife with a 'c' shaped blade specifically designed for cutting rope, car seat belts or clothing etc. without injuring the restrained person. The ligature knife is regularly used in watchhouses and correctional facilities;

### Multifunction tool (or multi-tool)

means any one of a range of portable hand tools which combine several individual functions in a single unit. Multi-tools generally have a knife blade and include various tools, such as screwdrivers, pliers, saw blades, and other attachments. These attachments are stowed inside the handle of the knife through a pivot point mechanism. A pocketknife in the pattern of a 'Swiss Army Knife' is regarded as a multi-tool; and

### Rescue tool

means a portable hand tool specifically designed for emergency services personnel and is intended for use in rescue or emergency type operations. Rescue tools may include various tools such as window breakers and seatbelt cutters. They are similar in operation and appearance to a multi-tool.

Officers are permitted to carry and use a privately obtained multifunction tool, rescue tool or ligature knife to assist in the performance of their duties.

### ORDER

Multifunction tools, rescue tools and ligature knives are only to be used in accordance with their intended design, manufacturer's instructions and in a utility type role.

Multifunction tools, rescue tools and ligature knives are not to be used as a use of force option or as a weapon.

Unless otherwise exempted by the district officer, officers are not to carry:

- (i) a fixed blade knife on their person whilst performing duties;
- (ii) any type of folding knife (excluding ligature knives) on their person whilst performing duties; or
- (iii) any knife defined in s. 7A(a)-(i): 'Category M weapons' of the Weapons Categories Regulation.

This order does not apply to:

- (i) officers who are members of specialist units (e.g. the Special Emergency Response Team, Water Police, Diving Squad, Major and Organised Crime Squad (Rural)) or who may be required to carry a fixed blade knife or a folding blade knife on their person to assist in the performance of their duties;
- (ii) members who perform duties that may require the carriage of a ceremonial knife as part of their uniform or ceremonial dress (e.g. Queensland Police Pipes and Drums members may carry a ceremonial knife known as a skean-dhu or sgian-dubh as part of their ceremonial dress uniform); or
- (iii) members who are required to carry a knife as a religious symbol (e.g. a follower of the Sikh religion may carry a ceremonial knife known as a kirpan for religious reasons, see also s. 6.4: 'Cross-cultural issues' of this Manual).

### Carriage of multi-tools and rescue tools

Officers who elect to carry a multi-tool or rescue tool are to carry the item in an enclosed pouch that:

- (i) is capable of being firmly affixed to a utility belt;
- (ii) is black in colour and either of leather or synthetic material construction (nylon/cordura); and
- (iii) has a closing flap that is able to be secured.

Officers who elect to carry a multi-tool or rescue tool should mark or engrave their registered number on the item.

Where there is any doubt whether a knife, multi-tool or rescue tool is appropriate to be carried by an officer, the knife, multi-tool or rescue tool is to be assessed and approved by the officer's OIC or a qualified Operational Skills and Tactics Instructor. Further information on appropriate knives, multi-tools and rescue tools may be viewed at the Operational Skills and Tactics Program webpage on the Service Intranet.

The district officer may authorise carriage and use of a folding knife or fixed blade knife under certain circumstances to assist officers in the performance of their duties (see s. 14.6.9: 'Operational equipment approval' of this chapter).

ORDER

Multi-tool and rescue tools are limited to a knife blade length of ten centimetres.

### Carriage of ligature knives

Officers who elect to carry a ligature knife are to carry the item in an enclosed pouch that:

- (i) is capable of being firmly affixed to a utility belt;
- (ii) is black in colour and either of leather or synthetic material construction (nylon/cordura); and
- (iii) has a closing flap that is able to be secured.

Staff members performing duty in a watchhouse may carry a ligature knife in an enclosed pouch that is capable of being firmly affixed to a belt.

## 14.7 Use of firearms

For the purposes of this section:

### Supervisor

means OIC, shift supervisor, patrol group inspector, RDO or DDO as applicable.

### Use of a Service firearm

means:

- (i) drawing the firearm out of the holster; or
- (ii) pointing the firearm in the direction of a person without discharging; or
- (iii) discharging the firearm,

in the performance of the officer's duties.

Does not include firearms training, station loading and unloading procedures, or other activity authorised pursuant to s. 2(1)(m) of the *Weapons Act* (WA).

### Use of a Service rifle

where a Service rifle is utilised in routine high-risk activities authorised by an assistant commissioner, use does not include removal from a container or case when the Service rifle was not used in anyway other than being carried by a qualified user, for example:

Special Emergency Response Team when conducting designated duties.

State Drug Investigations Unit, Crime and Intelligence Command, whilst conducting patrols for unlawful drug cultivations.

### Use of firearms

Officers should refrain from using firearms in the performance of their duties unless there exists an apparently unavoidable necessity to use the firearm, which would be justified at law. Section 14.3.5: 'Use of lethal force' of this chapter provides the legislated authority for officers to use lethal force in certain situations.

Officers should read and follow the principles contained in the 'Australia New Zealand Guidelines for deployment of police to high risk situations' with respect to the police use of lethal force (see Australia New Zealand Framework: Policing High Risk Situation (2018)).

When an officer is dealing with any 'use of force' incident they are to comply with s. 14.3.2: 'Situational Use of Force Model (2016)' of this chapter.

### **Justification for use of a firearm**

In all instances where an officer uses a firearm in the execution of their duty (see also s. 14.3.5: 'Use of lethal force' of this chapter), they are required to be able to articulate their decision making and fully justify the use of the firearm in any subsequent investigations, inquiries and court proceedings.

ORDER

Officers are not to use a firearm:

- (i) as a threat unless there are reasonable grounds to believe that use of the firearm is necessary to protect a person from death or grievous bodily harm;
- (ii) in crowded thoroughfares or where lives of innocent people might be endangered, in order to prevent the escape of an offender; or
- (iii) to fire warning shots.

### **Discharging Service firearms at vehicles**

Discharging a Service firearm at a vehicle involves a risk to officers, members of the public and vehicle occupants and includes projectile ricochets or in the case of a moving vehicle a loss of vehicle control. Even if the driver or vehicle's engine is immediately incapacitated a vehicle will continue to travel until stopped by external means, usually a collision.

ORDER

Officers are not to discharge a Service firearm at a vehicle unless:

- (i) someone in the vehicle is using or threatening deadly force other than by the vehicle itself (e.g. shooting at people from the vehicle); or
- (ii) the driver is using the vehicle itself as a weapon (e.g. running people over with the vehicle),

and there are no other options available (e.g. move from the vehicles path or obtain cover behind an appropriate object) to prevent death or grievous bodily harm to an officer or any other person (see s. 14.3.5 of this chapter).

Where an officer discharges a Service firearm at a moving vehicle in situations where they fear death or grievous bodily harm to any person, the placement of shots should be directed at the centre of the seen body mass of the person in control of the vehicle.

### **Use of force reporting**

ORDER

Officers who use a Service firearm in the performance of their duties, other than during firearms training, station loading and unloading procedures or other activity authorised pursuant to s. 2(1)(m) of the WA are to:

- (i) immediately advise their supervisor of the use of the firearm, including:
  - (a) the location and details of the incident;
  - (b) whether the firearm was discharged;
  - (c) whether any person has been killed or injured, including the identity of the person and whether they are a member of the Service, offender or member of the community; and
  - (d) the condition of any injured person; and
- (ii) ensure a 'Use of Force Report' is completed in the relevant QPRIME occurrence. If the officer is incapacitated, the officer's supervisor is to ensure the report is completed (see s. 14.3.9: 'Use of force reporting' of this chapter).

Where a firearm is used for the lawful destruction of an injured or sick animal, a QPRIME 'Use of force report' is to be submitted.

In cases of ammunition misfire or other incidents involving a firearm or ammunition resulting in significant safety issues:

- (i) the senior officer present at the incident; or
- (ii) if during firearms training, the responsible firearms training officer,

is to immediately advise their supervisor.

### **Significant event message**

Subject to the provisions of ss. 1.16: 'Fatalities or serious injuries resulting from incidents involving members (Police related incidents)' and 16.23: 'Deaths in police custody' of this Manual, supervisors who are advised of the use of a firearm by an officer or other incident as above are to:

- (i) ensure that a significant event message is completed, including:

- (a) a summary of the incident;
- (b) action taken or pending; and
- (c) details of any complainants, suspects or offenders,

(see s. 1.18.1: 'Significant Event Messaging System' of this Manual). A significant event message is not required for the lawful destruction of an injured or sick animal;

- (ii) ensure that particulars are entered on their QP 0161: 'Activity log', station or occurrence log;
- (iii) ensure that the circumstances under which the firearm was used or discharged (other than for the lawful destruction of an injured or sick animal) are fully investigated to determine whether the use of the firearm was justified and consider the 'Procedural guidelines for professional conduct' policy, available on the ESC Command Documents webpage on the Service Intranet. Where grounds for disciplinary action are identified in relation to the incident, the supervisor is to complete a QP 0466: 'Complaint against Member of the Police Service';
- (iv) where an equipment or procedure deficiency is identified, take immediate action to:
  - (a) prevent a similar incident from recurring; and
  - (b) preserve evidence including seizing the subject firearm for forensic examination or preventing further use of a weapon clearing station; and
- (v) subject to any disciplinary process being undertaken, prepare a report on the incident and make recommendations as to what corrective or remedial action should be taken e.g. officer not permitted to use a firearm until further training undertaken, workplace design improvements, etc.

See s. 2.4: 'Incident management' of this Manual for requirements of a first response officer or officer in control of an incident scene.

See Chapter 16: 'Custody' of this Manual in relation to deaths in police custody.

#### **Review of firearm incidents**

All incidents involving the discharge of a Service firearm will be reviewed by the OIC of the relevant station or establishment within 72 hours of the event. SERPs will also review the use of a firearm.

## **14.8 Psychological first aid**

### **14.8.1 Deployment of a dedicated psychological first aid (PFA) resource**

A police forward commander (PFC), RDO, DDO or senior officer is responsible for the deployment of a dedicated PFA resource (see ss. 1.12.3: 'Police forward commander' and 1.16.2: 'Regional duty officer or district duty officer responsibilities' of this Manual).

In the first instance, the immediate provision of PFA needs to be undertaken or cause to be undertaken until such time that a dedicated PFA resource assumes responsibility.

Where possible, the deployment of dedicated PFA resources to provide PFA should be activated:

- (i) following a critical incident'; as defined under s. 5A.2: 'Definitions for pt 5A' of the PSAA; or
- (ii) where deemed necessary following a potentially traumatic event (PTE) (see Appendix 1: 'Deployment of a dedicated PFA resource at an incident / event by RDO / DDO / PFC of the Guidelines for Psychological First Aid available on the Safety and Wellbeing Policies webpage of the Service intranet).

When activating dedicated PFA resources, consideration should be given to:

- (i) availability of peer support officers (PSO) on rostered shift;
- (ii) availability of PFA trained Service chaplains;
- (iii) PSOs available to be recalled to duty.

PSOs, when on duty and not deployed to a specific operational task, are available for deployment as the dedicated PFA resource where accessibility to members requiring PFA is possible. Where possible, dedicated PFA resources should be excluded from operational taskings until such time PFA is no longer required.

In circumstances where a Service member is not readily available to provide PFA as a dedicated PFA resource (i.e. rural/remote communities), consideration should be given the utilisation of a PFA trained external resource.

Consideration should be given to the welfare of the member to be assigned the role of the dedicated PFA resource and include:

- (i) recent exposure to PTEs;
- (ii) fatigue management;



- (iii) operational factors (how deployment of dedicated PFA resource effects business as usual); and
- (iv) the decision of the potential dedicated PFA resource choosing not to be deployed into the role.

A PFC, RDO, DDO or senior officer should ensure the request to deploy a dedicated PFA resource is transmitted to the:

- (i) Duty Officer, Brisbane Police Communications Centre (BPCC) (in areas covered by BPCC);
- (ii) OIC of the relevant Police Communications Centre (PCC) (outside of BPCC area); or
- (iii) OIC of the station or district inspector where the incident occurred in areas where a PCC does not exist,

who is to ensure a dedicated PFA resource is notified of the request to attend and the incident particulars.

It is acknowledged that districts and regions operate differently throughout the State. It is also acknowledged that specialists and support personnel (for example Specialist Services Group, Communications Group, Road Policing Group) are often involved in critical incidents or PTEs. The assessment and determination for the provision of PFA and the delivery of PFA by a dedicated PFA resource should be managed through locally developed instructions that align to the 'Guidelines for Psychological First Aid'.

#### **District dedicated PFA resource instructions**

District officers (see SMD) are to ensure that district instructions for the provision of PFA for personnel involved in critical incidents or PTEs are developed and maintained in their districts. The instruction is to include the process for deployment and potential call out of a dedicated PFA resource where required and/or the general provision of PFA following the involvement in critical incidents and PTEs as per the 'Guidelines for Psychological First Aid' available on the Safety and Wellbeing Policies webpage of the Service intranet. Further consideration should be given to the procedures for remote and rural areas.

#### **Cost recovery**

The region in which the incident has occurred will be responsible for all costs associated with the deployment of a dedicated PFA resource unless other funding arrangements are negotiated with supporting regions and commands. In the case of a major event alternate funding may be available and attributed to an allocated cost centre for that event.

Expenses incurred by external agencies and individuals deployed as a dedicated PFA resource will not be met by the Service unless prior arrangements have been made.

### **14.8.2 Notification for Psychological Services Unit**

Psychological Services Unit (PSU) should be contacted to ensure immediate and long-term wellbeing support is managed for members involved in:

- (i) critical incidents as defined under s. 5A.2: 'Definitions for pt 5A' of the PSAA; or
- (ii) a police related incident involving a fatality.

This notification process is intended to engage PSU for the provision of clinical advice for the management of wellbeing and does not remove the necessity for the immediate localised provision of PFA. The process does not necessitate the physical attendance of senior psychologists and/or senior social workers and does not remove the requirement to undertake standard welfare notification and response processes.

The police forward commander, RDO, DDO or senior officer should:

- (i) ensure where necessary, the provisions of PFA are applied as per the 'Guidelines for Psychological First Aid' available on the Safety and Wellbeing Policies webpage of the Service intranet;
- (ii) where possible deploy a dedicated PFA resource to provide PFA;
- (iii) contact the appointed senior psychologist or senior social worker providing the following information:
  - (a) details of the incident, including all members involved, their station and the role in the incident;
  - (b) what wellbeing support has been deployed;
  - (c) what is the emotional response or reaction of the members involved and identification of any members in need of immediate psychological support; and
  - (d) contact details of any dedicated PFA resource.

### **14.8.3 Responsibilities of a dedicated psychological first aid (PFA) resource**

On arrival at a critical incident or on first contact with a relevant person exposed to a potential traumatic experience (PTE), the dedicated PFA resource must:

- (i) liaise with the police forward commander, RDO, DDO, senior officer;
- (ii) provide PFA to a relevant person;
- (iii) consider if appropriate, contact with affected member's next of kin; and

(iv) contact Psychological Services Unit (PSU), where delivery of PFA appears inadequate to manage the situation or it is believed that the support required may be clinical in nature and therefore outside the scope of the dedicated PFA resource expertise.

After the provision of initial PFA response, the dedicated PFA resource is to provide:

- (i) the facilitation of a PFA wellbeing plan with the member;
- (ii) notification of the provision of PFA to the relevant person's OIC; and
- (iii) within two weeks of the incident/event, contact the relevant person and provide advice on available support options, should they be required.

## 14.9 Carriage of firearms – generally

### POLICY

All officers qualified in Blocks 1 and 2 OST training are to wear their Service-issued firearm in accordance with s. 14.4: 'Service-issued weapons' of this chapter.

Officers carrying concealable firearms should carry sufficient ammunition to allow at least one, but no more than two reloads of the firearm. Such ammunition should be carried in Service-issued ammunition pouches where possible.

### 14.9.1 Plain clothes officers

#### POLICY

Officers performing plain clothes duty should carry their concealable firearm in such a position that it cannot be seen by members of the public. Shoulder holsters are only to be worn when they are able to be concealed by a coat or other similar clothing.

#### ORDER

If a concealable firearm is worn so it is exposed to view, the officer is to:

- (i) carry a Service identification badge in such a position that it is clearly visible to members of the public;
- (ii) wear a Service-issued holster (minimum level III security rating) which is securely attached to their belt, which is:
  - (a) the Service-issued plain clothes utility belt; or
  - (b) of an appropriate design and construction with a suitable buckle which is able to carry the accoutrements in a safe and effective manner; and
- (iii) carry at least one spare magazine in a separate pouch on the belt at the same time.

### 14.9.2 Officers in uniform

#### POLICY

Unless authorised by the District officer, officers in uniform are to carry and secure a Service concealable firearm in a Service-issued holster which is to be worn on a Service-issued utility belt. In determining whether to grant approval in such instances, district officers should comply with s. 14.6.9: 'Non-standard equipment approvals' of this chapter.

### 14.9.3 Use of appropriate holsters

#### POLICY

Officers should only use a Service-issued holster that is appropriate for their particular firearm and type of duties (e.g. uniform or plain clothes).

### 14.9.4 Deleted

## 14.10 Surrendering firearms, handcuffs, batons and ammunition

### Officer separating from the Service

Officers separating from the Service are to surrender all Service-issued firearms, handcuffs, batons, ammunition and ancillary items to the OIC of their station or establishment prior to ceasing duty (see 'Separation from the Service' of the Human Resources Policies). This includes any privately-acquired protective body armour the officer may possess (see s. 14.20.2: 'Protective body armour (privately-owned)' of this chapter).

Within seven days of a firearm, handcuffs, batons and any personally issued protective body armour being surrendered, the OIC is to forward:

(i) the firearm, handcuffs, batons and any personally issued protective body armour to the Armoury, Richlands Supply Services; and

(ii) the ammunition to a firearms training officer for redistribution.

See 'Separation from the Service' of the Human Resources Policies and 'Weapons movement guidelines, including use of registered Mail' section of the Armoury webpage on the Service Intranet.

### **Suspension of officer**

Where an officer is suspended or stood down under s. 6.1: 'Power to stand down and suspend' of the PSAA, or is on an extended sick leave program, the OIC is to take possession of the officer's firearm, handcuffs, baton, ammunition and any personally issued protective body armour and store them appropriately until such time as the officer is fit to resume their duties.

### **Death of officer**

Following the death of a serving officer, the OIC where the deceased officer was stationed is to take possession of any firearm, handcuffs, batons, ammunition and ancillary items that were on issue to the deceased officer. The firearm, handcuffs and batons are to be forwarded to the Armoury, Richlands Supply Services.

Ammunition is to be delivered to a firearms training officer for redistribution (see 'Separation from the Service' of the Human Resources Policies).

## **14.11 Carriage of firearms, ammunition, handcuffs, batons, conducted energy weapons and Oleoresin Capsicum (OC) spray etc. on aircraft at airports**

Members of the Service may be required to carry or possess weapons and accoutrements when travelling on aircraft during transfer, deployment to police a specific incident or event, or otherwise in the course of duty. The carriage of these items is impacted by various Commonwealth legislation relating to aviation safety and security. This section sets out the applicable provisions for members to comply with in these instances.

### **Aviation security measures**

For information on aviation security see s. 11.23: 'Aviation and Maritime Transport Security' of this Manual.

#### **14.11.1 Definitions**

For the purpose of this section:

##### **Aircraft operator**

includes owner and/or the pilot in command of an aircraft.

##### **Airside areas**

see s. 9: 'Definitions' of the *Aviation Transport Security Act (Cwlth) (ATSA(C))*.

##### **Dangerous goods**

(i) includes firearms; and

(ii) items specified within:

(a) s. 3: 'Definitions' of the *Crimes (Aviation) Act (Cwlth)*;

(b) s. 23: 'Dangerous goods' of the *Civil Aviation Act (Cwlth)*; and

(c) the Dangerous Goods List contained in the Technical Instructions and explosives (see r. 92.015: 'What are dangerous goods?' of the *Civil Aviation Safety Regulations (Cwlth)*).

##### **Landside areas**

see s. 9: 'Definitions' of the *ATSA(C)*.

##### **Law enforcement officer**

see s. 82: 'Law enforcement officers' of the *ATSA(C)*.

##### **Prescribed aircraft**

for the *ATSA(C)*, includes an aircraft that is being used for a regular public transport operation (see s. 9: 'Definitions' of the *ATSA(C)* and r. 1.06: 'Prescribed air services' of the *Aviation Transport Security Regulations (Cwlth) (ATSR(C))*).

**Prohibited item**

includes handcuffs, but does not include handcuffs carried by a person who is escorting a person in custody or if carried in an aircraft with the authority of its operator for the purpose of restraining a violent person (see r. 1.07: 'Prohibited items' of the ATSR(C)).

**Security controlled airport**

see s. 28: 'Airports and security controlled airports' of the ATSA(C).

For a list of security controlled airports in Australia provided by the Department of Infrastructure and Regional Development, see Appendix 14.3: 'Airport security "areas" and "zones"' and Appendix 14.7: 'Security controlled airports' of this chapter.

**Weapon**

for the ATSA(C), includes firearms, firearm parts, ammunition, batons, conducted energy weapons, air cartridges and OC spray (see r. 1.09: 'Weapons' of the ATSR(C)).

**14.11.2 Carriage of weapons and prohibited items on prescribed aircraft and at security controlled airports (Aviation Transport Security Act)**

The *Aviation Transport Security Act (Cwlth)* (ATSA(C)) establishes minimum security requirements for civil aviation in Australia with the objective of preventing unlawful interference with aviation. The ATSA(C) is administered by the federal Office of Transport Security, the Department of Infrastructure and Regional Development.

The ATSA(C) provides an exemption to law enforcement officers to the offence provisions provided they are on duty or performing duty at a security controlled airport.

**ORDER**

Officers are not to possess or carry weapons or prohibited items on prescribed aircraft, in airside or landside areas or through screening points unless performing duty or attending to policing incidents at security controlled airports.

When travelling on a prescribed aircraft, members are to transport weapons and prohibited items in checked passenger baggage stowed in the hold of the aircraft and are to comply with any restrictions imposed by the particular aircraft operator, see s. 14.11.3: 'Additional storage and packaging requirements for transport of dangerous goods' of this chapter.

**14.11.3 Additional storage and packaging requirements for transport of dangerous goods**

Legislation governing the carriage of dangerous goods on aircraft includes the *Crimes (Aviation) Act (Cwlth)*, *Civil Aviation Act (Cwlth)*, Part 92: 'Consignment and carriage of dangerous goods by air' of the *Civil Aviation Safety Regulations (Cwlth)* and the International Civil Aviation Organisation (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air. The Civil Aviation Safety Authority (CASA) is the responsible entity for regulatory oversight and compliance.

Officers intending to transport dangerous goods on an aircraft are to make all necessary arrangements for their conveyance in a safe and secure manner in accordance with the requirements of the aircraft operator. Members should contact the aircraft operator prior to the flight to advise of the intended carriage of the goods on their aircraft and to seek advice regarding same.

**ORDER**

Officers are to:

(i) ensure any firearm is:

- (a) unloaded; and
- (b) stored in:

- a securely closed container with the bolt removed or with a trigger lock fitted; or
- a locked container of rigid construction;

(ii) ensure any ammunition:

- (a) is not over 5kg in gross weight for each officer travelling on the aircraft;
- (b) has inert projectiles;
- (c) is separated from the firearm; and
- (d) carried in boxes or magazines with the primer protected. The ammunition is to be securely packaged. Most manufacturers' packaging is satisfactory although part-used boxes containing loosely held ammunition will not be adequate;

(iii) ensure any OC spray:

- (a) is secured in a locked airtight container of rigid construction; and
  - (b) is limited to one OC spray canister of 100 grams net weight for each officer travelling on the aircraft;
- (iv) ensure any conducted energy weapon is:
- (a) unloaded;
  - (b) in safe mode with the safety switch engaged; and
  - (c) secured in a locked container of rigid construction;
- (v) ensure any air cartridges are:
- (a) stored in original manufacturer's packaging or equivalent packaging that would prevent probe deployment in the unlikely event of static electricity generated discharge; and
  - (b) carried separately to the conducted energy weapon; or
  - (c) carried separately and securely within the same container as the conducted energy weapon;
- (vi) comply with the individual requirements contained in 'Airline specific requirements', below;
- (vii) declare the carriage of the dangerous goods to check-in staff of the relevant aircraft operator at the time of checking in, and allow inspection of the items if requested;
- (viii) comply with any decision and instructions from staff of the relevant aircraft operator regarding the carriage and packaging of the dangerous goods; and
- (ix) immediately report to the aircraft operator of any dangerous goods accident or dangerous goods incident involving the carriage of permitted dangerous goods.

For the carriage of handcuffs when escorting a person in custody, see s. 10.4.18: 'Escort of persons in custody by commercial transport' of this Manual.

#### **Airline specific requirements**

##### **ORDER**

Each airline has specific approval documentation issued by CASA, authorising the carriage of dangerous goods on their aircraft. Documentation relating to aircraft operated by:

- (i) Alliance Airlines and subsidiary providers;
- (ii) Regional Express Airlines (REX) and subsidiary providers;
- (iii) Qantas and Jetstar;
- (iv) Virgin Airlines,

are available from the QPS Travel Forms webpage on the Service Intranet. Officers travelling with an airline listed above are to print off the relevant approval document and present it to the check-in staff.

Officers travelling on other private or charter aircraft are to:

- (i) obtain the consent of the pilot in command and, where applicable, the operator of the aircraft; and
- (ii) comply with the decision of the pilot in command or operator of the aircraft regarding the carriage, transport and storage requirements.

Officers travelling on QGAir aircraft are to:

- (i) read the content of the QGAir approval document (see QGAir Fixed Wing intranet site for booking process) and ensure the instructions are complied with;
- (ii) declare the carriage of the dangerous goods to the QGAir staff at the time of check in and allow inspection of the items if requested; and
- (iii) comply with any decision of the QGAir staff regarding the carriage, transport or storage requirements.

#### **14.11.4 Deleted**

#### **14.11.5 Carriage of weapons and prohibited items at airports and through screening points**

##### **POLICY**

Generally officers are free to move about in the public areas of airports in possession of weapons and prohibited items whilst on duty.



## ORDER

Officers carrying a weapon or prohibited item who wish to enter the sterile or secure areas of an airport in the performance of duty are to seek approval from the relevant airport manager unless emergent or exceptional circumstances exist. Officers should approach the screening team and

- (i) identify themselves. If in plain clothes, officers are to produce their Service identification card as confirmation that they are a police officer;
- (ii) notify them of the reasons for entering the sterile or secure areas of the airport and the details of approval, if applicable; and
- (iii) advise them that they are in possession of a weapon or prohibited item and will not be travelling on an aircraft.

Under no circumstances are officers to drive a vehicle onto a taxi way or runway during normal airport operations without an escort provided by airport security.

**14.11.6 Deleted****14.12 Carriage of firearms in court, the Family Court and in Crime and Corruption Commission premises****14.12.1 Carriage of firearms and controlled items in Queensland courts**

## POLICY

Officers are not to possess, a firearm or controlled item within a court, unless:

- (i) authorised under Supreme Court Practice Direction 9/2014: 'Management of controlled items in court precincts';
- (ii) authorised under Magistrates Courts Practice Direction 3/2014: 'Management of controlled items in court precincts'; or
- (iii) in emergent circumstances.

**14.12.2 Carriage of firearms in Family Court premises**

## POLICY

Officers should not wear or carry a Service firearm in any Family Court premises unless they are responding to an incident within those premises. Officers entering any Family Court premises carrying or wearing a firearm should comply with any reasonable request made of them with respect to their firearm by any security officer or member of the Australian Federal Police on duty within those premises.

**14.12.3 Carriage of firearms by officers attending Crime and Corruption Commission premises**

## POLICY

Officers attending:

- (i) Crime and Corruption Commission premises when called upon to present themselves for an interview or hearing;
- (ii) premises where:
  - (a) Misconduct Tribunal hearings; or
  - (b) Police Service Review hearings;are conducted; or
- (iii) interviews or hearings conducted anywhere by Crime and Corruption Commission officers;

should not wear or carry a Service firearm.

In circumstances where officers do not have the opportunity to secure firearms prior to attendance at the premises of the Crime and Corruption Commission, officers should surrender firearms for storage in the Crime and Corruption Commission armoury.

**14.13 Carriage of firearms in mental health units or hospitals**

Officers should not carry firearms within the confines of an authorised mental health high security unit or secure mental health rehabilitation unit (SMHRU). Before entering the confines of an authorised mental health high security unit or

SMHRU, officers should store their firearms in the Service-approved safe provided by the mental health facility for that purpose.

Within Queensland there are mental health high security units and SMHRUs (authorised by the Chief Psychiatrist, Queensland Health) at:

- (i) The Park Centre for Mental Health Authorised Mental Health Service, Wacol;
- (ii) The Park High Security Program Authorised Mental Health Service, Wacol;
- (iii) Redcliffe Caboolture Authorised Mental Health Service, Redcliffe;
- (iv) The Prince Charles Hospital Authorised Mental Health Service, Chermside;
- (v) Townsville Network Authorised Mental Health Service, Douglas Townsville;
- (vi) Darling Downs Network Authorised Mental Health Service, Toowoomba; and
- (vii) Gold Coast Authorised Mental Health Service.

The OIC of the division in which an authorised mental health high security unit or SMHRU is located is responsible for liaising with the hospital to establish suitable storage arrangements for Service firearms.

In determining suitable storage arrangements, the OIC may:

- (i) contact the Service Armourer; or
- (ii) liaise with a firearms training officer.

#### ORDER

OICs are to ensure that, before approving the use of a firearm safe at an authorised mental health high security unit or SMHRU, the safe meets the following specifications and conditions:

- (i) be a rigid structure made of solid steel and be bolted to the frame or floor of a permanent building;
- (ii) comprises a minimum of two compartments which are secured by compartment locks. (Compartment locks are locks where the key may only be removed when the mechanism is in the locked position);
- (iii) have a foam lined base to prevent damage to the firearm;
- (iv) the minimum internal dimensions of each compartment should be 20cm high x 20cm wide x 40cm deep; and
- (v) each compartment in the gun safe is to have one key for use in the locking mechanism. Any spare keys are to be held by the OIC of the division in which the hospital is located. When a key is lost the lock on that particular compartment is to be replaced before officers may again use that compartment.

Officers who visit areas of hospitals which are not authorised mental health high security units or SMHRU, should exercise their discretion in regard to the carriage of firearms. Officers should also consider the policy outlined in s. 14.6.2: 'Security of weapons and ammunition' of this chapter.

Generally, the Service will not contribute to the cost for the installation of firearm safes at hospitals. District officers in charge of a region or command may, however, exercise discretion and authorise a contribution to the cost of installation of a storage receptacle for firearms at a hospital if the individual circumstances warrant such a contribution.

## 14.14 Carriage of firearms and ammunition in correctional centres, detention centres and watchhouses

### 14.14.1 Carriage of firearms and ammunition in correctional centres and detention centres

#### ORDER

Unless authorised or approved by the Chief Executive, Queensland Corrective Services, to take weapons or ammunition into a correctional centre or detention centre, officers are to hand all firearms and ammunition to the correctional officer on duty at the entrance to a correctional centre or detention centre for safe keeping (see s 128: 'Taking prohibited thing into corrective services facility or giving prohibited thing to prisoner' of the *Corrective Services Act*).

Officers are to inspect all firearms returned prior to leaving a correctional centre or detention centre to ensure they are undamaged.

### 14.14.2 Carriage of firearms and ammunition in watchhouses

#### POLICY

Officers should not carry firearms or ammunition in a watchhouse and they should comply with station/establishment instructions.

## 14.15 Weapon mounted light source

The Service has approved the use of a weapon mounted light source (WMLS) for the Service-issued concealable firearm for use by suitably trained officers.

### Use of weapon mounted light source

#### ORDER

Officers are not to use or attach a WMLS on their Service-issued weapon unless they have successfully completed the relevant training.

#### POLICY

Upon commencement of shift and prior to loading their Service-issued firearm, officers are to:

- (i) inspect the WMLS for visible signs of damage;
- (ii) check the function of the WMLS;
- (iii) attach the WMLS to their Service-issued firearm; and
- (iv) check the function of the WMLS again after attaching the WMLS to their Service-issued firearm.

Officers are to immediately report to their officer in charge any loss, damage, defect or unsatisfactory condition relating to a WMLS.

A WMLS should not be exposed to significant moisture or water.

The WMLS forms part of the firearm and must only be used in situations where it would be appropriate to use the firearm (see s. 14.7: 'Use of firearms' of this chapter).

### Carriage of weapon mounted light source

#### ORDER

Officers are not to carry a WMLS on their Service-issued weapon unless they have ready access to an operational handheld duty torch.

#### POLICY

Where available the WMLS should be attached to the officers' firearm at the commencement of each shift, ready for use, and carried on a utility belt in the firearm holster (see s. 14.9: 'Carriage of firearms – generally' of this chapter).

Upon commencement or completion of shift, officers are to check the function of the WMLS and ensure it is switched off prior to attaching or removing it from the firearm. Officers are to ensure the firearm is unloaded prior to attaching or removing the WMLS from the firearm.

### Storage

#### POLICY

Officers are to complete the appropriate station register for the weapon mounted light source (WMLS) upon commencement and completion of duty. See s. 14.22: 'Responsibility for Service Equipment' of this chapter for requirements for storage operation equipment generally.

#### PROCEDURE

Prior to ceasing duty, or where a WMLS is not being used for operational purposes, members are to:

- (i) ensure the WMLS is switched off;
- (ii) unload the firearm;
- (iii) remove the WMLS from the firearm;
- (iv) check the function of the WMLS; and
- (v) place the WMLS in the storage facility as per station procedures.

### Inspection and maintenance

#### POLICY

The officer in charge of the station or establishment is responsible for the distribution and maintenance of each WMLS under their control.

Officers in charge of stations and establishments are to:

- (i) ensure inspections of each WMLS under their control is carried out on a regular basis;
- (ii) maintain a register to record the use of each WMLS; and
- (iii) immediately report to the district officer or other supervising commissioned officer the loss of, any damage or defect to, or any unsatisfactory condition relating to a WMLS.

## 14.16 Carriage of firearms – domestic violence

See Chapter 9: 'Domestic Violence' of this Manual in relation to members who have proceedings initiated against them under the DFVPA. See also Part 2 of the *Weapons Act*.

## 14.17 Officers affected by a relevant medical condition

### Definition

For the purposes of this section, an officer is affected by a 'relevant medical condition' if:

- (i) the officer is diagnosed with a psychological or other medical condition by a medical practitioner and does not have a medical clearance to possess a Service firearm; or
- (ii) a reasonable suspicion exists that an officer is suffering from a psychological or other medical condition which may render the officer unfit to have possession of a Service firearm.

### Service firearms

Officers affected by a relevant medical condition are not to be in possession of, or have access to, a Service firearm.

#### ORDER

Officers who are affected by a relevant medical condition are to surrender or arrange to have delivered to their OIC, any Service firearm in their possession.

Officers in charge of a station or establishment are to take possession of any Service firearm on issue to an officer under their control who is affected by a relevant medical condition.

See also s. 14.10: 'Surrendering firearms, handcuffs, batons and ammunition' of this Manual in relation to officers on an extended sick leave program.

### Privately owned firearms

In certain circumstances, officers affected by a relevant medical condition are not to be in possession of a privately owned firearm.

The OIC of a station or establishment is to notify an authorised officer with a view to having a suspension or revocation notice issued under s. 30: 'Suspension or revocation notice' of the *Weapons Act* when reasonable grounds exist for taking possession of a privately owned firearm in possession of an officer who is affected by a relevant medical condition.

### Return of Service or privately owned firearms

The OIC of a station or establishment who receives advice from a medical practitioner that an officer from whom a firearm has been taken, is fit to possess a firearm, is to return possession of the firearm, unless there are compelling grounds for retaining possession of the firearm.

Where grounds exist for retaining the firearm, the OIC is to refer the matter to their district officer for determination of any further action to be taken.

Officers who have been served a suspension or revocation notice under s. 30 of the *Weapons Act* are to make application through Weapons Licensing to facilitate the return of privately owned firearms.

### Authority issued under the Explosives Act

Members who hold an authority to access, use and/or possess explosives in accordance with the *Explosives Act* and Explosives Regulation, and are affected by a relevant medical condition, are not to have access to explosives and/or dangerous substances.

Where an officer surrenders their authority to access, use and/or possess explosives, that officer is to also surrender any explosives in their possession. Service issued explosives are to be returned to the OIC, Explosive Ordnance Response Team. Personally obtained explosives are to be surrendered to the Chief Inspector of Explosives, Explosive Inspectorate, Resources Safety and Health Queensland (see SMCD).

Members who are affected by a relevant medical condition are to surrender, or arrange to have delivered, their authority to access, use and/or possess explosives, as soon as practicable, to the Chief Inspector, Explosives Inspectorate.

Upon receipt of the officer's authority, the Chief Inspector, Explosives Inspectorate, will determine the status of the officer's authority by endorsement, cancellation or suspension.

Section 25: 'Procedure for urgent suspension or cancellation of authorities and security clearances' of the *Explosives Act* provides the procedure for the Chief Inspector of Explosives determination on endorsing, cancelling or suspending the authority to access, use and/or possess explosives.

## 14.18 Batons

Batons are made available to officers for self-defence and to prevent unlawful acts such as the escape of a person in custody, or an unlawful assault on another person.

Extendable batons are made available to officers. These batons have two telescoping shafts which lock into place when extended. The extendable batons are designed to be inconspicuous but give officers quick access to the baton.

### 14.18.1 Use of batons

#### POLICY

The degree of force in the use of batons will be determined by the circumstances existing at the time bearing in mind the 'Situational Use of Force Model' (see s. 14.3.2: 'Situational Use of Force Model (2016)' of this chapter).

Officers should not carry a privately owned baton or similar weapon while on duty.

Unless the use of a baton is justified, officers on duty at a demonstration or other assembly should not draw batons except:

- (i) on the command of the senior officer present; or
- (ii) in the case of a squad or group specifically tasked with containing the demonstration or assembly, on the command of the officer in charge of that squad or group.

Officers should not use a damaged or unserviceable baton in the performance of their duty.

#### Use of force reporting

Where the use of a baton by a member is a reportable use of force incident, the member using the baton, or if the member is incapacitated, their supervisor is to ensure a 'Use of Force Report' is completed in the relevant QPRIME occurrence. The report is to be completed within 24 hours of the creation of the relevant occurrence.

See s. 14.3.9: 'Use of force reporting' of this chapter.

### 14.18.2 Issue and surrender (extendable batons)

#### POLICY

A Service extendable baton should not be issued to an officer unless the officer has been trained and qualified in the use of the weapon by a qualified Police Operational Skills and Tactics (POST) instructor.

Extendable batons are issued to suitably qualified officers on a personal issue basis.

Procedures for the requisition of extendable baton are contained on the Armoury webpage, QPS Corporate Intranet.

An officer in possession of a personal issue extendable baton, is to surrender the extendable baton to the officer in charge of their station or establishment, when required as a result of failing to qualify in training in accordance with s. 14.18.3: 'Extendable baton training' of this Manual.

### 14.18.3 Extendable baton training

#### POLICY

The Chief OST Instructor is responsible for ensuring that the necessary systems are in place to enable OST training to take place with respect to extendable batons.

Officers who do not comply with the relevant requirements of s. 14.3.1: 'Operational Skills and Tactics (OST) training' of this chapter should not carry or use an extendable baton until deemed competent.

### 14.18.4 Carriage of extendable batons

#### ORDER

In accordance with s. 14.4: 'Service-issued weapons' of this chapter, all officers qualified in Blocks 1 and 2 of the Operational Skills and Tactics training are to:

- (i) wear their Service-issued baton on their utility belt or integrated load bearing vest; or
- (ii) have it available for use during the shift, such as in the Service vehicle or in a personal kit bag ensuring compliance with s. 14.22.1: 'Operational equipment' of this chapter.

An officer who does not have access to a Taser or is not currently Taser qualified are to wear their Service-issued baton.

For officers performing beat duty, the physical carriage of the baton is to be outlined in station instructions based on the OIC risk/threat assessment.

Whilst on rostered duty, extendable batons should be carried in the closed position when not in use in:

- (i) the baton pouch provided on a utility belt;



- (ii) the baton pouch provided on a Load Bearing Vest; or
- (iii) another Service-approved mode of carriage (e.g., bumbag).

Where an officer chooses to not wear their extendable baton but have it available for use during the shift, they are to ensure the extendable baton is kept within the Service-issued pouch.

### 14.18.5 Storage (extendable batons)

See s. 14.22: 'Responsibility for Service equipment' of this chapter.

### 14.18.6 Maintenance and replacement (extendable batons)

#### ORDER

Officers issued with extendable batons on a personal issue basis and officers in charge of stations and establishments where extendable batons are kept are:

- (i) responsible for the proper maintenance and care of the particular batons; and
- (ii) to ensure that the batons are properly cleaned and oiled in accordance with instruction received during POST training.

When an extendable baton requires replacement, a form QP413: 'Requisition for weapons/restricted item' is to be completed and the reason for replacement is to be inserted in the comments box.

### 14.18.7 Long batons

#### POLICY

Long batons should only be carried and/or used in cases of extreme necessity and where sudden or extreme circumstances exist, and then only by officers who have been suitably trained in their use. Training in the use of long batons is the same as for extendable batons except for drawing of the baton. Officers who are qualified in the use of extendable batons are therefore also qualified in the use of long batons.

The carriage of long batons should be confined to the boot or storage compartment of motor vehicles, preferably held by appropriate baton clips installed by Fleet Asset Services, Business Services Division.

Individual officers may carry long batons in the following circumstances:

- (i) officers of the Public Safety Response Team (PSRT), whilst performing PSRT duties; and
- (ii) officers performing a particular duty where the carriage of a long baton is considered necessary and is authorised by an officer in charge of a region or command.

Long batons should be carried in a baton ring designed for that purpose, where possible.

Officers in charge are to ensure that when long batons are not confined to the boot or storage compartment of motor vehicles, that they are securely stored within stations/establishments, and are accessible only to officers authorised to carry and use the long baton.

## 14.19 Handcuffs

Handcuffs are issued to police officers and protective service officers for use in the execution of their duty and as a safe and effective means of temporarily restraining and controlling a person in custody.

Handcuffs are not personally issued to watchhouse officers. However, at times watchhouse officers may be required to use handcuffs as part of the performance of their duties (e.g. during prisoner escort duties). See s. 14.4.2: 'Staff members (authorisation to possess or use weapons as part of the performance of their duty)' of this chapter.

Police officers, protective service officers and watchhouse officers:

- (i) should not use damaged or unserviceable handcuffs; and
- (ii) who are qualified in Operational Skills and Tactics (OST) training in the use of hinged handcuffs are deemed to be qualified in the use of chain link handcuffs.

Police officers, protective service officers and watchhouse officers are not to carry privately owned handcuffs on duty.

Handcuffs should be cleaned and lubricated frequently to prevent malfunction.

Where handcuffs are found to be damaged, defective or in an unsatisfactory condition, officers should complete a QP 0413: 'Requisition for weapons/restricted item' and arrange for the handcuffs to be returned to the QPS Armoury, Richlands Supply Services, for replacement.

### 14.19.1 Use of handcuffs

For the purpose of this section:

#### Officer

in reference to:

(i) handcuffs, refers to:

(a) police officers;

(b) watchhouse officers;

(c) protective service officers (PSOs); or

(d) PSOs acting in the aid of a police officer (see s. 14.3.2: 'Situational Use of Force Model (2016)' of this chapter); and

(ii) body belts and leg cuffs, refers to police officers and watchhouse officers only.

#### Authority to use handcuffs

Use of handcuffs is a 'use of force' option. This section is to be read in conjunction with s. 14.3.2: 'Situational Use of Force Model (2016)' of this chapter.

The general statutory authorities for the use of handcuffs by police officers are found in s. 615: 'Power to use force against individuals' of the PPRA. This gives police officers the power to use reasonably necessary force to exercise a power under any Act or to prevent a person escaping from lawful custody, however such force does not include force likely to cause grievous bodily harm or death against an individual.

The authority for PSOs to use handcuffs is in ss. 558 'Detention of entrants by protective services officers' and 615A 'Power to use force against individuals-protective services officers' of the PPRA.

The authority for watchhouse officers to use handcuffs is in ss. 652: 'Power to use force against an individual at watchhouse' and 653: 'Power to use force – transfer etc. of person in custody to or from holding place' of the PPRA;

#### Using handcuffs

Officers are only to use handcuffs on a person when it is lawful. This is dependent upon the circumstances.

A person exhibiting or threatening violence or demonstrating intent to escape lawful custody (high risk), is to be handcuffed. In all other situations, officers are presented with an unknown risk and are to be aware that a person who is initially compliant can quickly escalate to high risk, once they assess their situation and formulate a plan.

In deciding to use handcuffs, officers are to undertake a continuous risk assessment (assessed risk) based on 'person, object, place' and consider:

- (i) the nature of the offence or breach of law;
- (ii) the current and previous demeanour/behaviour of the person by words or actions;
- (iii) whether the person has previously attempted to escape or is likely to attempt escape;
- (iv) whether the person has history of violent behaviour or their demeanour is violent or aggressive;
- (v) the number of other persons in custody at the time;
- (vi) the parity/disparity in physical attributes of the officer and person in custody;
- (vii) the likelihood of injury to the officer, other persons or the person in custody;
- (viii) the person's mental health history including self-harm;
- (ix) the need to prevent escalation of an incident;
- (x) the circumstances and location of the incident; and
- (xi) observed indicators and applying previous operational experience.

The above considerations are not exhaustive, however in all situations, officers must be able to justify and articulate their assessment of why they considered the use of handcuffs as being reasonably necessary.

#### Considerations when handcuffing

Unless exceptional circumstances exist, officers applying handcuffs are to:

- (i) handcuff the person with their hands behind their back unless:
  - (a) injury or deformity prevents the person from placing their hands behind the back; or
  - (b) the person is being escorted on a journey of considerable time or length where handcuffing behind the back may result in health and safety issues;

- (ii) not handcuff themselves to a person in custody;
- (iii) not handcuff a person in custody to a fixed object. Exceptions apply, see 'Handcuffed prisoners or persons under arrest in medical facilities' of this section. A fixed object is defined for this section as an object that is immobile, securely placed or fastened and unable to be moved e.g. street sign or building handrail;
- (iv) not force handcuffs closed if the person's wrists are larger than the handcuffs;
- (v) ensure the handcuffs are double locked and checked after application;
- (vi) ensure any handcuffs placed on a person can be unlocked, in the event of a medical or other emergency; and
- (vii) remove handcuffs when satisfied they are no longer required.

### **Leg cuffs and body belts**

Handcuffs may be used in conjunction with leg cuffs and body belts, see s. 14.19.6: 'Body belts and leg cuffs' and s. 10.4.17: 'Queensland Government Air (QGAir)' of this Manual. Leg cuffs are not to be the sole means of prisoner restraint unless an injury, deformity or medical treatment prevents the application of handcuffs.

### **Handcuffed prisoners or persons under arrest in medical facilities**

Officers guarding prisoners or persons under arrest in medical facilities are to ensure the prisoner or person under arrest is handcuffed, including when leg cuffs are being used. Officers are to be aware that the person may be using medical treatment as a ploy to escape.

Officers guarding a handcuffed prisoner or person under arrest are to:

- (i) conduct a continuous risk assessment based on 'person, object, place';
- (ii) ensure they can release the handcuffs;
- (iii) maintain continuous, direct and constant supervision to prevent:
  - (a) escape attempts;
  - (b) access to medical equipment and supplies; and
  - (c) violence against officers, hospital staff or members of the public.
- (iv) at all times when the handcuffed person is transferred to a hospital bed or gurney, ensure they are handcuffed to the bed frame or rail; and
- (v) if the handcuffed person is utilising bathroom facilities, ensure an officer of the same sex accompanies the prisoner and maintains discrete observation. Where a same sex officer is unavailable, arrange the assistance of a same sex medical staff member and provide security to that staff member.

### **Removal of handcuffs and leg cuffs from prisoners in hospitals or under medical treatment**

Officers are to only remove handcuffs when required by medical staff to enable the treatment of the prisoner. If leg cuffs are being used, they are to remain secured unless medical requirements also require their removal.

Where the prisoner is handcuffed to a hospital bed or gurney, officers are to discuss with medical staff if it may be suitable to handcuff the opposing hand to the bed.

In all situations when medical staff request the removal of handcuffs, officers should seek the assistance of another officer or hospital security and maintain increased vigilance.

### **Use of force reporting**

All operational use of handcuffs is to be recorded on the QPRIME Custody report 'Use of Force' tab. Additionally, where the use of handcuffs by an officer is a reportable use of force incident, the officer using the handcuffs, or if that officer is incapacitated, their supervisor is to ensure a 'Use of Force Report' is completed in the relevant QPRIME occurrence. The report is to be completed within 24 hours of the creation of the occurrence.

See s. 14.3.9: 'Use of force reporting' of this chapter.

## **14.19.2 Handcuffing of children**

See Chapter 5: 'Children' of this Manual.

## **14.19.3 Carriage of handcuffs**

### **ORDER**

All officers qualified in Blocks 1 and 2 Operational Skills and Tactics (OST) training are to carry their Service-issued handcuffs in accordance with s. 14.4: 'Service-issued weapons' of this chapter.

Whilst on rostered duty, handcuffs should be carried in:

- (i) an approved handcuff pouch on a utility belt;

- (ii) an approved handcuff pouch on a Load Bearing Vest, or
- (iii) another Service-approved mode of carriage (e.g. bumbag).

#### 14.19.4 Storage of handcuffs

See s. 14.22: 'Responsibility for Service equipment' of this chapter.

#### 14.19.5 Flexible handcuffs

Unless otherwise authorised, police officers, protective service officers and watchhouse officers are not to possess, carry or use flexible handcuffs or similar restraint devices.

For the purpose of this policy, police officers who are full-time members of the Special Emergency Response Team or the Public Safety Response Team are authorised to possess, carry and use flexible handcuffs or similar devices in accordance with the Station/Establishment Instructions of those units.

Officers, other than full-time members of the Special Emergency Response Team or the Public Safety Response Team, who consider that a need exists to possess, carry or use flexible handcuffs or similar restraint devices should apply in accordance with s. 14.6.9: 'Non-standard equipment approvals' of this chapter.

#### 14.19.6 Body belts and leg cuffs

Leg cuffs and body belts are to be used in conjunction with handcuffs by officers and watchhouse officers in the transport and/or security of high-risk prisoners to restrict or prevent:

- (i) escape;
- (ii) injury to any person; and
- (iii) damage to property.

When escorting prisoners on an aircraft, and there is potential for a prisoner to interfere with the flight controls in an open cabin, escorting officers are to make an assessment and consider, in addition to handcuffs, the use of body belts and leg cuffs (see s. 10.4.17: 'Queensland Government Air (QGAir)' of this Manual).

Leg cuffs are not to be the sole means of prisoner restraint unless due to:

- (i) injury,
- (ii) physical deformity; or
- (iii) medical treatment prevents the application of handcuffs.

## 14.20 Protective body armour

### 14.20.1 Protective body armour (Service-issued)

Protective body armour is a 'Category E' weapon (see s. 6: 'Category E weapons' of the Weapons Categories Regulation (WCR)) issued to police stations and establishments for use by officers in the performance of their duty. Protective body armour is not bullet proof but does have bullet resistant qualities.

Distribution of protective body armour within each region or command is at the discretion of the OIC of that region or command.

OICs of stations and establishments are to ensure the sizes of protective body armour on issue to their area of responsibility are appropriate and fit officers who may be required to wear them. The number of hard armour plates available at each station or establishment should match the number of vests available.

#### Covert protective body armour

Upon application, Service-issued covert protective body armour is provided to some specialist units whose usual, but unique, operational duties make access to, or wearing of, the standard issue (overt) protective body armour impractical. The carriage and storage of covert protective body armour is the same as overt body armour.

Where an officer wishes to purchase covert protective body armour, see s. 14.20.2: 'Protective body armour (privately owned)' of this chapter.

Where an officer or OIC of a station or establishment believes the nature of the officer(s) operational duties necessitates the supply and use of Service-approved covert protective body armour, submission is to be made, via the chain of command, to the Operational Assets and Equipment Subcommittee, OCC, see s. 14.6.9: 'Operational equipment approval' of this chapter

The application should contain all relevant information to support the issue of covert protective body armour, including:

- (i) the usual range of duties performed by the officer(s);

- (ii) current threats or risks impacting on the officer(s), see:
  - (a) s. 2.34: 'Threat to Service members' of this Manual; and
  - (b) Threats to police employees portal on the Prepare, Prevent, Protect Group, Security and Counter-Terrorism Command on the Service Intranet; and
- (iii) situational factors preventing officer(s) from accessing standard issue (overt) protective body armour when deemed necessary.

Where approval for the supply and use of Service-issued covert protective body armour has been granted, officers are to wear the covert protective body armour whilst on duty unless prior approval has been granted.

When responding to incidents that would require the wearing of protective body armour (e.g. responding to incidents which may involve the use of firearms or dangerous weapons), covert protective body armour may be used in conjunction with, but not as a replacement for standard issue (overt) protective body armour.

### **Carriage of protective body armour**

At the commencement of duty, officers performing operational duties should, where appropriate, obtain correctly fitting protective body armour. Protective body armour vests and hard armour plates are to be carried in the storage facilities provided in Service vehicles. Officers should wear protective body armour when they are responding to incidents which may involve the use of firearms or dangerous weapons or at their discretion.

Information concerning the fitting and wearing of protective body armour is available from district firearms training officers or Skills and Frontline Education, PCAP.

### **Storage of protective body armour**

Prior to ceasing duty, officers should ensure any protective body armour in their possession is appropriately stored.

Protective body armour:

- (i) vests:
  - (a) are not to be left in vehicles, when not in use, if suitable storage facilities are provided in the station or establishment;
  - (b) should be stored in a cool, dry area, not exposed to direct sunlight;
  - (c) are to be stored lying flat with the hard armour plates removed; and
  - (d) may be stacked one on top of another, but no more than five vests high. Where this is impractical, vests may be suspended vertically from hangers, providing the hangers have a diameter of at least 25 mm and sufficient padding to avoid damage or abrasion to the exterior nylon fabric of the vest; and
- (ii) hard armour plates:
  - (a) may be stacked flat with the strike face downwards, but no more than twelve plates high; and
  - (b) should be stored in a cool, dry area, not exposed to direct sunlight.

The hard armour plates are manufactured from dyneema (a high-density plastic). When not in use, it is not recommended hard armour plates are stored in Service vehicles, which are not parked undercover.

OICs of stations or establishments are to ensure protective body armour is stored in compliance with s. 60: 'Secure storage of weapons' of the WA (see s. 14.22: 'Responsibility for Service equipment' of this chapter).

### **Inspection and maintenance of protective body armour**

Prior to use, officers should visually inspect protective body armour to ensure:

- (i) there are no holes or tears in the exterior fabric of the vest;
- (ii) all visible threads on the exterior have no breaks, unravelling or 'furring' and that there are no loose threads in the joins;
- (iii) each webbing strap is secure and does not sag or drape when pulled;
- (iv) all velcro panels close completely and securely; and
- (v) there are no visible signs of damage to the hard armour plate.

Officers becoming aware of any loss, damage or defect of protective body armour under their control are to comply with s. 14.22.4: 'Reporting loss or damage or defect' of this chapter.

In other cases, officers are to immediately report to their OIC:

- (i) any damage, defect or unsatisfactory condition relating to a protective body armour vest or hard armour plate;
- (ii) incidents where hard armour plate has been shot, sustained a significant impact or displays visible damage; and



(iii) the loss of any protective body armour.

OICs of stations and establishments are:

- (i) responsible for the proper maintenance and care of protective body armour on issue to their station or establishment;
- (ii) to ensure a monthly inspection of all protective body armour under their control is made to identify any signs of damage or unusual wear. Inspections are to be recorded in a register kept for this purpose; and
- (iii) to comply with the relevant provisions of s. 14.22.4: 'Reporting loss, damage or defect' of this chapter.

The cleaning of protective body armour if required, is to be carried out in accordance with the care labels on each component. If soiled, the outer carrier or surface of the vest should be hand washed using mild detergent only. Protective body armour should:

- (i) not be completely immersed in water during cleaning;
- (ii) never be stored wet or damp as this promotes mould growth that can harm the ballistic fibres; and
- (iii) if wet or damp, be allowed to drip dry in a shaded area or inside away from the sun. UV light can destroy the ballistic properties of the fibres.

### **Repairs and replacement of protective body armour**

If a protective body armour vest requires repair, the vest is to be forwarded to the QPS Armoury, Operational Equipment and Armoury, OCC who will arrange for any necessary repairs.

If a hard armour plate sustains a significant impact, although it may appear to be undamaged, it should be forwarded to the QPS Armoury, OCC for inspection.

When a protective body armour vest or hard armour plate is forwarded to the QPS Armoury, OCC any costs involved in the inspection, testing and/or repair of the item are the responsibility of the requesting region or command.

Procedures for the requisition of Service protective body armour are contained on the QPS Armoury webpage on the Service Intranet.

### **Disposal of protective body armour**

Where a protective body armour vest or hard armour plate is damaged and cannot be repaired, it should be forwarded to the QPS Armoury, OCC for disposal.

After disposal, the QPS Armoury, OCC is to send a report outlining the description and serial number of the item and advising of its destruction to the Director, Weapons Licensing Group, Operations Support Command, who is responsible for maintaining the Commissioner's Weapons Register.

### **Periodic testing of protective body armour**

Over time the integrity of the hard armour panels in protective body armour vests may deteriorate.

To ensure protective body armour vests maintain their ongoing integrity, the Inspector, Operational Training Services, PCAP, is responsible for maintaining periodic testing of vests within the Service.

Subject to proper care and handling, hard armour plates have a normal working life of eight years from the date of manufacture and there is no requirement for periodic testing.

### **Recording of protective body armour**

The Manager, Operational Equipment and Armoury is responsible for recording information on the Weapons Asset Control System (WACS) concerning protective body armour supplied or issued from the QPS Armoury. The information to be recorded on this system includes:

- (i) the district, or other organisational unit within the Service, each protective body armour vest and hard armour plate is issued to;
- (ii) the serial number of each protective body armour vest and hard armour plate; and
- (iii) the make, model and size (vest only) of each protective body armour vest and hard armour plate.

In addition to ensuring the details on the WACS are correct, OICs of stations or establishments are to maintain a local register of protective body armour and hard armour plates issued to their station or establishment. Particulars to be recorded include details listed above in (i) to (iii) and the date the protective body armour vest and hard armour plate was last inspected.

All registers are to be accurately maintained and updated to reflect the acquisition, transfer or disposal, of protective body armour vests and hard armour plates within the Service.

### 14.20.2 Protective body armour (privately-owned)

Assistant commissioners or other delegated persons have been delegated the power to issue additional exemptions to officers pursuant to s. 2(1)(m): 'Application of Act' of the *Weapons Act* (WA) (see Delegation D 8.1).

Protective body armour is a Category E weapon under the provisions of the WA and Weapons Categories Regulation.

The Service is supportive of officers who wish to purchase items of personal protection, however has a duty of care towards its members in ensuring any equipment is safe and operationally effective, and that it complies with relevant Australian and International Standards.

Section 2(1)(e) of the WA exempts police officers from the provisions of the Act in respect of their possession and use of a weapon as part of the performance of their duties and while off-duty in accordance with any relevant directions of the Commissioner. The section does not authorise an officer to acquire privately owned protective body armour for use as part of the performance of their functions as a police officer, unless authorised in accordance with this section.

Officers who have been approved to wear privately owned protective body armour are:

- (i) if storing the body armour at their station or establishment, to comply with s. 60: 'Secure storage of weapons' of the WA. As a minimum, protective body armour is to be stored in the officer's station or establishment in a lockable steel cabinet which is secured to the structure by an approved method; or
- (ii) when in possession of protective body armour while travelling to and from duty and storing protective body armour at their residence or elsewhere, to comply with the relevant provisions of s. 60: 'Secure storage of weapons' of the WA.

Officers seeking approval to acquire privately-owned protective body armour are to submit a QP 1004: 'Application for authorisation to acquire and possess protective body armour and Service indemnification'.

In the section 'Grounds to support application' of the QP 1004, officers are to make reference to:

- (i) the reasons for applying for protective body armour (see s. 14.4.2: 'Authorisation to possess weapons off duty where a possible threat exists' of this chapter);
- (ii) nature and type of duties for which the protective body armour will be worn;
- (iii) whether it is intended that the protective body armour will be worn travelling to and from work; and
- (iv) whether the protective body armour will be stored at the officer's residence or station/establishment, and what security arrangements will be put in place consistent with s. 60 of the WA;

Officers are to submit the completed QP 1004 attached to:

- (i) police regions, their district officer, including officers hosted in districts (e.g. Highway Patrol);
- (ii) commands, excluding hosted officers, a superintendent within their chain of command; or
- (iii) external organisations, the Chief Superintendent, Organisational Capability Command,

(see Delegation D 8.1).

In considering the application, the delegated officer is to consider any relevant information contained in the non-standard equipment database in accordance with s. 14.6.9: 'Non-standard equipment approvals' of this chapter.

Where satisfied the application is sound, the delegated officer is to:

- (i) complete the QP 1004, granting approval for the officer to wear privately-owned protective body armour as part of the performance of duty;
- (ii) provide the 'Authorisation to acquire and possess protective body armour' to the applicant officer;
- (iii) forward the first page of the completed QP 1004 to the Manager, Armoury, Richlands Supply Services; and
- (iv) file a copy of the completed QP 1004 on the officer's personnel file.

Where an officer is authorised to acquire and possess privately-owned protective body armour, the officer is to take the completed 'Authorisation to acquire and possess protective body armour' to the nominated supplier.

After the officer takes possession of the protective body armour, the officer is to forward the completed 'Authorisation to acquire and possess protective body armour' to the Manager, Armoury, Richlands Supply Services.

The Manager, Armoury, Richlands Supply Services is to enter the relevant details of the protective body armour into the Weapons Asset Control System.

Personal protective body armour is to comply with the minimum standard of NIJ Level IIIA, or as otherwise determined by the Chief Operational Skills and Tactics Instructor.

Officers, on taking possession of their protective body armour, are to scan and email a copy of the completed 'Authorisation to acquire and possess protective body armour' to the Manager, Armoury prior to terminating duty on their next rostered shift.

Officers granted approval to use privately-owned protective body armour as part of the performance of their duties are to comply with any manufacturers' recommendations with respect to the maintenance, storage, regular inspections and testing of the protective body armour.

When responding to incidents that would require the wearing of protective body armour (e.g. responding to incidents which may involve the use of firearms or dangerous weapons), privately-owned protective body armour may be used in conjunction with, but not as a replacement for Service-issued protective body armour.

### **Replacement of protective body armour**

Officers should be aware all protective body armour has an operational life, which is determined by the manufacturer after which the ballistic qualities are not guaranteed.

Officers should be aware of the expiry date of the protective body armour, after which it should be replaced. Officers who purchase protective body armour are responsible for identifying and ensuring they comply with the expiry date of the article.

Where protective body armour has reached its expiry date or has been damaged, the officer is to:

- (i) complete a QP 0368A: 'Relinquishing order (weapon(s))'; and
- (ii) deliver the completed QP 0368A and protective body armour to the Manager, Armoury, Richlands Supply Services for destruction.

Once protective body armour is date expired or damaged, a new application for replacement protective body armour is to be made on a QP 1004 in accordance with this section.

### **Action on separation from the Service**

Unless otherwise currently authorised by the WA, officers are to relinquish privately-owned protective body armour when separating from the Service (see s. 14.10: 'Surrendering firearms, handcuffs, batons and ammunition' of this chapter).

Where an officer, who is authorised to possess privately-owned protective body armour, is separating from the Service, the officer is to:

- (i) complete a QP 0368A; and
- (ii) deliver the completed QP 0368A and protective body armour to their OIC,

unless the officer holds approval under the WA to maintain possession of the protective body armour.

The OIC of the station or establishment receiving the protective body armour is to ensure the article and supporting documentation is delivered to the Manager, Armoury, Richlands Supply Services in accordance with s. 14.10 of this chapter.

### **14.20.3 Integrated Load Bearing Vests**

An Integrated Load Bearing Vest (ILBV) is designed to provide officers with protection from ballistic and edged weapon threats and manage the safe distribution and carriage of service approved operational equipment to reduce the risk of injury. The Soft Armour Panels (SAP) and Hard Armour Plate (HAP) are designed to be inserted into the carrier and are 'Category E' weapons pursuant to the provisions of s. 6: 'Category E weapons' of the Weapons Categories Regulation.

For the purpose of this policy the term 'operational duties' means where officers are performing operational duties which involve physical interaction with members of the public.

#### **Integrated Load Bearing Vest training and use**

All officers will be issued with an ILBV and are to wear their ILBV in accordance with this policy.

Officers issued with an ILBV are authorised to wear an ILBV once they successfully complete the mandatory online learning product and training as outlined on the ILBV intranet site. Officers are not to wear their ILBV prior to completing this training.

Officers issued with an ILBV are to ensure the SAPs are always correctly inserted in the ILBV. SAPs are only to be removed to meet a risk arising due to environmental circumstances (e.g. a temporary heat related risk due to directing traffic). SAPs are to be reinserted immediately once the temporary risk has sufficiently reduced.

Officers are to wear the HAP when information suggests the existence of a firearm or edged weapon threat. Officers can choose to always wear the HAP or in other circumstances where their risk assessment identifies a need (e.g. demonstrations or riots, executing a search warrant etc).

The ILBV's removable blue and grey police signage panels are to be attached to the front and back of the ILBV and clearly visible except in situations where it is tactically unsound to do so. The blue and grey police signage is to be reattached to the ILBV as soon as practicable once the tactically unsound situation is resolved.

The high visibility vest (HVV) attachment to the ILBV is to be worn in the  $\frac{3}{4}$  configuration in low light visibility situations unless tactically unsound. The additional high visibility torso panel is to be attached to the ILBV to establish full frontal

coverage to increase visibility when undertaking traffic related duties, performing high visibility foot patrols within a Safe Night Precinct or as directed for policing specific events.

### **Plain clothes officers**

Plain clothes officers issued with and authorised to wear an ILBV, are to wear the ILBV when responding to incidents or conducting activities where information suggests the existence of a firearm or edged weapon threat. Plain clothes officers may wear the ILBV at other times when performing operational duties. When performing operational duties and not wearing the ILBV, plain clothes officers are to ensure their ILBVs are contained in the supplied storage bag and secured in the locked boot of their operational vehicle.

### **Specialist unit and duties exemptions**

Officers performing duties within specialist areas (e.g. SERT, PSRT and Dog Squad) where the functions of the ILBV are fulfilled by service issued specialist equipment are exempt from wearing an ILBV. Officers performing duties in specialist positions where the wearing of an ILBV is not permitted (e.g. police prosecution court duties, close personal protection duties etc.) are exempt from wearing their ILBV while performing those specialist duties. Where the wearing of an ILBV may create a workplace health and safety risk in the execution of specialist duties (e.g. POLAIR Tactical Flight Officer, disaster victim identification, forensic crime scene examination, forensic crash scene examination, motorcycle duties, on water operations etc.), officers are exempt from being required to wear their ILBV while performing those specific specialist duties but may wear the ILBV if they assess it is safe to do so.

### **Frontline support roles / public functions**

Officers are not required to wear an ILBV when performing non-operational frontline support roles or attending a non-operational function (e.g. business meetings, ceremonial functions, funerals, presentations, lectures etc.) in a non-operational capacity.

### **Medical exemption**

Exemptions to wearing an ILBV may be granted due to health considerations. Officers seeking exemption from wearing the ILBV due to a pre-existing injury or condition should email the ILBV Project Team at [ilbvproject@police.qld.gov.au](mailto:ilbvproject@police.qld.gov.au) providing all relevant information and supporting documentation. Officers applying for an ILBV exemption should advise their OIC or manager that they have made the application. Individual officer ILBV exemption applications are assessed by the Operational Equipment Committee (OEC) in consultation with the ILBV Project Team. OEC will advise the applicant of the outcome of their application. OEC are responsible for the collation of all records with respect to individual officer ILBV exemptions.

#### **ORDER**

Officers issued with an ILBV are to complete the relevant mandatory online learning product and training as outlined on the ILBV intranet site prior to using the ILBV in the performance of their duties.

Uniformed officers issued with and authorised to wear an ILBV, are to always wear the ILBV when performing operational duties involving physical interaction with the public, including counter duties, unless granted an exemption pursuant to the provisions of this policy.

Plain clothes officers issued with and authorised to wear an ILBV, are to wear the ILBV when executing warrants and responding to incidents when information suggests the existence of a firearm or edged weapon threat.

### **Storage, inspection and maintenance of Integrated Load Bearing Vests**

The ILBV when fitted with the SAPs or HAP is a Category E weapon, therefore components constituting body armour need to be stored in accordance with the Weapons Regulation (the regulation) whenever they are not in a member's physical possession (see ILBV Storage Guidelines on the ILBV intranet site).

#### **ORDER**

Both the SAPs and HAP, when not in use, are to be securely stored in accordance with the provisions of Part 21 of the Regulation and the ILBV Storage Guidelines.

Prior to use, officers should visually inspect the ILBV to ensure:

- (i) there are no holes or tears in the exterior fabric of the ILBV.
- (ii) all visible threads on the exterior have no breaks, unravelling or 'furring' and that there are no loose threads in the joins;
- (iii) all zip and velcro panels close completely and securely; and
- (iv) there are no visible signs of damage to the HAP or SAPs.

Officers becoming aware of any damage or defect of their ILBV under their control are to advise their OIC and ILBV Project Team and arrange to have the ILBV inspected as soon as reasonably practicable and replaced if necessary.

The ILBVs need to be laundered in accordance with the laundering instructions from the manufacturer. Once the SAPs and HAP are removed and stored in accordance with the Regulation, the vest is no longer a Category E weapon and is considered a piece of uniform. The vest should be laundered as required, by the officer, at home.



## 14.21 Oleoresin Capsicum (OC) spray

Oleoresin Capsicum (OC) spray is a 'Category R' weapon as defined in s. 8(d) of the Weapons Categories Regulation.

OC spray is a less than lethal use of force option, that may assist police officers and watchhouse officers resolve incidents involving violent person(s). In most instances the use of OC spray will assist police officers and watchhouse officers to control a person with minimal physical contact.

The contents of this section are to be read in conjunction with the 'Police Operational Skills and Tactics Oleoresin Capsicum (OC) Spray Good Practice Guide' (the Good Practice Guide) which is located on the QPS Corporate Intranet.

### 14.21.1 Use of Oleoresin Capsicum spray

#### POLICY

The use of OC spray will be determined by the circumstances existing at the time, bearing in mind the 'Situational Use of Force Model' (see s. 14.3.2: 'Situational Use of Force Model (2016)' of this Manual).

Before using OC spray, the police officer or watchhouse officer should verbally warn the subject person(s) where practicable. OC spray should only be used in the manner prescribed in the Good Practice Guide.

OC spray should not be used:

- (i) against persons offering passive resistance (e.g. sitting down and refusing to comply with instructions);
- (ii) as a crowd control measure (e.g. for crowd dispersal at a demonstration or industrial dispute);
- (iii) against the occupants of a vehicle where there is a danger of the vehicle going out of control and injuring the occupants or other people; or
- (iv) against youths, except in extreme circumstances where there is no other reasonable option to avoid the imminent risk of injury.

### 14.21.2 Decontamination and after care

#### POLICY

Police officers and watchhouse officers have a duty of care regarding all persons who have been contaminated by OC spray and are to assist in their recovery.

Where a person is affected by the application of OC spray, the responsible officer (as defined in the SMD) is to provide aftercare to that person in accordance with the procedures contained in the Good Practice Guide as soon as practicable.

The responsible officer is to ensure that:

- (i) a person affected by OC spray is not left in a position which may lead to 'positional asphyxia' (see s. 14.3.8: 'Monitoring restrained prisoners (positional asphyxia)' of this Manual); and
- (ii) medical attention is provided to any person affected by OC spray in their custody, if that person:
  - (a) does not begin to recover within a reasonable time (approximately 20 minutes – see the Good Practice Guide);
  - (b) complains of a medical condition (e.g. asthma);
  - (c) asks for medical attention;
  - (d) appears to be suffering from any of the extraordinary effects listed on the QPS Medical Data Sheet (see the Good Practice Guide); or
  - (e) is displaying any other persistent or unusual symptoms.

Officers in charge should ensure appropriate OC spray decontamination equipment sufficient to assist in the aftercare of affected persons is carried in operational vehicles under their control. Officers in charge should refer to the Good Practice Guide for a description of appropriate decontamination equipment.

#### PROCEDURE

When medical treatment is required for any person who has been contaminated by OC spray, the responsible officer should request the attendance of Queensland Ambulance Service. Where it is impractical to obtain the attendance of the Queensland Ambulance Service, the responsible officer should take the affected person to the nearest facility providing medical aid.

### 14.21.3 Interviewing a person affected by Oleoresin Capsicum spray

Evidence obtained while interviewing a person who is suffering the effects of OC spray may be ruled inadmissible in a court.



## POLICY

Unless emergent circumstances exist, police officers should not interview a person in relation to an offence whilst that person is suffering the effects of OC spray.

The term 'time out' as it appears in Schedule 6: 'Dictionary' of the PPRA, may include treating a person for the effects of OC spray.

If a police officer wants to question, or continue to question, a person in custody who is apparently affected by OC spray, the officer should delay questioning until reasonably satisfied that the person is no longer affected.

#### 14.21.4 Reporting the use of Oleoresin Capsicum spray

##### Use of force reporting

The use of OC spray by a member is a reportable use of force incident. In such instances the member using the OC spray, or if the member is incapacitated, their supervisor is to ensure a 'Use of Force Report' is completed in the relevant QPRIME occurrence. The report is to be completed within 24 hours of the creation of the relevant occurrence.

For the purpose of recording the use of OC Spray in QPRIME, the term 'use' includes:

- (i) spraying a person, or in the direction of a person with OC spray;
- (ii) pointing the OC spray canister in the direction of a person without discharging the spray; and
- (iii) spraying an animal, or in the direction of an animal with OC spray.

The term 'use' does not include the removal alone of the OC spray canister from the protective pouch or the use of OC spray for routine training purposes.

See s. 14.3.9: 'Use of force reporting' of this chapter and the QPRIME User Guide.

#### 14.21.5 Issue and return of Oleoresin Capsicum spray canisters

## POLICY

OC spray should only be issued to police officers and watchhouse officers who have been trained and qualified in its use by a qualified POST Instructor.

OC spray is issued on a station/establishment basis but may be issued on a 'personal issue basis' where appropriate to suit operational requirements.

Police officers and watchhouse officers issued with OC spray are to return the canister to their officer in charge in the following instances:

- (i) after the first activation of the canister, irrespective of whether the contents are completely or partially expended (see s. 14.21.7: 'Disposal of used, damaged or expired Oleoresin Capsicum spray canisters' of this chapter);
- (ii) if the canister is damaged or has passed its expiry date (see s. 14.21.7: 'Disposal of used, damaged or expired Oleoresin Capsicum spray canisters' of this chapter);
- (iii) while on leave for any period longer than fourteen days;
- (iv) when required to perform duty away from their home station or establishment for any period longer than fourteen days;
- (v) upon departing on transfer to another location; or
- (vi) if required to surrender the canister as a result of failing to qualify in training as set out in s. 14.21.10: 'Training of Oleoresin Capsicum Spray' of this Manual.

#### 14.21.6 Recording of Oleoresin Capsicum spray canisters

The Executive Manager, Richlands Supply Services is responsible for recording:

- (i) all serial numbers of active OC spray canisters on the Weapons Asset Control System;
- (ii) the district, or other organisational unit within the Service, OC spray canisters are issued to;
- (iii) the date of issue; and
- (iv) the date of expiry of each OC spray canister.

OICs of stations or establishments where OC spray canisters are received are to maintain a local register of OC spray canisters. Particulars to be recorded include the:

- (i) serial number and expiry date of the OC spray canister;
- (ii) name, rank, registered number and signature of the officer who was issued with the OC spray canister;
- (iii) date and time of issue and return;

(iv) reason for return/surrender of the OC spray canister; and

(v) date, time and method of disposal (see s. 14.21.7: 'Disposal of used, damaged or expired Oleoresin Capsicum spray canisters' of this Manual).

#### 14.21.7 Disposal of used, damaged or expired Oleoresin Capsicum spray canisters

Canisters that are completely or partially expended, damaged, or have passed their expiry dates, are to be:

(i) returned to the OIC where issued as soon as practicable; and

(ii) accompanied by an email or report outlining the OC spray canister serial number and the circumstance of its return. Where the use of OC spray has been recorded in QPRIME as a 'Police Use of Force' occurrence (see s. 14.21.4: 'Reporting the use of OC spray' of this chapter), no additional email or report is required.

Partially used OC spray canisters may be used for training purposes prior to disposal. OICs should ensure partially expended, damaged or expired OC spray canisters are disposed of in accordance with the following procedures. OC spray is biodegradable and should not harm the environment.

Members required to dispose of OC spray canisters should:

(i) use disposable gloves, safety glasses, and a suitable face mask during the disposal process;

(ii) discharge the entire contents of the canister in an area to which the public does not have access or is not likely to be affected by the contents;

(iii) discharge the entire contents by spraying it downwind into or towards the ground in an open area;

(iv) break the actuator off the canister and crush the actuator;

(v) permanently remove any references to the Service where they appear on the canister;

(vi) carefully crush the canister; and

(vii) place the crushed actuator, canister and gloves in a sealed garbage bag, and dispose of the items in general waste.

After disposal, OICs are to advise the Supervisor, Armoury, Organisational Capability Command, via email to [ARMOURY.ADMIN@police.qld.gov.au](mailto:ARMOURY.ADMIN@police.qld.gov.au), so the Weapons Asset Control System can be updated with the date of expiry.

#### 14.21.8 Carriage of Oleoresin Capsicum spray canisters

ORDER

All officers qualified in Blocks 1 and 2 Operational Skills and Tactics (OST) training are to carry an Oleoresin Capsicum (OC) spray canister in accordance with s. 14.4: 'Service-issued weapons' of this chapter.

POLICY

OC spray canisters should be carried in:

(i) the pouch provided on a utility belt; or

(ii) the pouch provided on a Load Bearing Vest, or

(iii) another Service-approved mode of carriage (e.g. bumbag).

#### 14.21.9 Transport of Oleoresin Capsicum spray canisters

OC spray canisters are classified as a 'Dangerous Good' under the Australian Code for the Transport of Dangerous Goods by Road and Rail (see Schedule 1, Part 1 of the *Work Health and Safety Act*); the International Civil Aviation Organisation Technical Instructions for the Safe Transport of Dangerous Goods by Air and the International Air Transport Association Dangerous Goods Regulations (s. 23 of the *Civil Aviation Act (Cwlth)* and r. 92.015 of the *Civil Aviation Safety Regulations (Cwlth)*).

For carriage of OC spray canisters on aircraft and at airports see s. 14.11: 'Carriage of firearms, ammunition, handcuffs, batons, conducted energy weapons and Oleoresin Capsicum (OC) Spray etc. on aircraft and at airports' of this chapter.

POLICY

Where practicable, OC spray canisters should be transported in Service vehicles or by road freight. OC spray canisters transported by freight are to be properly packed, marked, labelled and declared as dangerous goods. The requirements of the particular freight company are to be observed.

ORDER

OC spray canisters are not to be transported by the Service internal or public mail systems (e.g. Australia POST).

## PROCEDURE

Care should be exercised when opening a container following transport. The container should be opened in an open area in the unlikely event of an OC spray canister having ruptured during the flight.

**14.21.10 Training of Oleoresin Capsicum spray**

## POLICY

The Chief OST Instructor is responsible for ensuring that the necessary systems are in place to enable OST training to take place with respect to OC spray.

Officers who do not comply with the relevant requirements of s. 14.3.10: 'Operational Skills and Tactics (OST) training' of this chapter are not to be issued with, carry or use OC spray until deemed competent.

**14.22 Responsibility for Service equipment****Definitions**

For the purposes of this section:

**Damage**

with regard to damage to Service equipment, means destruction or damage to the extent that it is inoperable or unsafe to use.

**In use**

includes tasks undertaken to ensure the reasonable condition and serviceability of Service equipment.

**Secure area**

means:

- (i) a locked drawer, cabinet, cupboard, safe or other similar receptacle; or
- (ii) a room, enclosure, or building which has locks and if available, security systems engaged; with a view to prevent, to the greatest extent possible, unauthorised access to equipment stored therein.

**Loss**

with regard to loss of Service equipment, means loss regardless of the means by which it is lost i.e. theft, accident, or negligence.

**Weapon**

see SMD.

Members are responsible for the security, care and condition of Service equipment on issue to them or for the time being under their control, and are to take reasonable precautions to ensure that it is not carelessly or negligently exposed to loss or damage.

**14.22.1 Operational equipment**

Operational equipment (see 'Definitions' in s. 14.22: 'Responsibility for Service equipment' of this chapter) may be issued on a personal (personal issue operational equipment) or station (station issue operational equipment) basis.

## POLICY

When used in the performance of duty, members are to keep operational equipment in their physical possession or under their control at all times. When not in use, operational equipment is to be stored in a locked receptacle at the member's station or establishment, and in the case of firearms and conducted energy weapons, in an approved Service weapon storage facility (see Business Services Division 'Frontline First' Partner Handbook and ss. 14.6.4: 'Safety of firearms' and 14.23.13: 'Storage' of this chapter).

Officers in charge of stations or establishments are to ensure that:

- (i) members under their control are provided with separate lockable receptacles at the station or establishment of sufficient size and capacity to enable the safekeeping of Service equipment issued to them and personal property;
- (ii) station issue operational equipment is stored at the station or establishment in a secure area when not in use or signed out by a member;
- (iii) personal issue operational equipment (not including privately owned equipment) issued to members under their control are inspected on a monthly basis or at other specified time intervals authorised by their assistant commissioner or equivalent (see also ss. 14.6.5: 'Responsibilities of officers in charge of stations and establishments' of this chapter and s. 2.3.6: 'Official police notebook and note books' of the Management Support Manual); and

(iv) firearms and conducted energy weapons kept at their station or establishment are stored in accordance with the Weapons Storage Requirements of Police Facilities available on the Business Services Division's Built Assets Resource Centre webpage.

### **Storage at a member's residential premises or elsewhere**

#### **POLICY**

Except for weapons and ammunition, the shift supervisor or officer in charge of the station or establishment may, for operational or safety reasons, approve the carriage of operational equipment while in transit to and from duty, or storage elsewhere than at a station or establishment by members under their control, provided the shift supervisor or officer in charge is satisfied that the equipment can be stored safely in an appropriate secure area.

The keeping and storage of Service issue weapons at a member's residential premises, or elsewhere than at a station or establishment, is only to be approved by a district officer or equivalent in accordance with s. 14.4.1: 'Authorisation to possess weapons off duty as part of an officer's performance of duty' or the officer in charge of a region or command or equivalent in accordance with s. 14.4.2: 'Authorisation to possess weapons off duty where a possible threat exists' of this chapter.

Handcuffs and extendable batons issued on a personal issue basis are approved for carriage while in transit to and from duty (see ss. 14.19.3: 'Carriage of handcuffs' and 14.18.4: 'Carriage of extendable batons' of this chapter).

#### **ORDER**

Where approved to carry operational equipment while in transit to or from duty or store it elsewhere than at a station or establishment, members are to store the equipment in a secure area at their residence, or other place approved by their officer in charge.

### **14.22.2 General equipment**

#### **POLICY**

Officers in charge should ensure local instructions are developed to minimise the risk of loss or damage of general equipment under their control.

For responsibilities regarding Service vehicles refer to Business Service Division policies on the Vehicle Asset Services – Activity Catalogue web page on the Service Intranet.

### **14.22.3 Uniform Items**

#### **ORDER**

Members are to take reasonable precautions to safeguard items of uniform issued to them.

### **14.22.4 Reporting loss or damage or defect**

Members are to report any loss or damage (other than fair wear and tear) of Service equipment on issue to them or under their control to the shift supervisor, OIC of the station or establishment, or their supervising commissioned officer, as soon as practicable.

Upon discovering that Service equipment issued to them or under their control is missing, members are to make immediate inquiries to locate the equipment.

Supervisors informed of the loss or damage of Service equipment, or otherwise discovering the loss or damage of Service equipment, are to:

- (i) conduct inquiries into the circumstances of the loss or damage and ensure appropriate action is taken to recover any lost item, reduce any potential for further damage or loss, or ensure the safety of any person. For example, this may include initiating a police radio broadcast or statewide email, and in the case of missing equipment, ensuring reasonable efforts are made to locate or recover; and
- (ii) ensure a QPRIME occurrence report is completed in appropriate cases, and in all cases of lost equipment (Lost Property [1619]).

Except for the loss of Service identification, OICs of stations or establishments, or if applicable, commissioned officers are to ensure inquiries are conducted into the circumstances surrounding the loss or damage of Service equipment by members under their control, and ensure a report is completed and forwarded through the chain of command to the district officer/manager for information and overview. The report is to include:

- (i) a description of the equipment including any serial numbers and/or asset numbers;
- (ii) its value or approximate value;
- (iii) whether any money has been or is able to be recovered for the loss or damage from the member concerned;
- (iv) whether the item can be repaired or recovered;
- (v) the reason(s) for the loss or damage; and

(vi) any recommendations that may address the causes of the loss or damage and/or prevent future loss or damage.

If the Service equipment cannot be repaired or recovered and is:

- (i) recorded on SAP;
- (ii) a 'material loss' as defined in the Financial and Performance Management Standard (i.e. equipment valued over \$5000.00); or
- (iii) operational equipment of any value;

the district officer/manager is to forward a copy of the report to their relevant finance and business support officer for recording of the lost or damaged property on the Regional Register of Losses.

Members should report to their respective OIC, any difficulties experienced with the quality, design or defects of operational equipment used by the Service. Reports concerning quality, design or defects of operational equipment are to be forwarded through the usual channels to the Director, Procurement Services Group, Organisational Capability Command.

Members may be required to pay for the cost of any Service equipment lost or damaged as a result of their negligence (refer to the Financial Management Practice Manual for the relevant debt recovery procedures).

Members requesting a replacement following the loss of their Service identification are to comply with s. 4.3.2: 'Service-issued identification' of the MSM.

#### 14.22.5 Equipment management strategies

District officers/managers are to ensure appropriate equipment management strategies are in place to give effect to Service policy and provide a minimum standard for the effective and efficient management of Service equipment at regional, district and station level.

Regional level strategies should include:

- (i) finance and business support officer to record losses of Service equipment recorded on SAP, equipment of a value over \$5000.00 and operational equipment of any value on the Regional Register of Losses;
- (ii) information resource manager to be responsible for the identifying the location of computers within the command/region; and
- (iii) an officer is nominated to inspect 'personal issue' operational equipment of all regional office staff as required by this policy.

District level strategies should include:

- (i) district officers/managers to:
  - (a) monitor losses and damage of equipment reported within their district in QPRIME, to ensure the quality of inquiries being made into the losses or damage;
  - (b) ensure the finance and business support officer is advised of any loss, damage or destruction of Service equipment that is recorded on SAP, valued over \$5000.00 or operational equipment of any value;
  - (c) review loss of equipment reports to ensure adequate investigation has been completed, prior to submission of the report to the finance and business support officer for finalisation; and
  - (d) ensure all stations and establishments within the district are inspected at least once per calendar year by an appropriate delegate and Service equipment management and security is checked;
  - (e) supervise notification and reporting of Service equipment losses within equipment management and divisional performance appraisals; and
  - (f) ensure an officer is nominated to inspect 'personal issue' operational equipment of all district office staff as required by this policy; and
- (ii) crime manager to assist in monitoring losses of equipment reported within their district in QPRIME, and to ensure the quality of inquiries and investigations being made into the losses.

Station/establishment level strategies should include the development of station instructions with provision for:

- (i) station security – including the recording and/or monitoring of visitors to the station including suspects, witnesses, contractors and tradespersons. The level of monitoring will be determined by the access required of the visitor (e.g. if the visitor requires access to the property office, they are to be accompanied by a police officer or suitable staff member);
- (ii) storage of personal issue operational equipment – to be stored in a secure area accessible only by the member concerned and the OIC, when not in use or physical possession of members;



- (iii) the issuing and returning of (signing out and in) operational equipment. Where operational equipment is to be returned at the end of the shift, equipment registers should, where practicable, be counter-signed by the shift supervisor to verify its return and condition;
- (iv) shift supervisors as a minimum reconcile the following equipment either at the commencement or completion of their shift: hand held radios, alcolmeters, speed detection equipment, tasers and vehicles;
- (v) the process to be followed if Service equipment is found to be missing or damaged including a report to be sent to the finance and business support officer to be recorded in the Regional Register of Losses;
- (vi) all operational and general equipment held by their station or establishment to be audited at least twice yearly, or at other times nominated by the district officer, by a nominated compliance officer or equipment officer; and
- (vii) all operational and general equipment of a non-covert nature is inscribed or labelled to clearly show the equipment belongs to the Service and to which station or establishment it is issued to.

## 14.23 Conducted energy weapons (Tasers)

Taser is a brand name weapon in the general category of 'Conducted Energy Weapons' (CEW) with the Service utilising the Taser X26P.

### 14.23.1 Definitions

For the purpose of s. 14.23: 'Conducted energy weapons (Tasers)':

#### Deployment of a Taser

means when the safety lever is in the armed position and the trigger is pressed in either probe or drive stun mode.

Deployment includes firing the Taser:

- (i) in probe mode against a person or animal, or in the direction of a person or animal; or
- (ii) in drive stun mode against a person or animal; or
- (iii) unintentionally discharging the probes in any circumstance (other than during Taser training).

#### Drive stun mode

uses direct contact of the Taser, with or without an air cartridge fitted, to the body or clothing of a person and causes significant discomfort in the area where the Taser is applied.

The drive stun mode can also be used in combination with the probe mode to complete an incapacitation circuit.

For the restrictions on the use of a Taser in drive stun mode see s. 14.23.3: 'Use of Tasers' of this chapter.

#### Multiple cycles

occur in relation to a subject person when the trigger is pressed again following the completion of a single cycle during the same incident or deployment.

#### Presentation of a Taser

includes:

- (i) pointing a Taser in the direction of a person without deploying or firing the probes; or
- (ii) holding/pressing a Taser against a person without deploying or firing the probes.

#### Probe mode

in probe mode a Taser, fitted with an air cartridge, uses propelled probes (darts) and wires to deliver short duration high voltage electrical pulses into the body which affect the sensory and motor functions of the nervous system (Neuro Muscular Incapacitation (NMI)).

#### Single cycle

means the electrical charge emitted by the Taser is programmed to a run for a single (continuous) five second cycle when the trigger is pressed. A single cycle may be shortened by the operator moving the safety lever to the down (safe) position. One full (five second) single cycle is the operational standard for Taser deployment.

## Taser

is a brand name of a weapon in the general category of 'Conducted Energy Weapons' (CEW). A Taser is a hand-held neuro-muscular disruption device capable of temporarily incapacitating a person and causing pain through the application of an electrical current.

Tasers are 'Category R' weapons, as defined in s. 8(f): 'Category R weapons' of the Weapons Categories Regulation.

### Unintentional discharge (UD) of a Taser

means an unintentional deployment of a Taser air cartridge in any circumstance other than during Taser training e.g. during station loading and unloading procedures.

### Use of a Taser

means:

- (i) drawing the Taser out of the holster; or
- (ii) presentation of the Taser; or
- (iii) deployment of the Taser,

in the performance of the officer's duties.

Use of a Taser for reporting purposes does not include:

- (i) use during Taser training;
- (ii) station loading and unloading procedures (including spark testing);
- (iii) administrative tasks (e.g. downloading and storage); and
- (iv) drawing or presentation only against an animal (i.e. not deploying).

The term 'use' includes any and all subsequent actions carried out with the Taser.

### 14.23.2 Taser training

Officers are not to use or carry a Taser in the performance of their duties unless they:

- (i) have successfully completed the relevant Taser training course; and
- (ii) are OST qualified (see s. 14.3.10: 'Operational Skills and Tactics (OST) training' of this chapter).

Officers who successfully complete the Taser training course will need to requalify in the use of a Taser on an annual basis. This annual re-qualification will be undertaken as part of OST (see s. 14.3.10 of this chapter).

The Chief OST Instructor is responsible for ensuring the necessary systems are in place to provide Taser training to nominated officers.

### 14.23.3 Use of Tasers

The X26P Taser has two main capabilities, probe and drive stun mode.

The deployment of a Taser, in either probe or drive stun mode, should be determined by the circumstances existing at the time, bearing in mind the 'Situational Use of Force Model' (see s. 14.3.2: 'Situational Use of Force Model (2016)' of this chapter). Officers are reminded the Service's philosophy of 'Consider all Options and Practise Safety' (COPS) should be embraced when dealing with use of force incidents.

Probe mode is the preferred operational standard for Queensland Police Service Taser operation. In probe mode the electrical charge transmitted by a Taser causes the subject person to experience involuntary muscular contractions (NMI), rendering the person temporarily incapacitated or unable to perform coordinated action until the device is deactivated.

The drive stun mode used in isolation does not cause NMI, operating solely on pain compliance and may not be effective on people who are highly motivated, mentally disordered or drug/alcohol affected.

The drive stun mode may be used in combination with probe mode to complete an incapacitation circuit which may cause NMI.

Officers should only use the minimum amount of force necessary to resolve an incident.

There must be a risk of serious injury to a person before an officer can use a Taser. The decision to apply force or use a Taser is an individual one for which every officer will be held accountable.

Every decision to use force should be the subject of a continuous assessment prior to the application of another use of force.

Officers should consider all the 'use of force' options available to them and all the circumstances of an incident when determining the most appropriate 'use of force' option(s) to be used.

Prior to deploying a Taser in either probe or drive stun mode, officers should:

- (i) where practicable, verbally warn the subject person(s); and
- (ii) be mindful of the area in which the subject may fall, for example on a hard surface. In probe mode the Taser causes temporary incapacitation which may cause the subject to fall down. Injuries may be sustained by the subject where this occurs.

A Taser should not be used in either probe or drive stun mode:

- (i) against persons offering passive resistance (e.g. refusing to move or offering little or no physical resistance and refusing to comply with police instructions. A person acting as a dead weight or requiring an officer to lift, pull, drag or push them to maintain control);
- (ii) against persons handcuffed unless exceptional circumstances exist;
- (iii) as a crowd control measure (e.g. for crowd dispersal at a demonstration or industrial dispute);
- (iv) against the occupants of a vehicle or the operator of machinery where there is a danger of the vehicle or machinery going out of control and injuring the occupants or other people;
- (v) against children or persons of particularly small body mass, except in extreme circumstances where there is no other reasonable option to avoid the imminent risk of serious injury;
- (vi) against females suspected on reasonable grounds of being pregnant, except in extreme circumstances where there is no other reasonable option to avoid the imminent risk of serious injury;
- (vii) near explosive materials, flammable liquids or gases due to the possibility of ignition;
- (viii) punitively for purposes of coercion or as a prod to make a person move;
- (ix) to rouse unconscious, impaired or intoxicated persons;
- (x) on persons where there is a likelihood of significant secondary injuries (particularly concussive brain injury) from a fall (e.g. standing on a ladder or other elevated position); or
- (xi) on elderly persons, except in extreme circumstances where there is no other reasonable option to avoid the imminent risk of serious injury.

A Taser should not be used in drive stun mode except:

- (i) in extreme circumstances where there is no other reasonable option to avoid the risk of serious injury; or
- (ii) when it is used in combination with the probe mode to complete an incapacitation circuit.

### **LED lights and laser**

The LED lights and laser are only to be used to aid in aiming and are not to be used for any other purpose. The laser sight should not intentionally be aimed at the eyes of the subject.

### **Deployment of a Taser**

A Taser deployment is characterised by a single five second cycle in either probe or drive stun mode. Officers are to use the Taser on persons by application of a single five second cycle. Any deployment of a Taser on an individual beyond this single five second cycle is considered a 'multiple deployment'.

Additional cycles may be applied in justifiable circumstances after the officer has reassessed the situation prior to each additional cycle.

Officers should be aware there may be technical or physiological reasons why the device is not working as expected on a particular individual. Therefore, if the initial application of the Taser in either probe or drive stun mode is not effective, officers should reassess the situation and consider other available use of force options.

Officers should be aware multiple deployments of a Taser have been linked to deaths, particularly where:

- (i) use of a Taser was accompanied by the use of restraints or chemical incapacitant sprays (e.g. OC spray);
- (ii) subjects had underlying health problems such as heart conditions or mental illness;
- (iii) subjects were under the influence of drugs and/or alcohol;
- (iv) subjects were struggling violently for a sustained period; or
- (v) a combination of these factors existed.

There are cases where persons exposed to the effects of Taser have died sometime after being exposed. It is recognised there are circumstances where the only alternative may be the use of a potentially lethal use of force e.g. firearm or where the deployment of the Taser irrespective of the additional risk is absolutely necessary to protect life.

Officers should be aware Indigenous people are more likely to suffer from underlying health problems such as heart disease, lung disease and other illnesses increasing their risk of experiencing adverse health effects when a Taser is deployed against them.

#### ORDER

Where practicable, officers are not to deploy a Taser in either drive stun or probe mode on a person who has just been subjected to deployment of OC spray.

### 14.23.4 Use of more than one Taser

Officers should not deploy two or more Tasers on the one person at the same time.

### 14.23.5 Using the Taser on people who are suspected mentally ill

Occasions will arise where it is necessary to use the Taser on a person who is exhibiting violent behaviour and who is also suspected of suffering from a mental disorder or illness. When responding to a mental health incident, officers are to ensure QAS assistance is requested and where possible, discuss options with mental health professionals.

See also the following sections of this Manual:

- (i) s. 6.6.1: 'Dealing with mental illness generally';
- (ii) s. 6.6.13: 'Mental health intervention coordination and training';
- (iii) s. 14.3.6: 'Acute psychostimulant-induced episode and excited delirium';
- (iv) s. 14.3.7: 'Post arrest collapse (medical risk factors)'; and
- (v) s. 14.3.8: 'Monitoring restrained prisoners (positional asphyxia)'.

### 14.23.6 Special precautions to avoid eye and head injuries

There is a specific risk of injury to the eye through penetration of a probe. Probe penetration in the neck or head may also increase the level of injury.

Tasers should not be aimed so as to strike the head or neck of a subject unless this is unavoidable.

### 14.23.7 Probe removal and disposal

Where probes are imbedded in sensitive tissue areas (e.g. neck/throat, face, breast or groin) medical aid should be sought to remove the probes.

If required, the officer who deployed the Taser is to ensure first aid and/or medical attention is provided to the subject person, as necessary.

An OIC of a station or establishment should ensure suitable probe removal and disposal equipment (i.e. protective gloves, sharps container, alcohol wipes/swabs and band aids) are available in all operational vehicles under their control.

When medical attention or treatment is required, the deploying officer should notify the Duty Officer, Police Communications Centre (PCC) Brisbane, or in areas outside of those covered by PCC Brisbane, the communications coordinator of the relevant PCC, and request the attendance of the Queensland Ambulance Service (QAS). Where it is impractical to obtain the attendance of the QAS, the officer should arrange to have the subject person taken to the nearest facility providing medical attention.

See s. 16.13.1: 'Assessment of prisoners' and Appendix 16.1: 'The assessment of prisoners and persons in custody' of this Manual.

### 14.23.8 Reporting the use of a Taser

For the definition of use of a Taser see s. 14.23: 'Conducted Energy Weapon (Taser)' of this chapter.

#### Advising Police Communications

After an incident involving the use of a Taser, the officer who used the Taser is to notify as soon as practicable:

- (i) the Duty Officer, Police Communications Centre (PCC) Brisbane to ensure the incident is recorded on the CAD system; or
- (ii) in areas outside those covered by PCC Brisbane, the communications coordinator of the relevant PCC to note on the CAD system or their running log as the case may be; or
- (iii) in areas where no police communications centre exists, the supervising commissioned officer or OIC for the time being of the station responsible for policing the area where the incident has occurred.

The Duty Officer, communications coordinator, supervising commissioned officer or OIC notified of an incident involving a Taser is to advise the appropriate regional duty officer (RDO), patrol group inspector (PGI) or district duty officer (DDO).

### **QPRIME use of force report**

After an incident involving the use of a Taser (drawing out of the holster, presentation or deployment), the officer who used the Taser is to, within 24 hours of the creation of the relevant QPRIME occurrence, ensure a 'Use of Force Report' is furnished. If the officer is incapacitated, their supervisor is to ensure a 'Use of Force Report' is completed in the relevant QPRIME occurrence (see s. 14.3.9: 'Use of force reporting' of this chapter).

### **Significant event message by exception**

The RDO, PGI, DDO or supervisor may, by exception, require a significant event message be submitted for incidents involving the use of a Taser against a person (see also s. 1.18: 'Significant events' of this Manual).

### **Unintentional discharge of a Taser**

An officer unintentionally discharging a Taser is to:

- (i) submit a QPRIME 'Use of Force Report' outlining the circumstances of the incident;
- (ii) notify their shift supervisor and OIC of the incident (and/or DDO/RDO per local SOPs);
- (iii) in the case where any person was the subject of an unintentional discharge in either probe or drive stun mode, or significant damage to property was caused by the deployment, a significant event message is to be generated. Data from this device is to be uploaded into Evidence.com using Evidence.sync within 72 hours in accordance with s. 14.23.12: 'Downloading data from a Taser' of this chapter;
- (iv) the Shift Supervisor (or OIC, DDO or RDO) will then make inquiries to establishing the cause of the incident (e.g. memory lapse, lack of proficiency of Taser user, mechanical failure, operational issues, deliberate disregard of established policies or protocols, deliberate misuse of Taser); and
- (v) the Shift Supervisor (or OIC, DDO or RDO) will make a recommendation on how the matter will be dealt with (e.g. officer not permitted to use a Taser until further training undertaken, managerial guidance, sent for formal investigation re: misuse).

### **Taser overview/review**

Where an officer has deployed a Taser, the deploying officer's OIC is to:

- (i) ensure a QPRIME 'Use of Force Report' and, where applicable, significant event message has been submitted in relation to the incident; and
- (ii) overview the incident to determine whether the use of the Taser was in accordance with Service policy and procedures.

Where practicable, the overview should include a face-to-face meeting between the OIC (or supervisor) and the officer who deployed the Taser.

All incidents involving the deployment of a Service Taser will be reviewed by the relevant district officer who will consider any deployment of a Taser within 72 hours of the event (for the definition of district officer see **SMD**). See also s. 14.23.14: 'Review of Taser incidents' of this chapter.

If the deployment of the Taser was inappropriate or not in accordance with Service policy, see s. 6A.1: 'Duty concerning misconduct or breaches of discipline' of the PSAA and 'Complaints Management' of the Ethical Standards Command webpage of the Service Internet.

### **14.23.9 Carriage of a Taser**

Qualified officers performing operational duties should, where appropriate, carry a Taser, if one is available.

Members are not to leave a Service Taser unattended in a vehicle or other place without good and sufficient reason.

This may include:

- (i) members having to attend a situation where the carriage of a Taser poses a risk to security or safety (e.g. riot, serious street disturbance or authorised assembly);
- (ii) where the Taser restricts operational activity, e.g. members being involved in a rescue operation; or
- (iii) where it is necessary for special operational situations or circumstances (e.g. hostage or suicide negotiations).

### **Carriage of Taser by plain clothes officers**

Qualified officers performing plain clothes duties may carry a Taser, if it is appropriate to the duties they are performing.

If a Service Taser can be viewed by the public, plain clothes officers should carry their identification badge in a position clearly visible to members of the public.

### **Carriage of conducted energy weapon on aircraft and at airports**

Officers who intend to carry conducted energy weapons on commercial passenger airlines/prescribed aircraft, at airports, and on Queensland Government Air (QGAir) aircraft, are to comply with s. 14.11: 'Carriage of firearms,



ammunition, handcuffs, batons, conducted energy weapons and Oleoresin Capsicum (OC) spray etc. on aircraft and at airports' of this chapter.

### **Carriage of Tasers in court**

Officers should not wear or carry a Taser, other than as an exhibit, in court unless:

- (i) authorised by the presiding magistrate or judge. This includes an officer performing duty as a court orderly; or
- (ii) they are responding to an incident within those premises.

### **Carriage of Tasers in watchhouses**

Officers may carry Tasers in watchhouses. As with batons, oleoresin capsicum spray and handcuffs, there is no requirement for an officer to remove and store a Taser prior to entering a watchhouse.

### **Carriage of Tasers in correctional centres and detention centres**

Officers are to hand all Tasers to the correctional officer on duty at the entrance to a correctional centre or detention centre for safe keeping (see s. 128: 'Taking prohibited thing into corrective services facility or giving prohibited thing to prisoner' of the *Corrective Services Act*), unless prior authorisation or approval has been obtained by the Chief Executive, Queensland Corrective Services, to take weapons into a correctional centre or detention centre.

Officers are to inspect all Tasers returned prior to leaving a correctional centre or detention centre to ensure they are undamaged.

See also s. 14.14.1: 'Carriage of firearms and ammunition in correctional centres and detention centres' of this chapter.

### **Carriage of Tasers in hospitals**

Officers should exercise their discretion with regard to the carriage of a Taser within the confines of an authorised mental health high security unit, or medium security unit (see s. 14.13: 'Carriage of firearms in mental health units or hospitals' of this chapter).

#### **14.23.10 Storage**

Each member accessing a safe provided by the Service for the storage of Tasers is to ensure the safe is securely locked immediately after use.

Officers taking out or returning Taser equipment to its storage facilities are to complete the registers provided by the station or establishment.

See s. 14.22: 'Responsibility for Service Equipment' of this chapter for requirements for storage of operation equipment generally.

#### **14.23.11 Taser repairs and replacement**

Tasers which are damaged, defective or otherwise require servicing are to be forwarded to the QPS Armoury, Wacol.

#### **14.23.12 Downloading data from a Taser**

For X26P Taser see Part 17: 'Downloading and Syncing' of the Conducted Energy Weapon – Taser Good Practice Guide.

#### **14.23.13 Officer in charge and district officer responsibilities**

The OIC of a station or establishment are to:

- (i) ensure an inspection of Tasers, air cartridges and other ancillary equipment under their control, is carried out on a monthly basis. Particulars of these inspections are to be recorded in a register kept for this purpose. (see Taser Risk and Compliance Guidelines). The OIC of a region and command may authorise inspections of Tasers and ancillary equipment to be undertaken at other specified time intervals in conjunction with local risk management practices;
- (ii) implement compliance/management practices at a local level ensuring data is downloaded from all station Tasers at least every 3 months. A sample of the data is to be cross-checked against the Taser register to identify any discrepancies. Where an OIC identifies a discrepancy are to as soon as practicable:
  - (a) advise their supervisor; and
  - (b) commence an investigation; and
- (iii) immediately report to the district officer or other supervising commissioned officer the loss of, any damage or defect to, or any unsatisfactory condition relating to Service Taser equipment and comply with the provisions of the Financial Management Practice Manual in relation to any losses and, where appropriate, the recovery of debts resulting from the loss or destruction or damage to property while in the care of members; and

(iv) when aware of the necessity for the repair or replacement of a damaged or defective Taser, follow the procedure contained in s. 14.23.11: 'Taser repairs and replacement' of this chapter.

Where a damaged Taser requires repair or replacement, the OIC of a station/establishment is to:

- (i) make arrangements with the QPS Armoury, Wacol for the Taser's return; and
- (ii) where the Taser requires replacement, complete a QP 0413: 'Requisition for weapons/restricted item'.

The OIC of the respective district or command training office is to determine whether to keep the Taser at their office for training purposes or to return the Taser to the QPS Armoury, Wacol. The Armoury is to be notified of any permanent or long-term change of the Taser location so the Weapons Asset Control System (WACS) can be updated.

Where possible, the information recorded on a Taser is to be downloaded prior to forwarding the device to the QPS Armoury, Wacol (see s. 14.23.12: 'Downloading data from a Taser' of this chapter).

When a Taser is forwarded to the QPS Armoury, Wacol, any costs involved in the inspection, testing, repair or replacement of the equipment are to be met by the requesting region or command.

### **Providing information from Taser downloads**

Where a Taser is deployed in either mode, the relevant district officer or manager is to ensure as soon as practicable but within 72 hours, the Taser's data is uploaded into Evidence.com using Evidence.Sync.

Where Ethical Standards Command (ESC) or the Crime and Corruption Commission assumes responsibility for investigation of a matter involving a Taser, the data upload is not to be conducted without the approval of the Superintendent, Internal Investigations Group, ESC.

### **Taser information required for other purposes (investigation and court)**

Where a Taser has been damaged or is defective and the information recorded in the Taser needs to be extracted for investigation, the officer requiring the information is to contact the Armoury Supervisor.

Where download information is required for court purposes, the officer should contact the Inspector, Operational Training Services for advice.

### **Recording of Taser equipment**

The Inspector in charge of the QPS Armoury is responsible for ensuring the following information is recorded on WACS:

- (i) the district, or other organisational unit within the Service, each Taser and air cartridge is issued to;
- (ii) the serial number of each Taser and air cartridge; and
- (iii) the date of issue.

District officers or other organisational units are to maintain a local register of Taser equipment within their area of responsibility. Particulars to be recorded include:

- (i) the date of receipt of each item;
- (ii) the station or establishment each Taser and air cartridge are issued to;
- (iii) the serial number of each Taser and air cartridge; and
- (iv) the date, reason and method of disposal for each item.

The OIC of a station or establishment is to maintain a local register of all Taser equipment issued to their station or establishment. Particulars to be recorded include:

- (i) the date of receipt of each item;
- (ii) the serial number of each Taser and air cartridge;
- (iii) the expiry date of each air cartridge;
- (iv) the date each Taser and air cartridge was last inspected; and
- (v) the date, reason and method of disposal for each item.

### **Issue and return register**

The OIC of a station or establishment is to maintain a local register to record the issuing and return of Taser equipment after each shift. The QPB 70: 'Taser Issue and Return Register' should record:

- (i) the time and date of signing the equipment in and out;
- (ii) the serial number of each Taser and air cartridge taken/returned;
- (iii) officer details including signature; and
- (iv) a comment section to record the condition of the Taser and air cartridges when returned and any damage, defect or unsatisfactory condition identified.

All registers are to be accurately maintained and updated to reflect the acquisition, transfer or disposal of Tasers and air cartridges within the Service.

### 14.23.14 Review of Taser incidents

All incidents involving the deployment of a Service Taser will be reviewed by the relevant district officer (see SMD), who will consider any deployment of a Taser within 72 hours of the event.

#### Debriefing

Where a Taser has been deployed during a shift, supervisors or DDO's are to include the use of the Taser as part of the shift debriefing (see s. 1.4.6: 'Responsibilities of regional duty officer, district duty officer and shift supervisor' of this Manual).

## 14.24 Priority codes

The priority code policing process establishes a method for determining whether to initiate an immediate response to a call for service or to implement an alternative expectation strategy based on the nature of the call for service and the availability of operational resources. This may include the allocation of tasks to officers who do not usually operate in a first response capacity.

### Receiving calls for service

Members receiving calls for policing services are to ensure that:

- (i) relevant information is recorded in accordance with s. 1.6.1: 'Recording initial demand' of this Manual; and
- (ii) particulars of the call are referred to an officer for verification and tasking (a '**tasking officer**').

### Tasking officers

Assistant commissioners (AC) of regions and commands are to ensure:

- (i) suitable tasking officers are identified for all areas under their control. Regional Instructions are to nominate specific officers or holders of particular positions to fill the role of tasking officer. Tasking officers may be nominated to have responsibility for tasking within a geographical area or within an organisational unit depending on the requirements of the relevant region or command;
- (ii) generally, a tasking officer will be an officer with responsibility for assigning priority codes in accordance with s. 14.24.1: 'Priority codes' of this chapter. The responsibility for tasking, and the authority to issue associated directions, in any particular case should be clearly defined to avoid the potential for confusion as to an officer's responsibility and authority as a tasking officer;
- (iii) appropriate arrangements are made with the OIC of neighbouring regions to establish processes by which operational resources may be assigned to calls for service in neighbouring regions; and
- (iv) procedures are established within their area of responsibility to resolve issues arising as a result of tasking decisions (e.g. the tasking of units previously allocated to a particular activity to other calls for service). In all circumstances, priority is to be given to responses to calls for service involving a threat to personal safety.

The role of a tasking officer is to:

- (i) allocate priority codes to calls for service in accordance with s. 14.24.1: 'Priority codes' of this chapter; and
- (ii) direct officers to attend calls for service in accordance with the priority policing process.

A tasking officer need not be the most senior officer and for the purposes of directing officers to attend to calls for service has the authority to direct all officers subject to any limitations established in Service or regional policy.

Tasking decisions of a tasking officer are not to be disputed by members receiving the tasking. Members who wish to query a tasking decision are to attend the tasking as directed and may raise the issue in accordance with regional arrangements.

In cases where an officer or officers are tasked to attend a call for service in circumstances that would place the officer at unreasonable risk (e.g. officers who are not OST qualified being directed to attend a violent incident), the officer should immediately advise the tasking officer. Tasking officers should act upon such advice to ensure, as far as practicable, that additional or alternative resources are tasked to mitigate such risk.

For the purpose and application of this section, a tasking officer may be:

- (i) a communications room supervisor where a Police Communication Centre (PCC) is operational including the Duty Officer at Brisbane PCC;
- (ii) an authorised officer of a District Tasking and Coordination Centre (DTACC);
- (iii) a police operational advisor at Policelink; or

(iv) an OIC or an officer nominated by the AC of the region/district/division where a PCC or DTACC does not exist.

### Priority policing process

Tasking officers receiving details of calls for policing services are to:

- (i) determine whether the call relates to a threat to personal safety or property security;
- (ii) in the case of threats to personal safety or property security, establish whether the call indicates a known threat, a potential threat or a perceived threat;
- (iii) direct officers to attend to the call for service or initiate an alternative expectation strategy based on the application of the priority policing process. See the priority policing process flowcharts contained in Appendixes 14.4: 'Threats to Personal Safety', 14.5: 'Threats to Property Security' and 14.6: 'Other Calls for Service' of this chapter; and
- (iv) ensure that organisational boundaries do not impede an appropriate and timely response to calls for service. Where no officers are available within a tasking officer's area of responsibility and an immediate response is required, the tasking officer should request a tasking officer in a neighbouring area, in accordance with relevant regional arrangements, to direct officers from that area to attend the call for service. Tasking officers receiving requests for assistance from tasking officers in other areas are to ensure that officers are directed to attend the call for service in accordance with the priority policing process and regional arrangements.

#### 14.24.1 Priority codes

Job tasking is assigned one of five priority codes by members under the supervision of:

- (i) the communications room supervisor of a Police Communications Centre (PCC);
- (ii) a member of a District Tasking and Coordination Centre (DTACC);
- (iii) a member of the Policelink Group (police operational advisor or team leader);
- (iv) in places where no PCC or DTACC exists, the OIC of the station where the information requiring the attendance of police is received; or
- (v) the Inspector, SERT, where due to the type or methodologies of the duties being performed, it is not practical to obtain a priority code as outlined in paragraphs (i) to (iv) above.

To ensure that officers are aware of the degree of urgency required in attending an incident, complaint, request for assistance, or other matter, the following priority codes are allocated:

- (i) Code 1 – for very urgent matters when danger to human life is imminent;
- (ii) Code 2 – for urgent matters involving injury or present threat of injury to person or property;
- (iii) Code 3 – for direct response;
- (iv) Code 4 – for alternate resolution; or
- (v) Code 5 – for no police tasking.

#### 14.24.2 Criteria for assigning a priority code

A member assigning a priority code to a task should use the following guidelines:

Code 1 – 'Very Urgent' – may be assigned in the following circumstances where:

- (i) danger to human life is imminent; or
- (ii) an officer/s or member/s of the public is in need of immediate help in circumstances where life is actually and directly threatened and there is an imminent danger to human life.

(See also s. 15.3.3: 'Use of flashing warning lights and siren' of this Manual)

Code 2 – 'Urgent' – may be assigned in the following circumstances:

- (i) incidents similar to those above and any other urgent situations (e.g. escaping prisoners) without the element of imminent danger to human life being apparent;
- (ii) in any other urgent situation when it is known that danger to human life is not imminent; or
- (iii) incidents involving injury to a person or present threat of injury to a person or property.

(See also s. 15.3.3: 'Use of flashing warning lights and siren' of this Manual)

Code 3 – 'Direct Response' – may be assigned to all other matters which are considered as not requiring classification of Code 1 or 2, however a direct police response is required. This may include the following circumstances:

- (i) the incident is happening now, and persons involved in the incident are still present; and
- (ii) the incident may escalate if police do not attend the incident location now; or
- (iii) evidence of a crime is present at the incident location which is likely to be lost if police do not provide a timely response.

(See also s. 15.3.2: 'Urgent duty driving not permitted for priority code 3 and 4' of this Manual)

Code 4 – 'Alternate Resolution' – assigned to calls for service in accordance with District Tasking and Co-ordination Centre response capabilities, to establish the most efficient method available to resolve an incident, when police attendance is not time critical.

- (i) parameters for options for alternate resolution include:
  - (a) incidents which do not require an immediate response; and
  - (b) incidents which are not currently occurring; and
  - (c) no person is in danger
- (ii) resolution options may consist of:
  - (a) incoming Appointment
  - (b) outgoing Appointment
  - (c) telephone Resolution

Code 5 – 'No Police Tasking' – incidents where upon application of the Demand Management Framework – SOLVE, it is established that police attendance would not impact, prevent, resolve, influence or is a requirement for the incident.

#### ORDER

The member responsible for assigning a priority code to a task is to:

- (i) assign a code to the task ensuring the information is recorded in a way that meets the minimum requirements of NOTICES and SOLVE in accordance with service policy;
- (ii) change the code as circumstances and information warrant; and
- (iii) advise the member responsible for transmitting the task of the assigned code for that task and any change to that code.

The member responsible for transmitting the task and code is to notify the member assigned the task of the priority code for the task and any change to that code.

Officers are not to alter or upgrade allocated priority codes unless directed by a member responsible for assigning priority codes.

#### 14.24.3 Negotiated response

A 'negotiated response' is a method by which calls for service from a client may be prioritised through negotiation.

A negotiated response agreement exists when a member of the Service and a client have agreed to respond to an incident in a specified manner.

The aim of negotiated response agreements is to promote better management of police resources.

In this section the term:

- (i) '**relevant member**' means a member of the Service authorised under the provisions of a Regional/Command/District negotiated response policy to enter into negotiated response agreements; and
- (ii) '**client**' means a person who reports an incident to police or requests police assistance. The term includes a person representing any organisation, company or body.

#### 14.24.4 Outcomes of negotiated response agreements

##### POLICY

Negotiated response agreements are to result in a definite course of action being agreed between the relevant member and the client.

Examples of appropriate outcomes of a negotiated response agreement include:

- (i) the client reporting the incident at a nominated police station when it is open or on the next working day;
- (ii) the client attending at and reporting the incident immediately at the nearest 24 hour police station; or



(iii) if the nature of the incident is such that the attendance of an officer at a time acceptable to the Service and the client is suitable, the recording of particulars and giving an undertaking to the client that an officer will attend as agreed. Where Regional/Command/District negotiated response policies allow a single officer patrol to attend, that option should be considered.

#### **14.24.5 Approval of Regional/Command/District negotiated response policies**

Proposed Regional/Command/District negotiated response policies are to be submitted by the relevant assistant commissioner to the relevant regional deputy commissioner, for approval prior to implementation.

Upon receiving approval to implement a negotiated response policy, OICs of Regions/Commands/Districts are to ensure:

- (i) members of the affected community are advised of the nature of the negotiated response policy and the police response alternatives;
- (ii) members are provided with suitable training in the use of the applicable negotiated response policy; and
- (iii) Regional/District instructions are developed to ensure that the negotiated response policy is applied with consistency.

#### **14.24.6 When negotiated response agreements may be entered into**

##### POLICY

Subject to the requirements of a Regional/Command/District negotiated response policy, incidents which would not otherwise be assigned a priority classification of 'Code 1 – Very Urgent' or 'Code 2 – Urgent' may be considered for a negotiated response.

Negotiated response agreements may be entered into with a client who;

- (i) personally attends a police station or establishment;
- (ii) telephones a police station, establishment or police communications centre; or
- (iii) by prior arrangement, as part of an approved Regional/Command/District negotiated response policy, sends an approved form to a police station or establishment.

Negotiated response agreements may be entered into when:

- (i) the relevant member is satisfied that:
  - (a) a negotiated response is an appropriate method of responding to the call for service;
  - (b) the wishes of the client are considered and met; and
  - (c) the client understands the negotiated response agreement; and
- (ii) the client and the relevant member have agreed that immediate police attendance is not required, and an alternative method of reporting the incident has been agreed to.

##### PROCEDURE

In considering whether a negotiated response is an appropriate method to respond to a call for service, members receiving such calls should ascertain the following information relating to the incident and, unless they are relevant members, convey that information to a relevant member:

- (i) informant/complainant/witness details, including name, address, current location and telephone number;
- (ii) the nature of the incident;
- (iii) the time the incident occurred or whether it is still occurring;
- (iv) details of any threat or injury to any persons and any medical assistance required;
- (v) type and value of any property involved in the incident;
- (vi) identification or location of any suspects/offenders;
- (vii) whether any weapons are involved;
- (viii) whether any person involved in the incident is affected by drugs or liquor;
- (ix) the nature of any nuisance or risk to the public caused by the incident; and
- (x) regularity or frequency of the incident.

#### **14.24.7 When negotiated response agreements may not be entered into**

##### POLICY

A negotiated response agreement is not to be entered into when:

- (i) all relevant information cannot be obtained or clarified;
- (ii) the relevant member believes that a negotiated response is not appropriate, regardless of the wishes of the client; or
- (iii) the client does not wish to enter into a negotiated response agreement.

In such cases the call for service is to be allocated an appropriate priority code.

A relevant member who enters into a negotiated response agreement, which requires that an officer attend a location at a specified time, is to ensure that details of the negotiated response agreement are recorded in accordance with s. 1.6.1: 'Recording initial demand' of this Manual.

#### **14.24.8 Procedures to be adopted when negotiated response agreements cannot be fulfilled**

##### POLICY

If, as part of a negotiated response agreement, a relevant member and a client agree that an officer or the client would attend a location at a specified time, the client is to be notified of any likely delay or proposed change to the time or location agreed upon. Regional/Command/District negotiated response policies are to assign the responsibility for providing such notification to a suitable member of the Service.

If the conditions of a negotiated response agreement are not met, the original negotiated response agreement ceases to exist. A new agreed response may be negotiated; otherwise an appropriate response code is to be assigned to the call for service.

#### **14.24.9 Single officer patrols**

##### POLICY

Where practicable, single officer patrols should not be tasked to attend incidents involving weapons or disturbances involving a number of offenders, unless they are assisting officers who are already in attendance at such incidents.

District officers are to ensure that where single officer patrols are performed, for example:

- (i) one and two officer stations;
- (ii) traffic enforcement;
- (iii) crime reporting;
- (iv) inquiries; or
- (v) any other operational duty,

that district instructions are implemented within their respective district to minimise identified operational risks, for example:

- (i) single officer patrols;
- (ii) vehicle interceptions; and
- (iii) communication black spots.

See also s. 1.5.3: 'Regional, District and Station/Establishment Instructions' of this Manual.

Officers performing single officer patrols are to familiarise themselves with the relevant district instructions in relation to single officer patrols within their respective district.

## **14.25 Radio communications**

Police two-way communications are approved and licensed by the Australian Federal Government. The issue of the licence is subject to special conditions enabling radio operations to be established state-wide for the distribution and exchange of urgent, important or special information.

A network of police communication centres are established throughout the state to enable constant radio communications with radio equipped motor vehicles, vessels, aircraft and portable (hand-held) transceivers.

#### **14.25.1 GWN talkgroups, radio channels, identification and call signs**

Communications across the State are supported by the Government Wireless Network (GWN) and analogue radio (legacy) networks. All communications made on the radio networks are electronically logged. These details include voice, talkgroup or channel details, time and date of call, and for GWN transmissions the identity and location of the calling unit.

## POLICY

The police communications centres situated throughout the state are authorised to use the call sign 'VKR'. To conduct operations in the various areas across the state, talkgroups (GWN), radio channels (analogue network) and call signs are allocated by the Commander, Communications Group, Road Policing and Regional Support Command. Call signs are allocated to police vehicles, vessels or to individual officers, depending on the policing function being performed.

Officers should ensure that they are conversant with the call signs and radio talkgroups or channels used at their location or area of operations.

## ORDER

Officers are to ensure they operate on the correct talkgroup (GWN) or channel (analogue network) for the location they are working in.

**14.25.2 Correct radio procedure**

## PROCEDURE

Officers should ensure that correct radio procedures for all radio transmissions are observed on the radio talkgroups and channels allocated to the Service. Officers should not use superfluous conversation, improper or offensive language when transmitting messages on the Service radio communication network.

The correct format of making a radio transmission is as follows:

- (i) a radio transmission from VKR to a police vehicle/officer should contain the call sign of police vehicle or officer, and the purpose of the transmission. For example, 'VKR to Bravo Echo 400 (purpose of transmission)'; and
- (ii) a radio transmission from a police vehicle/officer to VKR should contain the call sign of the police vehicle or officer and the purpose of the transmission. For example, 'VKR this is Bravo Echo 400 (purpose of transmission)'. See s. 14.25.4: 'Requests for urgent assistance' of this chapter.

In all radio transmissions officers should use where appropriate the International Phonetic Alphabet and use the twenty-four hour time system when referring to time.

**14.25.3 Radio and communication procedures generally**

## POLICY

Where police radio is available, officers should convey critical information to other police officers by radio.

## PROCEDURE

Police Communication Centres (PCC) are responsible for the tasking of police resources and priority dispatching. Officers should ensure the PCC in their area of operations is advised when:

- (i) commencing duty, leaving or returning to a station/establishment, changing tasking availability status and terminating duty;
- (ii) attending an incident (officers should ensure the PCC knows their location and the incident number);
- (iii) finalising an incident. Officers should provide the verified activity code and where necessary, additional information required for reporting purposes;
- (iv) they will be out of radio contact. Officers should provide:
  - (a) an approximate length of time before radio contact will resume;
  - (b) their location; and
  - (c) a contact telephone number;
- (v) intercepting a vehicle, vessel or person. Officers should provide:
  - (a) the registration number or other identifying features of the subject vehicle/vessel; or
  - (b) identifying features of the subject person; and
  - (c) the exact location of the interception; and
- (vi) a person is to be transported in a police vehicle, to record the vehicle odometer reading at the commencement and at the conclusion of the journey.

**Police communications co-ordination and control**

## ORDER

Officers performing duty in an area where a PCC operates are under the control of the relevant PCC for all operational dispatching and tasking.

Officers are to follow all reasonable directions transmitted from a PCC.

Officers are to acknowledge all radio transmissions and broadcasts directed to their allocated call sign.

## 14.25.4 Requests for urgent assistance and remote monitoring

### Verbal requests

#### POLICY

Officers at times may find themselves in situations where they are in immediate or imminent danger and request urgent assistance. The use of a verbal request for urgent assistance provides the police communication centre (PCC) and responding officers with situational awareness. Some circumstances may include:

- (i) where an officer has been injured or where danger to an officer's life is imminent;
- (ii) an officer who is in fear of his or her safety; or
- (iii) requires assistance at an incident which is of an urgent nature.

#### PROCEDURE

Officers should use correct radio procedures when making a request for urgent assistance. A radio transmission should contain the call sign of the police vehicle or officer, the word 'URGENT', the location of the incident and the type of assistance required. For example, 'VKR this is Bravo Echo 400, urgent, at Queen Street, Brisbane, 'Male armed with a knife, I require units to assist'. See s. 14.25.2: 'Correct radio procedure' of this chapter.

Members receiving 'urgent assistance' calls at a PCC or at a police station where there is no police communications centre, are to allocate an appropriate priority code to the response in accordance with the provisions of s. 14.24: 'Priority Codes' of this chapter.

### Duress button

#### POLICY

The Government Wireless Network (GWN) radio equipment is fitted with a 'duress button', which is able to be activated within the GWN radio coverage area when:

- (i) an officer has been injured and where danger to an officer's life is imminent;
- (ii) an officer is in fear for his or her safety; or
- (iii) assistance is required at an incident which is of an urgent nature; and
  - (a) the officer is unable to verbally call for assistance; or
  - (b) due to situational or operational reasons they are unable to make a verbal call for assistance.

Officers should be aware that the activation of the duress button does not provide situational awareness, confirmation of the incident location and there may be limitations with the accuracy of GPS data provided by GWN radios.

#### PROCEDURE

The duress button is to be depressed until two short audible tones are heard. The activation of the duress button will cause audible alarms on radios active on the same talkgroup and on the console in the police communication centre (PCC) controlling the talkgroup.

The PCC operator will manage the duress activation and co-ordinate the response in accordance with Communications Group policy. Radio transmissions should be limited to the PCC and resource in duress to allow the location information data to be received and allowing for the co-ordination of an effective response.

The responsibility for monitoring and responding to duress activations within a specialist, operational or interoperability talkgroup not monitored by a PCC rests with the tactical commander or on scene incident controller.

### Remote monitor – duress activation

The GWN radio equipment is enabled with the ability to allow a PCC operator operating within the GWN network, to activate the remote monitor, allowing all members using the talkgroup to listen to what is occurring at the location of the individual radio in duress (portable or mobile) for a period of 20 seconds.

#### ORDER

Activation of the remote monitor is to be approved by the senior supervisor within a PCC managing the talkgroup or the senior officer managing an operations or specialist talkgroup.

Approval is only to be given in circumstances where an officer has:

- (i) called for assistance over the air; or
- (ii) activated their duress button; and
- (iii) all other means to communicate with the officer or provide assistance have met with negative results.

Prior to activating the remote monitor, the PCC operator is to verbally advise:

- (i) of the intention to activate the remote monitoring function; and

(ii) the details of the authorising officer,  
across the talkgroup.

When a PCC senior supervisor or senior officer managing an operations or specialist talkgroup authorises the use of the remote monitoring functionality, the officer is to ensure a written record of the authorisation is made in the relevant job card, other Service database or in their official police notebook.

All activations of the remote monitor will be subject to audit by the Superintendent, Communications Group to ensure compliance with legislation and policy.

### **Remote monitor – emergency authorisation**

#### **POLICY**

Circumstances may arise which, depending on the nature of the incident that an officer is attending to, may cause concerns for the welfare of the officer if they are not responding to normal radio communications. Section 43: 'Prohibition on use of listening devices' of the *Invasion of Privacy Act* (IPA) allows a communications centre officer to remotely monitor conversations of an officer if the communications centre officer believes on reasonable grounds there may be a risk to the life, health or safety of that officer not responding to a call.

#### **ORDER**

Where no verbal request for assistance or duress activation has been received, but it is reasonably believed:

- (i) an imminent threat of serious violence to a person or substantial damage to property exists;
- (ii) the use of the remote monitor is immediately necessary for the purpose of dealing with the threat; and
- (iii) all other means of communication with the officer or assistance have met with negative results, a district duty officer or where none exist the communications room supervisor (COMCO) may authorise the use of powers under s. 43(2) of the IPA.

Where a COMCO has authorised the use of the remote monitoring under s. 43(2) of the IPA, the communication centre officer is to:

- (i) ensure a written record is made in the relevant job card or Service database of the authorisation; and
- (ii) as soon as reasonable practicable, advise the regional duty inspector or district duty inspector the reasons and outcome of the activation.

All activations of the remote monitor will be subject to audit by the Superintendent, Communications Group to ensure compliance with legislation and policy.

### **14.25.5 Use of activity codes during radio transmissions**

#### **PROCEDURE**

For the purpose of job identification and the reduction of air time during radio transmissions, the appropriate codes listed on the QP 0103H: 'Activity codes (job and description codes)' should be used by officers when making radio transmissions and providing finalisation details.

### **14.25.6 Use of operations talkgroups, interoperable talkgroup and analogue operational talk channels**

#### **POLICY**

Operations talkgroups, interoperable talkgroups and analogue operational talk channels are reserved to enable police to converse directly with each other on work related matters. These radio talkgroups allow a means of communication of official information without interfering with normal radio traffic on the operational channels.

#### **ORDER**

Officers are to ensure that when using a operations talkgroup, interoperable talkgroup and analogue operational talk channel, only information of an official nature is transmitted.

Officers are to notify the police communications centre dispatcher when leaving the main talkgroup to change onto an operations or interoperable talkgroup; inquiry or legacy operational talk channel.

### **Operations talkgroups and legacy channels**

#### **PROCEDURE**

Requests for operations talkgroups (GWN) and legacy channels (analogue) for planned operations should be made direct to the police communications centre (PCC) for the relevant area. The PCC will allocate a talkgroup or channel as required.

### **Multi-agency interoperability**

Multi-agency interoperability is the ability for police, fire and ambulance services to communicate directly with each other on the same radio communications platform and frequency group when attending and manage incidents or events, e.g. managing the response at the scene of a large chemical spill.



## PROCEDURE

The lead agency on-scene incident controller may request an interoperable talkgroup through their communications/operations centre. All agencies must be alerted to the assigned interoperable talkgroup and acknowledge their presence on the talkgroup by identifying their name and agency.

The incident controller requesting the talkgroup is responsible for:

- (i) the on-scene monitoring of the talkgroup;
- (ii) management of duress calls on the talkgroup; and
- (iii) maintaining communications with their communications/operations centre,

for the duration of the event (i.e. until the entire response is completed, which may be several days).

To stand down the talkgroup, the lead agency must advise all agencies on the talkgroup and their communications/operations centre of the closure of the talkgroup.

**Patching/multi-select**

## ORDER

Analogue radio channels are not to be patched or multi-selected to a GWN talkgroup as this removes the end-to-end encryption of the GWN network.

The patching of GWN consoles is not to be done without the prior authorisation of the communications supervisor.

**14.25.7 Repairs to radio equipment**

## ORDER

All portable, mobile, console and associated accessories provided under the GWN contract belong to Telstra/Motorola and are provided to the Service under a managed service contract. Any faults, damage or other issues with GWN equipment are to be reported and managed through the GWN Service Desk (see the 'Government Wireless Network (GWN) Project' webpage on the Service Intranet).

Officers are not to perform any repairs or adjustments to any Service radio or electronic equipment unless they are qualified and authorised by the officer in charge of the region or command which has responsibility of the particular equipment.

**14.25.8 Recording radio transmissions**

## PROCEDURE

Members performing duty at a police communications centre are to ensure that full particulars, including times, location of officers making the radio transmission, call sign, incident number if relevant to the radio transmission, job and description codes, of incoming and outgoing radio transmissions are accurately recorded in a QPB 19: 'Radio log book', QP 0103A: 'Job card' or in an appropriate Service computer system. Transmissions from officers and members that are received at communications centres are to be acknowledged by members at the relevant centre.

**14.26 Use of force options for intercepting offenders in vehicles****Authorising officer**

For the purpose of this section, an authorising officer for the approval of a pre-planned use of force (UOF) action against offenders in a vehicle is:

- (i) commissioned officer, DDO, OIC or shift supervisor; or
- (ii) where appropriate, the OIC or shift supervisor of a relevant communications centre, station or radio base.

## ORDER

Authorising officers are not to authorise a pre-planned UOF against an offender's vehicle unless:

- (i) the district or group has been trained in the pre-planned techniques and the OIC of the district or group has authorised its use; and
- (ii) all involved officers are currently OST training qualified in the UOF option.

**Considerations and responsibilities of authorising officers**

An authorising officer considering approving a pre-planned UOF action against offenders in a vehicle is to:

- (i) confirm the deploying officer(s) are currently OST training qualified in the UOF option;
- (ii) conduct a continual risk and threat assessment (see s. 15.5.3: 'Risk assessment' of this Manual);

- (iii) develop a tactical plan including the allocation and direction of policing resources (including the use of a Polair Queensland helicopter if available) and communicate that plan to all involved officers;
- (iv) conduct a continual risk and threat assessment and upon identifying an unjustifiable risk is developing, or has developed, amend their tactical plan to mitigate the risk or direct the discontinuance of their planned UOF action; and
- (v) make a physical record of their UOF decision.

### Delegation of coordination or control

An authorising officer must also consider if the delegation of the coordination or control of an incident is best conducted by an officer with greater situational awareness (e.g. a shift supervisor who is observing live video downlink from a Polair Queensland helicopter).

Delegation or control does not extend to Polair, Queensland.

If an authorising officer delegates coordination or control, they are to stipulate any specific control measures (e.g. discontinuing actions if an offending vehicle approaches a school zone).

For situational awareness of all officers, all delegations and directions must be conducted over the Service radio.

### Pre-planned UOF options

#### ORDER

Any pre-planned UOF option employed is to be:

- (i) compliant with any relevant Service training or policy including sections:
  - (a) 14.3: 'Use of force';
  - (b) 14.30: 'Use of tyre deflation devices';
  - (c) 15.6.2: 'Other use of force options',

of this Manual;

- (ii) authorised;
- (iii) justified;
- (iv) reasonable / proportionate / appropriate;
- (v) legally defensible; and
- (vi) tactically sound and effective.

A pre-planned UOF option is to use pre-emptive force as detailed in s. 14.26.1: 'Pre-emptive force against an offender in a vehicle' of this chapter.

### Review of incidents against offenders in vehicles

A significant event message is to be submitted for all incidents where a pre-planned UOF action is used against offenders in a vehicle, which results in:

- (i) an injury to any person; or
- (ii) substantial damage to surrounding property,

(see s. 1.18.1: 'Significant event messaging system' of this Manual).

The UOF action is to be reviewed by the OIC or on-road supervisor of the relevant district or group within 72 hours of the event and a report is to be submitted to the significant event review panel overseeing that district or group (see s. 1.17.1: 'Significant event review matter' of this Manual).

#### 14.26.1 Pre-emptive force against an offender in a vehicle

A pre-emptive UOF action is an action against offenders in a vehicle without an overt attempt to intercept the vehicle. Where it is reasonably suspected offenders are in a vehicle, such as a recorded stolen vehicle, an authorising officer may consider approving a pre-planned UOF action that uses pre-emptive force (i.e. a TDD deployment) to assist in the interception of the vehicle.

A pre-emptive interception may be approved where the authorising officer reasonably believes in the circumstances that greater public safety will be achieved, for example:

- (i) a confirmed stolen vehicle is under surveillance;
- (ii) the offender is driving in a continuous dangerous manner without any police involvement; or
- (iii) where the driver is likely to evade police if an interception is attempted causing a risk to the public.

## 14.27 Jack's Law—Use of hand held scanners without warrant in safe night precincts and public transport stations

The *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* ('Jack's Law') commenced on 2 April 2023 and amends the *Police Powers and Responsibilities Act* (PPRA) to extend and expand the trial of hand held scanners in Queensland to 30 April 2025. *Jack's Law* increases the scope of prescribed public areas for scanning to include all 15 safe night precincts and all public transport stations, including public transport vehicles; and strengthen the criteria that a senior police officer must consider before authorising the use of a hand held scanner.

Members of the Service authorising the use of hand held scanners and exercising a power under *Jack's Law* are required to act or make decisions in a way that is compatible with human rights; and in making a decision, properly consider any human rights relevant to the decision (see s. 1.2: 'Human Rights and Policing' of this Manual). Members are also required to comply with the safeguards under s. 39H: 'Safeguards for exercise of powers' of the PPRA.

### Hand held scanners

The Service issued Garrett THD hand held scanner is to be used for the trial. OICs are to ensure that hand held scanners issued to their station or establishment are recorded in a local asset or equipment register. OICs of stations and establishments where hand held scanners are issued are to comply with s. 14.22: 'Responsibility for Service equipment' of this chapter and s. 2.3.3: 'Station equipment' of the Management Support Manual.

### District or local instructions

District officers or OICs of stations or establishments are to ensure instructions are developed for operationalising *Jack's Law* within their area of responsibility (see s. 1.5.3: 'Regional, district and station/establishment instructions' of this Manual).

### Definitions

For the purposes of this section:

#### Hand held scanner

Schedule 6: 'Dictionary' of the PPRA provides, hand held scanner (HHS) means a device that may be passed over or around a person or the person's belongings to detect metal or other substances.

#### Hand held scanner authority

Section 39C(4) of the PPRA provides an authority issued under this section is a hand held scanner authority.

#### Hand held scanner information notice

See s. 39I: 'Meaning of hand held information notice' of the PPRA.

#### Public transport vehicle

Section 39A 'Definitions for part' of the PPRA provides, a public transport vehicle means the following vehicles, within the meaning of the *Transport Operations (Passenger Transport) Act*—

- (a) a train or other public passenger vehicle being operated by a railway manager or railway operator;
- (b) a light rail vehicle or other public passenger vehicle being operated by a light rail manager, or light rail operator, for a light rail;
- (c) a bus or other motor vehicle being used for a general route service;
- (d) a ferry being used for a general route service.

#### Public transport station

Section 39B: 'Meaning of public transport station' of the PPRA provides, a public transport station –

- (a) is a station, platform or other structure for the taking on and letting off of passengers of public transport vehicle; and

*Examples—*

The following stations, platforms or other structures within the meaning of the *Transport Operations (Passenger Transport) Act 1994* —

- a railway station or platform;
- a light rail station or platform;
- facilities for passengers to interchange between the same or different modes of transport, for example, the Cannon Hill bus interchange and the Roma Street busway/railway interchange;

- a bus station;
- a bus stop, including the area in the immediate vicinity of the bus stop;
- a jetty or other structure at which a ferry makes a scheduled stop for a ferry service, and any associated structure.

(b) includes—

(i) car parks and set-down facilities for passengers of a public transport vehicle that makes scheduled stops at the station, platform or structure; and

(ii) another structure or facility for the use or convenience of passengers of a public transport vehicle that makes scheduled stops at the station, platform or structure; and

*Examples of other structures or facilities—*

overhead or underground walkways between platforms, footpaths, seating

(iii) landscaping associated with the station, platform or structure.

#### **Relevant place**

Section 39C: 'Use of hand held scanner authorised by a senior police officer' of the PPRA provides in part,

(1) A senior police officer may authorise the use of a hand held scanner—

(a) in a safe night precinct (a *relevant place*); or

(b) at a public transport station and on public transport vehicles travelling to and from the station (each also a *relevant place*).

#### **Senior police officer**

Pursuant to s. 39A 'Definitions for part' of the PPRA a senior police officer means –

(a) a police officer of at least the rank of inspector; or

(b) a police officer of at least the rank of senior sergeant authorised by the commissioner to issue an authority under this part.

#### **Safe night precincts**

See s. 3B: 'Safe night precincts' of the Liquor Regulation.

#### **Travelling to and from**

Section 39C(3): 'Use of hand held scanner authorised by senior police officer' of the PPRA provides, for subsection (1), travelling to and from a public transport station means travelling within 1 scheduled stop in any direction of that public transport station.

#### **Use**

Section 39A of the PPRA provides use a hand held scanner in relation to a person, means to pass the hand held scanner in close proximity to the person or the person's belongings.

### **14.27.1 Senior police officers for *Jack's Law***

For the purposes of s. 39A: 'Definitions for part' of PPRA, the following inspectors are senior police officers permitted to authorise the use of hand held scanners:

- (i) inspector, patrol group;
- (ii) inspector, specialist services coordinator; and
- (iii) RDO.

For the purposes of s. 39A 'Definitions for part' of PPRA, the following senior sergeants are authorised by the Commissioner as senior police officers permitted to authorise the use of hand held scanners:

- (i) senior sergeant, DDO;
- (ii) senior sergeant, OIC of a station with direct responsibilities for the location where an authorisation is sought;
- (iii) senior sergeant, OIC Railway Squad; and
- (iv) senior sergeant, district tactician.

## Training requirements

### ORDER

A senior police officer for *Jack's Law* is not to issue a hand held scanner authority unless they have successfully completed 'QC1952\_01 Jack's Law—Hand Held Scanner (Senior Police Officer)' OLP, available through IGNITE.

### 14.27.2 Criteria for issuing a hand held scanner authority

When contemplating issuing of a hand held scanner authority, a senior police officer is to consider the following 2 sequential criteria: operational factors and the legislative requirements in *Jack's Law*.

#### Operational factors

Prior to issuing a hand held scanner authority, the senior police officer is to assess whether the existing operational factors within their area of responsibility are suitable for conducting a hand held scanning activity at a relevant place, including available resources, planned events, unplanned events, and time of day (see ss. 1.5.2: 'Operational planning action plans, operational orders, briefings and debriefings' and 1.5.4: 'Shift taskings and statement of objectives and outcomes' of this Manual).

A senior police officer is not to issue an authority if the existing operational factors within their area of responsibility are not suitable for conducting a hand held scanning activity. If existing operational factors are suitable, then the senior police officer must consider the legislative requirements.

#### Legislative requirements

Pursuant to s. 39C 'Use of hand held scanner authorised by senior police officer' of the PPRA, a senior police officer may authorise the use of a hand held scanner only if:

- (i) the evidentiary test in s. 39C(2)(a) of the PPRA is met; and
- (ii) the subjective test in s. 39C(2)(b), (c) of the PPRA are considered.

#### The evidentiary test

Section 39C(2)(a) of the PPRA provides –

- (2) the senior police officer may issue an authority only if—
  - (a) any of the following happened at the relevant place in the previous 6 months—
    - (i) at least 1 offence was committed by a person armed with a knife or other weapon;
    - (ii) at least 1 seven year imprisonment offence against the Criminal Code involving violence against a person was committed;
    - (iii) more than 1 offence against the *Weapons Act 1990*, section 50(1) or 51(1) was committed; and

#### Notes—

- (1) The *Weapons Act 1990*, section 50 makes it an offence for a person to unlawfully possess a weapon.
- (2) The *Weapons Act 1990*, section 51 makes it an offence for a person to physically possess a knife in a public place or a school without a reasonable excuse.

#### The subjective test

Section 39C(2)(b), (c) of the PPRA provides –

- (b) the senior police officer considers the use of hand held scanners is likely to be effective to detect or deter the commission of an offence involving the possession or use of a knife or other weapon; and
- (c) the senior police officer has considered—
  - (i) the effect the use of hand held scanners may have on lawful activity at the relevant place; and
  - (ii) if the use of hand held scanners has previously been authorised for the relevant place—whether the use of hand held scanners under the authority identified persons carrying knives or other weapons.

#### Additional considerations

A hand held scanner authority issued for a safe night precinct does not authorise the use of a hand held scanner on board a public transport vehicle that is in the safe night precinct (see s. 39E: 'Authorised use of hand held scanner without warrant in safe night precinct' of the PPRA).

Each public transport station that is not in a safe night precinct requires an individual hand held scanner authority. A public transport station that is within the boundaries of a safe night precinct does not require an individual authority unless police wish to use a hand held scanner on board a public transport vehicle that is inside a safe night precinct.



A Safe Night Precinct hand held scanner authority does not include public transport vehicles passing through the Safe Night Precinct. Officers seeking to stop and scan persons on board a public transport vehicle within a safe night precinct will require a separate authorisation for the public transport station inside the safe night precinct.

### Public transport network

All hand held scanning activities should be planned in collaboration with relevant work units and OICs.

An authority to scan involving the Citytrain network is to be planned in collaboration with the Railway Squad Tactician to ensure no unnecessary delays to the rail network (see s. 13.12.3: 'Joint operations on Citytrain network' of the OPM). An authority for other public transport stations (i.e., bus interchange, ferry terminal) should be planned with relevant divisional OIC support to ensure disruptions to the community are mitigated.

### Time limit for hand held scanning authority

A hand held scanner authority has effect for 12 hours after the authority starts (see s. 39D(2): 'Form and effect of hand held scanner authority' of the PPRA). Senior police officers issuing a hand held scanner authority are to ensure that members exercising a power under the authority are advised of the start and end time for the authority.

### 14.27.3 Procedure for issuing a hand held scanner authority

To issue a hand held scanning authority, the senior police officer is to:

- (i) utilise the 'Hand Held Scanner Statistics Dashboard' available in the QPRIME user guide and on the Research & Analytics webpage of the Service intranet to assist in determining whether the tests in s. 14.27.2: 'Criteria for issuing a hand held scanner authority' of this chapter have been established.
- (ii) create a QPRIME 'Hand held scanner authority [1676]' occurrence in accordance with the QPRIME User Guide, and:
  - (a) in relation to a Safe Night Precinct, complete a QP 1220A 'Hand held scanning at a Safe Night Precinct' within the QPRIME occurrence; or
  - (b) in relation to a public transport station and on board public transport vehicles, complete a QP 1220B 'Hand held scanning at a public transport station' within the QPRIME occurrence; and
- (iii) ensure the summary field of the occurrence is updated with details of both the **evidentiary test** and the **subjective test** being met in order to authorise the scanning.

The summary field is to have specific details of the exact offence(s) being relied upon to satisfy the **evidentiary test** and is to be set out as follows:

**Evidentiary test** at the relevant place is satisfied with [choose one of the following three options and update it with the specific offence information being relied upon]

At least one offence in the previous six months was committed by a person armed with a knife or other weapon, specifically (*insert details of past offence being relied upon, for e.g. one unlawful wounding offence Criminal Code*); or

At least one offence in the previous six months involving a seven year imprisonment offence was committed against the Criminal Code involving violence against a person, specifically (*insert details of past offence being relied upon, for e.g. one Assault Occasioning Bodily Harm*); or

More than one offence in the previous six months was committed against the *Weapons Act* s. 50(1) or s. 51(1), specifically (*insert details of the offences, for e.g. unlawful possession of a weapon / or for e.g. possession of a knife in a public place*)

The summary field of the occurrence must also contain details of the **subjective test** being satisfied and must include the following three points and is to be set out in the following manner:

**Subjective test** by the senior police officer:

The use of hand held scanners is likely to be effective to detect or deter the commission of an offence involving the possession or use of a knife or other weapon; and

The effect the use of hand held scanners may have on lawful activity at the relevant place has been considered;

If the use of hand held scanners has previously been authorised for the relevant place (include below):

It has been considered whether the previous use of the hand held scanners under an authority identified persons carrying knives or other weapons.'

- (iv) issue the hand held scanner authority if the legislative criteria are satisfied and ensure completed QP 1220A or QP 1200B is contained in the 'Hand held scanner authority [1676]' occurrence.

## 14.27.4 Exercising *Jack's Law* powers at a relevant place

### Training requirement

#### ORDER

An officer is not to conduct hand held scanning under *Jack's Law* unless they have successfully completed 'QC1951\_01 Jack's Law—Hand Held Scanner (User)' OLP, available through IGNITE.

### Effect of *Jack's Law* on power to search a person without warrant

Pursuant to s. 39K: 'Effect of part on power to search person without warrant' of the PPRA, *Jack's Law* does not confer power on an officer to search a person without warrant and does not affect the power of an officer to search a person without warrant under Chapter 2, Part 2, Division 2: 'Searching persons without warrant' of the PPRA.

Officers are not to use the powers under *Jack's Law* as a means to conduct a search without warrant of a person when they do not reasonably suspect any of the prescribed circumstances for searching a person without a warrant exist under Chapter 2, Part 2, Division 2 of the PPRA. **To avoid doubt, *Jack's Law* does not provide an independent authority to search persons without warrant. It is limited to the circumstances set out in Part 3A of the PPRA.**

### Authorised use of a hand held scanner in a safe night precinct

Section 39E(2): 'Authorised use of hand held scanner without warrant in safe night precinct' of the PPRA provides, where an authority is in effect, an officer may, without warrant, require a person to stop and submit to the use of a hand held scanner:

- (i) in a public place in the safe night precinct; or
- (ii) in a public place at a transport station in the safe night precinct.

### Authorised use of a hand held scanner at public transport station and on board public transport vehicles

Section 39F(2): 'Authorised use of hand held scanner without warrant at public transport station and on board public transport vehicles' of the PPRA provides, where an authority is in effect, an officer may, without warrant, require a person to stop and submit to the use of a hand held scanner:

- (i) in a public place at the public transport station; or
- (ii) on board a public transport vehicle while the vehicle is travelling within 1 scheduled stop in any direction of that public transport station; or
- (iii) if the person leaves the public transport vehicle within 1 scheduled stop of the public transport station—in a public place at the public transport station at that scheduled stop.

If a police officer starts to exercise a power in relation to a person under this section or s. 39G while on board a public transport vehicle travelling in the area mentioned in subsection (2)(b), the police officer may continue to exercise the power in relation to the person, even if the vehicle travels out of that area.

### Human rights

The *Human Rights Act* applies to officers using hand held scanners under Part 3A of the PPRA. Senior police officers issuing a Hand Held Scanner Authority and officers undertaking scanning activities are assess whether their actions or decisions are compatible with human rights by applying the PLAN approach: Proportionate, Lawful, Accountable, and Necessary (see s. 1.2.3 'How does the Human Rights Act apply to the Service as well as its members of this Manual including s. 28 Cultural rights—Aboriginal peoples and Torres Strait Islander peoples of the *Human Rights Act 2019*).

Officers acting under a Hand Held Scanner Authority are to select persons to be scanned on a random basis. However, a person or a group of persons may be identified for scanning because their behaviour may have led police, or the public, to have on-going concerns for public safety. For example, two groups of young men who appear confrontational to the other group may be appropriate to be scanned.

The selection of a person to be scanned should align with the goals of the trial, to detect and deter the unlawful possession of knives and other weapons and in doing so provide community safety benefits by reducing the opportunity for offending involving weapons.

Supervisors of scanning activities operations are to ensure that ethnic or religious groups are not to be targeted solely because of their ethnicity or religious affiliation.

#### ORDER

Officers are not to select a person or a group of people to be scanned solely because they are, are believed to be, a particular age, gender, or of a particular ethnic or religious group.

### Safeguards

Officers are to comply with the safeguards in *Jack's Law* pursuant to s. 39H: 'Safeguards for exercise of powers' of PPRA which provides,

- (i) This section applies if a police officer exercises a power under a hand held scanner authority to require a person to stop and submit, or resubmit, to the use of a hand held scanner.
  - (ii) The police officer must exercise the power in the least invasive way that is practicable in the circumstances.
  - (iii) If reasonably practicable, the police officer must be of the same sex as the person.
  - (iv) The police officer may detain the person for so long as is reasonably necessary to exercise the power.
  - (v) The police officer must—
    - (a) if requested by the person, inform the person of the police officer's name, rank and station; and
    - (b) if requested by the person, provide the information mentioned in paragraph (a) in writing; and
    - (c) produce the police officer's identity card for inspection by the person unless the police officer is in uniform; and
    - (d) inform the person that the person is required to allow the officer to use a hand held scanner to determine whether the person is carrying a knife or other weapon; and
    - (e) offer to give the person a Hand Held Scanner Information Notice (see s. 39I: 'Meaning of hand held scanner notice' of the PPRA) and, if the person accepts the offer, give the notice to the person.
- (iv) Section 637: 'Supplying police officer's details' of PPRA does not apply if a police officer stops or detains a person under this part.

### Hand held scanner information notice

The QP 1154 'Hand Held Scanner Information Notice' is available in QPRIME and from Richlands Supply Centre.

### CCTV considerations

In instances where a system of public closed circuit television security systems (CCTV) is operational, and access arrangements exists between the Service and the relevant local government authority, allowing communication between both organisations, an officer must notify the local government authority camera operator of the intention to use a hand held scanner and the location of this activity. In the absence of direct contact between the Service and the relevant CCTV operators, a district instruction will need to provide guidance (see subsection 'District or local instructions' of s. 14.27 of this chapter).

### 14.27.5 Scanning a person at a relevant place

Officers undertaking hand held scanner activities under a hand held scanner authority are to ensure they have activated their BWC in accordance with s. 4.4: 'Body worn cameras' of the Digital Electronic Recording of Interviews and Evidence Manual).

### The requirement

The officer should make the requirement to stop and submit to the use of a hand held scanner in the following manner:

I am [Rank/ Name/ Station], because you are [select relevant place]:

- (i) in a public place in a safe night precinct, or
- (ii) in a public place at a public transport station in a safe night precinct, or
- (iii) in a public place at a public transport station, or
- (iv) on a public transport vehicle

I am authorised to use a hand held scanner to scan you (and your belongings, if applicable) for the presence of weapons. I require you to stop and submit whilst I conduct a scan of you (and your belongings, if applicable) with this hand held scanner.

I must inform you that you are to allow me to use this hand held scanner to determine whether you are carrying a knife or other weapon. If you fail to comply with my requirement, you may commit an offence.

Would you like a copy of a hand held scanner information notice?

Do you have anything to declare?

### Scanner indicates presence of metal

Where the scanner indicates that metal is, or is likely to be present on the person or their belongings, the officer is to require the person:

- (i) to produce the thing that may be causing the scanner to indicate that metal is, or is likely to be present; and
- (ii) to resubmit to the use of the scanner as necessary.

If the person contravenes the requirement and they do not have a reasonable excuse, officers may search the person without warrant in accordance with ss. 29 and 30(1)(l) of the PPRA. (See also ss. 633 'Safeguards for oral directions and requirements' and 791 'Offence to contravene direction of police officer' of the PPRA).

Should the scanner indicate the presence of metal then the person can be required to produce the thing causing the scanner to indicate that metal is or is likely to be present.

If a person contravenes the requirement to stop and be scanned or contravenes the requirement to produce anything activating the scanner the person may be searched, see 'Scanning a person at a relevant place' above.

#### **Fail to stop and submit to hand held scanner requirement**

If the person fails to stop and submit to the use of a hand held scanner and they do not have a reasonable excuse, officers should consider the power to search the person without warrant under s. 29 and 30(1)(l) of the PPRA. (See also ss. 633 'Safeguards for oral directions and requirements' and 791 'Offence to contravene direction of police officer' of the PPRA).

The scanning of a person by an officer using a hand held scanner is not a search of a person, even if the scanner indicates the presence of metal and police require the person to produce the thing that may be activating the scanner. Use of a hand held scanner means to pass the hand held scanner in close proximity to the person or person's belongings.

#### **14.27.6 Searching of a person**

While the authority to use a hand held scanner in relation to a person does not provide police with the power to search a person without a warrant, officers are to be mindful that when scanning a person for a knife/weapon that they maintain their existing powers to search a person without warrant should they form the requisite level of suspicion in relation to the prescribed circumstances provided for in ss. 29 and 30 of the PPRA.

If the person to be searched is a child, an officer is to search the child in the presence of a support person (see s. 631: 'Special requirements for searching children and persons with impaired capacity' of the PPRA). However, an officer may, in accordance with s. 631(2) of the PPRA, search the person in the absence of a support person if the officer suspects:

- (i) delaying the search is likely to result in evidence being concealed or destroyed; or
- (ii) an immediate search is necessary to protect the safety of a person.

#### **14.27.7 Hand held scanner recordings, audits and reporting**

##### **QPRIME occurrence**

A senior police officer, on issuing a hand held scanning authority (see s. 14.27.3: 'Procedure for issuing a hand held scanner authority' of this Manual), is to ensure that a specific QPRIME 'Hand held scanner authority [1676]' occurrence is created to capture the duration of the hand held scanning authority. This will ensure that relevant street checks can be attached to the occurrence.

Where more than one authority has been made in relation to one specific policing response (e.g. the 3 day Gold Coast 500 event) and each authority either starts or finishes with the start or finish of another authority (i.e. back to back authorities) then one QPRIME occurrence may be used to attach relevant street checks.

##### **Street checks**

When an officer has scanned a person, they are to ensure that prior to the end of their shift a separate street check is created in QPRIME (see 'Jack's Law hand held scanner authority' of the QPRIME User Guide) for each individual person scanned. Officers are to ensure that the subject person's correct ethnicity identifier, where known, is also entered into the street check. The officer is to ensure that the street check is then linked to the relevant scanning authority occurrence in QPRIME.

During the creation of a street check a member is to select:

- (i) 'wandering' in the subject field drop down box; and
- (ii) applicable objective box;

in the intelligence/street check tab.

Officers scanning a person must create a street check in 'real-time' on their QLITE device to ensure the scanning is captured against the correct authorisation. If the street check is unable to be entered in real-time, an officer must ensure the date and time in the street check accurately reflect the actual scanning activity. This is critical for linking scanning activities to the relevant authorisation.

When an officer has used the scanning powers under *Jack's Law* and a subsequent search of the person without warrant is conducted (e.g. the scanned person is reasonably suspected of possessing a drug or stolen property) then the 'search without warrant' check box should also be engaged in the relevant street check. The 'search without warrant' check box should not be engaged where only the scan/produce item powers under *Jack's Law* have been used. The 'search

without warrant' check box is only required where a subsequent search of the scanned person under ss. 29 and 30 of the PPRA is conducted.

Where an officer has commenced a proceeding against a person for an offence as a result of scanning (e.g. possession of a knife in a public place) they are to ensure a street check is created as well as any necessary QPRIME occurrence for the offence.

### Enforcement register

Officers exercising *Jack's Law* powers are not required to complete an enforcement register entry in QPRIME (see enforcement act Schedule 6: 'Dictionary' of the PPRA).

However, if a search is conducted under s. 29: 'Searching persons without a warrant' of the PPRA, then an entry must be made in the enforcement register in QPRIME (see s. 2.1.2: 'Registers to be kept' of this Manual).

### Body worn camera requirements

At the termination of an officer's shift, BWC recordings (see s. 4.4: 'Body worn cameras' of the DERIE Manual) should:

- (i) be downloaded;
- (ii) be categorised 'Evidential' or 'Non-Evidential';
- (iii) be tagged 'BWC', 'HHS' and all other appropriate tags; and
- (iv) include relevant QPRIME occurrence numbers in ID field of Evidence.com file.

### Scanning audits

Responsibility for auditing of issued authorisations lies with the applicable district officer (DO), Special Services Group (SSG) manager or equivalent of the location where the authorisation was sought, every 6 months. Where SSG have provided support to a district, responsibility for auditing remains with the applicable DO of the location the authorisation was carried out. Where SSG have issued an authorisation in a district, auditing responsibility remains with their manager or equivalent.

The auditing, of hand held scanner authorisations and associated street checks, utilising Form QP 1220C: 'Hand Held Scanner Audit', are to be included as part of district level risk management and recorded in DAP, see 'Jack's Law' Hand Held Scanner Audit (DAP Recording) on the Regional Operations and Youth Crime webpage of the Service intranet.

### Notice of hand held scanner authority

Pursuant to s. 39J: 'Notice of hand held scanner authority to be published' of the PPRA, the Commissioner must publish notice about a hand held scanner authority on the police service website within 2 months after the authority is issued. The Director, Media and Public Affairs has been assigned this responsibility in consultation with the Director, Research and Analytics, Policy and Performance Division.

### Annual reporting

Pursuant to s. 808C: 'Annual report to include information about authorisation of hand held scanners' of the PPRA, the Commissioner must ensure the police service's annual report for a financial year. The Director, Planning and Performance, Policy and Performance Division has been assigned this responsibility in consultation with the Director, Research and Analytics.

## 14.28 Miscellaneous operational matters

### 14.28.1 Rendering assistance to stranded motorists and passengers

Occupants of motor vehicles are sometimes stranded by the roadside due to mechanical failures, crashes, police enforcement action, and other unexpected incidents.

#### POLICY

Members performing duty should be alert, particularly during the hours of darkness, for stranded persons. In circumstances where stranded persons may be exposed to danger, members should offer assistance.

#### ORDER

In cases where police enforcement action has resulted in occupants of a vehicle being left without transport, officers are to offer assistance to ensure the occupants are transported to their destination, or a place of safety. See also s. 16.4.5: 'Arrest of persons who have others in their care' of this Manual.

#### POLICY

Assistance may include arranging for a relative or friend of the person to collect the person, or arranging for a taxi to collect the person. Members offering such assistance should clearly explain to the person for whom the assistance is sought that the Service is not responsible for any costs associated with the services subsequently provided.



Where it is not possible to obtain other suitable assistance, members should contact the regional duty officer (RDO), district duty officer (DDO), or their officer in charge and seek permission to use a Service motor vehicle to convey the stranded person(s) to a place of safety. A place of safety may include an attended police station, but does not include a Watchhouse.

Unless otherwise directed by an RDO, DDO or their officer in charge, members offering assistance should remain with stranded persons until appropriate assistance is obtained.

Arrangements for assisting a stranded person should be made in consultation with the person and should be mutually convenient. There is no obligation on a person to accept assistance.

In appropriate cases where a stranded person is a child under the age of 12, officers should consider applying the provisions of s. 7.4.2: 'Moving a child to a safe place' of this Manual.

#### ORDER

The member with responsibility for command is to record full particulars of any assistance provided, or where assistance is offered and declined, including the names and addresses of parties concerned and the registered numbers of vehicles involved, in that member's activity log (QP161) or official police notebook.

Additionally where assistance has been offered by officers to stranded persons and declined, the relevant police communications centre or where no such centre is available, the officer in charge of the police station where the members are required to report, is to be notified of the assistance offered, the location of the stranded person, identification of the person if known, identification of stranded vehicle and reason for the person declining the offer of assistance.

### 14.28.2 Remotely piloted aircraft systems

Remotely piloted aircraft systems (RPAS), also referred to as unmanned aerial vehicles (UAV), remotely piloted aircraft (RPA) or drones, are utilised by law enforcement during police operations. The Service possesses a Civil Aviation Safety Authority (CASA) RPA Operators Certificate (ReOC) authorising the use of RPAS for law enforcement purposes.

A member intending to operate an RPA during a police operation is to be mindful of all CASA rules and requirements as they relate to RPA (see 'Flying drones/remotely piloted aircraft in Australia', 'Remotely piloted aircraft system resources and links'; 'Civil Aviation Safety Regulations, Part 101' available on the CASA webpage, the Services CASA approved Operations Manual and RPAS Operational Procedures Library).

The Service Chief Pilot (RPAS) is responsible for:

- (i) ensuring all operations are conducted in accordance with Civil Aviation legislation;
- (ii) maintaining a record of the qualifications of each member operating Service RPAS;
- (iii) monitoring the operational standards and proficiency of each member operating Service RPAS;
- (iv) maintaining a complete and up-to-date reference library of operational documents required by CASA (see s. 101.335(1): 'Eligibility for certification as UAV operator' of the Civil Aviation Safety Regulations) for the types of operations conducted;
- (v) reporting all Service RPAS incidents/accidents to CASA; and
- (vi) approval of all unit purchases of RPAS.

The Service approved CASA Maintenance Controller has responsibility for:

- (i) ensuring all maintenance on Service RPAS is in accordance with approved documented procedures;
- (ii) ensuring personnel carrying out maintenance on Service RPAS are trained and competent to do so;
- (iii) maintaining a record of the serviceability or otherwise of Service RPAS;
- (iv) ensuring all equipment essential to the operation of Service RPAS is serviceable;
- (v) maintaining a thorough technical knowledge of the Services RPAS; and
- (vi) investigating all defects in Service RPAS.

#### **Deploying a remotely piloted aircraft**

A Service owned and approved RPA is not to be deployed unless the operator:

- (i) holds a Remote Pilot Licence (RePL) or Controllers Certificate issued by CASA;
- (ii) holds an Aviation Radio Operators Certificate (AROC);
- (iii) has been tested by the Service Chief Pilot (RPAS);
- (iv) has completed the annual flight proficiency test;
- (v) has maintained flight currency; and

(vi) has sought and been granted approval to deploy an RPA by the Service Chief Pilot (RPAS) via the approved RPA flight authorisation process.

A qualified Service RPA remote pilot is required to undergo a minimum of 5 hours training on each RPAS type they intend to operate, and validate their qualifications and hours flown through maintenance of a flying hours logbook.

A non-Service owned RPA is not to be used for law enforcement purposes or Service operations, unless prior approval has been obtained from the Service Chief Pilot (RPAS). The Non-Service RPA to be approved and used is to be CASA authorised. Consideration is to be given to ownership of footage or images when using a non-Service owned RPA. All costs associated with the use of non-Service owned RPA is the responsibility of the district employing the service of a non-Service RPA.

A non-Service approved Remote Pilot is not to utilise any RPAS for any Service operation.

#### **Reporting deployment of a remotely piloted aircraft**

If exceptional circumstances exist (e.g. to prevent loss of life or serious injury) telephone approval from the Service Chief Pilot (RPAS) is to be sought by the Service Remote Pilot. All required flight paperwork is to be completed as soon as practical by the Service Remote Pilot after the circumstances no longer exist.

Service Remote Pilots intending to operate a RPAS for a police operation are to seek approval from the Service Chief Pilot (RPAS) prior to deployment, using the approved flight approval process.

At the conclusion of an RPA deployment, the Service Remote Pilot is to notify the Service Chief Pilot (RPAS) of any injury, damage to property, damage to Service RPAS, and any breach of safety or regulations.

#### **Information regarding the deployment**

Electronic images and recordings obtained from the deployment of an RPA remain the property of the Service. See s. 4.3: 'Storage, retention and production of personal recording device recordings' of the DERIE Manual.

#### **RPAS purchase**

A unit wishing to purchase an RPAS is to gain the approval of the Service Chief Pilot (RPAS) and make submission for use of an 'exempted use item' of operational equipment in accordance with s. 14.6.9: 'Operational equipment approval' of this Manual.

All RPAS used for police operations are to be approved by the Service Chief Pilot (RPAS).

#### **RPAS inquiries**

Members are to contact the Service Chief Pilot (RPAS) ([rpa@police.qld.gov.au](mailto:rpa@police.qld.gov.au)) for all inquiries relating to the use of RPA and training of RPAS pilots.

#### **Calls for service**

CASA is responsible for regulating and overseeing the safe operations of RPA and model aircraft. Members of the community may contact QPS seeking assistance relating to the misuse of an RPAS. Officers are to investigate and report misuse of an RPAS and refer to the RPAS Aide Memoire for guidance. CASA is responsible for any enforcement action in relation to the misuse of an RPAS.

### **14.28.3 Queensland Health harm reduction services**

#### **Queensland Needle and Syringe Program**

Queensland Health (QH) operates the Queensland Needle and Syringe Program (QNSP) from several locations across Queensland. The QNSP aims to reduce the incidence of blood-borne viruses and injection-related injuries and disease in Queensland.

Officers should be mindful of the need for the public to freely use these services.

Officers are not to deter members of the public from participating in these programs. Patrols, surveillance, or person checks in the vicinity of premises used for QNSP are not to be conducted unless warranted and justifiable.

OICs are to ensure that officers under their supervision are made aware of the location of premises where these programs operate to avoid any unnecessary police presence in the area.

Inquiries may be made with the QNSP to obtain information about the location of QNSP services in Queensland (see 'Find a program' on the QNSP webpage).

Inquiries about injecting drug users attending QNSP or opioid treatment programs may be made through the Inspector in Charge, Drug and Alcohol Coordination Unit (DACU), Strategy and Corporate Services, Policy and Performance Division.

Inquiries about prevention and treatment including drug diversion programs can be found QH webpage 'Prevention and treatment'.

## Drug checking services

Under the *Medicines and Poisons Act* QH can authorise an organisation to provide drug checking services, either at fixed site locations (commonly at existing health service locations) or at specified events. The goal of drug checking services is to prevent harm from drug use by providing potential users with personalised health and risk information relating to their intended drug use. Individuals provide a sample of their drug to undergo chemical testing by qualified chemists using laboratory-grade scientific equipment. The result of the testing is verbally provided to the person along with information on the risks of drug use related to the specific substances identified. The samples used in the testing are not returned to the person who submitted them and are destroyed following the testing process.

Officers should be mindful of the need for members of the public to freely use these services.

Officers are not to deter members of the public from participating in the services. Patrols, surveillance, or person checks in the vicinity of premises used for drug checking are not to be conducted unless warranted and justifiable.

## Fixed site drug checking services

Drug checking services at permanent fixed sites are likely to be co-located with, other health services operating simultaneously. Other health services co-located with drug checking services may include general health, sexual health and mental health services. As such, members may not directly form a reasonable suspicion a person is in possession of a substance solely based on their presence at the drug checking service.

## Mobile/festival drug checking services

If drug checking services are provided at a temporary event such as a music festival, officers are to plan their policing activity in association with event organisers and drug checking service providers to ensure there is sufficient entry and exit space around the health service where officers do not patrol and do not otherwise deter people from using the service.

OICs are to ensure officers under their supervision are made aware of the location of premises where drug checking services operate to avoid any unnecessary police presence in the area.

If it is necessary for police to perform duties in the vicinity of a drug checking service, the officer in charge should consider advising the drug checking service prior to the policing activity (see s. 1.5.2: 'Operational planning (action plans, operation orders, briefings and debriefings)' of this Manual).

Inquiries may be made with the Inspector in Charge, DACU to obtain information about the location of the drug checking services in Queensland.

Attending a drug checking service is insufficient grounds on its own to establish reasonable grounds to search a person under s. 29: 'Searching persons without warrant' of the PPRA. Officers may only conduct a search of a person visiting or leaving a drug checking service where there are justifiable reasons for the search other than the person's presence near the drug checking service.

### 14.28.4 Police bicycle patrols

Bicycle patrols can be an effective method of preventing and detecting crime. This is particularly true for operations in areas which are inaccessible to motor vehicles.

#### POLICY

District officers should consider the benefits that may be derived from implementing bicycle patrols in their area of responsibility. The officer in charge of a region, may implement bicycle patrols where considered appropriate.

District officers who implement bicycle patrols are responsible for the acquisition of suitable bicycles, uniform and ancillary equipment.

Officers are not to be required to undertake duties as bicycle patrol officers unless they have sufficient skill and physical fitness to safely operate a bicycle.

Officers riding bicycles should not engage in pursuits of motor vehicles.

#### PROCEDURE

When performing duty, bicycle patrol officers should:

- (i) only use bicycles and other equipment provided by the Service unless approved by the district officer;
- (ii) ensure that bicycles and equipment are appropriately cared for and maintained when in their possession;
- (iii) wear the Service issue bicycle patrol uniform;
- (iv) perform patrol duties as required by the officer in charge of the relevant station or establishment;
- (v) at the termination of each shift:
  - (a) complete an activity log (QP161); and
  - (b) secure the bicycle at the relevant police establishment.

## POLICY

Officers in charge of stations or establishments which operate bicycle patrols are to ensure that:

- (i) bicycles and other equipment issued to that station or establishment are appropriately maintained;
- (ii) a monthly check is made of all accessories, tools and equipment supplied with the bicycles used for patrols and appropriate action is taken with respect to any item found to be missing or damaged;
- (iii) only officers who are sufficiently skilled and physically fit are permitted to perform bicycle patrols.

#### **14.28.5 First Aid response and Service First Aid kits**

Policing may expose members to medical situations requiring first aid assistance to individuals, or when responding to incidents involving physical trauma, to officers, members of the public and offenders. Physical trauma can be the result of a vehicle, home or workplace incident, criminal acts or incidents involving the use of firearms or other weapons.

Members may also be required to apply self-first aid and respond individually to injuries they have received in the course of the duties.

Officers locating a person with a medical condition or physical trauma are to conduct an immediate risk assessment and assist the person in accordance with their first aid or tactical first aid training and seek medical assistance (see Chapter 38: 'Medical response' of the FRH).

For further information see First Aid and Infection Control Policy on the Safety and Wellbeing Policies webpage available on the Service Intranet.

#### **Location of First Aid kits and Tactical First Aid kits**

To ensure standardisation and the ability to quickly locate a first aid kit (FAK) or tactical first aid kit (TFAK) in an emergency, OIC, in coordination with their relevant Health and Safety Adviser, are to ensure:

- (i) a FAK is located within:
  - (a) the station or establishment under their control and:
    - is appropriately signed;
    - is referenced in station instructions and briefed in orientation; and
    - a member is delegated to ensure serviceability;
  - (b) Service vehicles allocated to their station or establishment; and
  - (c) Service vessels/aircraft and briefed in orientation/safety briefs; and
- (ii) a TFAK is located within:
  - (a) the glove box or front dash board storage compartment of all Service motor vehicles attached to their station or establishment. If an alternate location is to be used, due to the design of the vehicle, the location is to be clearly identifiable and appropriately marked;
  - (b) Service motorcycles in a compartment not affected by high heat and clearly marked; and
  - (c) Service vessels/aircraft with the vessel first aid kit.

Officers are to ensure they are aware of the location of FAK and TFAK within their station or establishment and within their Service vehicle/vessel or aircraft and have access to an IMIST proforma (see s. 38.4: 'IMIST proforma' of the First Response Handbook) (available on the Service OPStore).

OIC are to ensure:

- (i) TFAK inspection is included in the Service vehicle/vessel/aircraft checklist for their station/establishment; and
- (ii) an IMIST proforma is provided with each FAK and TFAK.

A Service supplied TFAK is to be kept in its vacuum sealed packaging and not broken down until required for use.

#### **Physical carriage of TFAK**

Officers responding to incidents where a TFAK may be required, should consider carrying the vehicle's TFAK on arrival at an incident.

Officers who carry a TFAK on their person generally, or when attending an incident, should carry the TFAK:

- (i) within the opposing trouser pocket to their firearm so they can access the TFAK whilst holding their firearm with the master hand; or
- (ii) within an enclosed pouch on their load bearing vest.

## Automated external defibrillators

Automated external defibrillators (AED) may be located within stations and establishments, Service vessels or in public and private locations.

An AED is a portable electronic device used to treat sudden cardiac arrest. It is the only effective method to revert life-threatening cardiac arrest rhythms caused by trauma events or other causes such as illegal drug use.

Use of an AED is taught in Service first aid training, however all members can use an AED when required as the design and included instructions enables use by untrained persons.

OIC of stations and establishments are to ensure all AED are inspected and maintained in accordance with manufacturer's instructions, referenced in station instructions and briefed in orientation/safety briefs.

### 14.28.6 Responding to persons with altered levels of consciousness

Medical illness, traumatic brain injury, alcohol intoxication, drugs, poisonings, physiological trauma or a combination of these factors may affect a person's neurological and physiological status in a way that causes an abnormal level of consciousness. Such situations may lead to death if medical treatment is not sought.

The AVPU consciousness scale (an acronym from 'alert, verbal, pain, unresponsive') is a tool used by the Queensland Ambulance Service to measure and record a person's level of consciousness.

Members exposed to a person who has an abnormal level of consciousness are to take immediate steps using the AVPU scale to identify if medical attention should be sought.

#### Use of AVPU scale

The AVPU scale is a quick and simple way of detecting an altered mental status in a person. No formal training is necessary and any assessment lower than ALERT is considered abnormal until proven otherwise.

The AVPU scale has four possible outcomes based on the following criteria:

- (i) **Alert:** The person is aware of the examiner and can respond (although not necessarily orientated) to the environment around them on their own. The person can also follow commands, although may be confused. Will open their eyes spontaneously and track objects.
- (ii) **Verbal response:** The person's eyes do not open spontaneously, and eyes open only in response to a verbal stimulus directed toward them. The response could be as little as a grunt, moan, or slight move of a limb when prompted by voice.
- (iii) **Pain response:** The person's eyes do not open spontaneously. The person will only respond to the application of painful stimuli by an examiner (e.g. rubbing sternum, pinching ear). The person may move, moan, or cry out directly in response to the painful stimuli.
- (iv) **Unresponsive:** The person does not respond spontaneously and does not respond to verbal or painful stimuli.

#### When medical assistance is to be sought

Members are to immediately seek medical assistance when:

- (i) an AVPU level lower than ALERT is identified;
- (ii) there is any doubt; or
- (iii) when conducting a continual AVPU assessment a person's consciousness level changes, including instances where the consciousness level improves to ALERT.

#### Instances when medical assistance should be considered

Although the use of the AVPU may indicate ALERT, there may be situations where medical assistance may be appropriate as there are other health indicators of concern e.g. profuse sweating or a person in a heightened state of consciousness.

#### Passage of person information when requesting medical assistance

Members requesting medical assistance should provide information of a person's medical condition using the Service IMIST proforma (see s. 38.4: 'IMIST proforma' contained in the First Response Handbook).

### 14.28.7 Borrowing or using non-Service property for operational purposes

Where non-Service property is borrowed or used by members of the Service for operational purposes this creates a legal relationship similar to a bailment situation. In such cases, there will generally be no contractual arrangements between the parties that specify rights and obligations. Should the property be damaged, destroyed or lost, the Service bears an onus to demonstrate that reasonable care had been taken in relation to the property.

Where possible, consideration should be given to hiring such property instead of borrowing. Where such property is hired, the terms and conditions of any agreement should be in the form of a written contract. In any contractual or



borrowing arrangement there should be clear agreement with the owner or lender regarding any damage that may occur to the property while in the possession of the Service. The owner or lender should be made aware that the Service is only responsible for damage, destruction or loss caused during the time it was in the possession of the Service.

Borrowing officers should ensure:

(i) where practicable:

(a) that they have a suitably qualified person:

- examine the quality of any property; and
- inspect and assess the property prior to use;

(b) that a contractual agreement is made with an owner or lender of property; and

(c) that members who use the property are appropriately licensed or qualified to use the equipment;

(ii) in the case of vehicles:

(a) the property is roadworthy and registered;

(b) authorisation to borrow the property is obtained from a responsible senior officer; and

(c) the property is suitable for the functions to be performed,

see also s. 4.2.6: 'Use of loan vehicles for Service purposes' of the MSM;

(iii) reasonable care is taken of non-Service property that is used for an operational purpose; and

(iv) a record is made in their official police notebook of the condition of the property, including any damage, destruction or loss, prior to delivering the property to the owner or lender.

An OIC or a supervisor of a borrowing officer is to ensure that a record is kept of the details of any vehicle(s), dates borrowed, the particulars of drivers and any other relevant information.

District officers are to ensure that appropriate district instructions are established in their area of responsibility.

## 14.29 Miscellaneous duties performed by police

### 14.29.1 Service of civil processes and other documents

Section 14: 'What a licence authorises' of the *Debt Collectors (Field Agents and Collection Agents) Act* (DC(FACA)), authorises the holder of the licence (a field agent) to perform activities including a process serving activity, which involves serving a writ, claim, application, summons or other process as an agent for others for reward.

Section 30: 'Acting as a debt collector' of the DC(FACA), makes it an offence for a person, as an agent for someone else for reward, to perform a regulated activity unless the person is authorised to perform the activity under the DC(FACA) or another Act.

Section 5: 'Public officials' of the DC(FACA) provides a number of exceptions to s. 30 of the DC(FACA), but does not include an officer.

Section 19: 'General power to enter to make inquiries, investigations or serve documents' of the PPRA provides that an officer performing a function of the Service may enter and stay for a reasonable time on a place to serve a document.

Also s. 798: 'Service and enforcement of process' of the PPRA provides that an officer may serve or enforce a warrant, summons, order or command of any court, judge, magistrate or justice even though the warrant, summons, order or command is not addressed to the officer and despite the requirements of any other Act or law, or rule having the force of law, about who may enforce the warrant, summons, order or command.

Although s. 19 and s. 798 of the PPRA appear to act as exceptions to the provisions of the DC(FACA), the scope of these sections was narrowly interpreted by the district court in the matter of *Vaschina v Clague* (2002) [Qld DCA 5199/1997] (see Criminal Law Bulletin No. 187.3: 'Service of court documents and the PPRA'). In this particular case the court held that as civil documents and processes are not required to be served by officers in particular, officers serving such documents are not performing a function of the Service and the provisions of s. 19(4) of the PPRA do not apply. Consequently s. 19 of the PPRA cannot be relied upon as an exception to s. 30 of the DC(FACA).

Furthermore, in regard to s. 798 of the PPRA, the district court viewed the meaning of 'warrant, summons, order or command' to be quite specific. In essence the court held that s. 798 of the PPRA only applies to situations where an officer serves a document that requires the party being served to take some form of action, for example to attend court, file a pleading or pay an amount claimed. Where the document being served is merely notification that a proceeding is commencing (or continuing) and does not require any specific action by the party being served, the document does not fall within the provisions of s. 798 of the PPRA and the section cannot be relied upon as an exception to s. 30 of the DC(FACA).

Officers are often requested to serve or attempt to serve civil processes and documents, particularly in areas where a bailiff or commercial agent may be unable to effect service. Fees provided to cover the cost of serving such documents usually accompany the civil process or document. However, officers should only serve such documents where the provisions of s. 798 of the PPRA apply.

Officers in charge of stations or establishments receiving civil processes or documents to serve should:

- (i) examine the process or document and ensure the provisions of s. 798 of the PPRA apply. If the process or document received is not a warrant, summons, order or command, it is to be returned unserved together with refunded fees, to the person/organisation requesting service;
- (ii) comply with any relevant provisions of the:
  - (a) Mail Receipt and Primary Point Mail Opening Handbook (s. 5.2.3: 'Mail receipt management' of the MSM);
  - (b) Financial Management Practice Manual relating to banking and collections; and
  - (c) regional collections manual practices; and
- (iii) if the process or document can be served, ensure the service fee and expenses provided (e.g. travelling fees, hourly service fees) are consistent with those prescribed in the Uniform Civil Procedure (Fees) Regulation (UCP(F)R) (see 'Fees payable to enforcement officer, marshal or marshal's officer' in Schedule 1: 'Supreme Court and District Court fees' or Part 2: 'Bailiff's Fees' in Schedule 2: 'Magistrates Courts Fees' as the case may be).

If the service and expense fees provided are less than those prescribed in the UCP(F)R, further expenses are to be sought from the person/organisation requesting service prior to effecting or attempting to effect service of the civil process or document.

Where the OIC ascertains the fees supplied are consistent with those prescribed in the UCP(F)R, officers may serve the relevant civil process or document.

If the actual expenses incurred in serving a civil process or document exceed expense fees previously provided, the officer serving or attempting to serve same is still entitled to payment. In any case, the OIC is to request additional expenses be paid by the person/organisation requesting service to cover all expenses actually incurred. Where applicable, reference is to be made to the schedule of fees payable for the service or attempted service of any process or document under the UCP(F)R (see Schedule 1: 'Supreme Court and District Court fees' or Schedule 2: 'Magistrates Courts Fees') as the case may be.

The OIC of a station or establishment who receives and causes the service or attempted service of any civil process or document is to issue a QP 220A: 'Official receipt' for the total amount received. The receipt is to be forwarded to the person/organisation requesting service. The receipt is to show the number of the civil process or document, name and address of the person/organisation requesting service, and any other relevant information. All service and expense fees are to be banked into the collections account for the relevant station.

The service fee and any expense fees should be disbursed by the OIC to the officer effecting or attempting to effect service of the process or document, if service is effected or attempted while the officer is not on rostered duty. For taxation liability reasons, the payment of service and expense fees should not be disbursed directly to station social clubs. If service is effected or attempted while the officer is on rostered duty, the service fee and any expense fees are to be retained by the Service.

Where a Service vehicle is used for service or attempted service of a civil process or document the vehicle expense allowance is payable to the Service. This amount is to be banked into the collections account at the station concerned and remitted monthly.

Where an officer uses a private vehicle to effect or attempt to effect service of a civil process or document, the travelling fee is to be disbursed to that officer. When the disbursement of the vehicle expense allowance is made to an officer the disbursement notice is to state a Service vehicle was not used.

When serving a civil process or other document, officers should comply with the provisions of Chapter 4: 'Service' of the Uniform Civil Procedure Rules.

Officers in charge are to retain and file a copy of the affidavit of service of any civil process or document served by officers.

Officers serving civil processes and documents whilst not on rostered duty are considered to be working in a private capacity for remuneration (not in the course of their employment for the Service), and are not covered by the Service Work Cover policy in the event of any injury or illness. Furthermore, officers using their own private vehicles to serve civil summonses or processes may not be covered by their motor vehicle insurance, as the use of the vehicle in such circumstances may be considered commercial as opposed to private use.

Officers considering applying for a licence pursuant to the DC(FACA) should consider the provisions of 'Outside Employment' within 'Procedural Guidelines for Professional Conduct' in Professional Conduct of the Ethical Standards Command in the Service Intranet.

## 14.29.2 Public Trustee

### POLICY

All inquiries by or on behalf of the Public Trustee concerning estates, deceased persons, incapacitated persons, relatives or property, are to be forwarded to the relevant district officer, who is to liaise directly with the inquirer. Inquiries on behalf of the Public Trustee are only to be accepted from an official source, including the clerk of the court, Magistrates Courts Offices. Such requests should be undertaken as part of the performance of the officer's rostered duty. Officers are entitled to travelling allowance in accordance with the 'Police Service Award – State' when complying with such requests.

Prior to complying with a request, the district officer should ascertain the expenditure anticipated. This is to include estimates of travelling allowance and vehicle expenses. If satisfactory confirmation cannot be obtained regarding sufficient funds in the estate, subject of the request, any further police involvement in the matter is to be at the discretion of the relevant district officer.

Upon completion of the inquiries subject to the request, the officer who has completed the inquiries is to prepare a separate report setting out details of the actual work performed and any other expenses, such as travelling allowance and distance travelled, and forward same through the district officer for transmission to the inquirer.

It is the responsibility of the Service to deliver to the Public Trustee property taken possession of by police during the course of inquiries. These situations do not become a Public Trustee request, as outlined above, until after the property has been delivered to the Public Trustee. Details regarding handling property of deceased persons and mentally ill persons are dealt with in s. 4.3.2: 'Property of deceased/mentally ill persons' of this Manual.

## 14.29.3 Family Law Act

Details regarding the serving of process under the *Family Law Act* (Cwlth) are dealt with in s. 11.13: 'Family Law Act' of this Manual.

## 14.29.4 Extraneous duties of officers and officers in charge of stations

### POLICY

The officer in charge of a station or establishment may be appointed to perform extraneous duties, such as assistant clerk of the court, subject to approval of the Commissioner. Extraneous duties are not to adversely interfere with policing duties.

A member of the Service responsible for extraneous duties who relinquishes charge of those duties, temporarily or permanently, shall provide adequate familiarisation of those duties for the incoming/relieving officer.

## 14.29.5 Service of New South Wales court attendance notices

A court attendance notice may be issued in NSW in respect of a person, if the person has committed or is suspected of having committed an offence (see ss. 47-54 and ss. 172-181 of the *Criminal Procedure Act* (NSW) (CPA)). A court attendance notice must:

- (i) describe the offence;
- (ii) briefly state the particulars of the alleged offence;
- (iii) contain the name of the prosecutor;
- (iv) require the accused person to appear before the magistrate or court at a specific date, time and place, unless a warrant is issued for the arrest of the person or the person is refused bail; and
- (v) state, unless a warrant is issued for the arrest of the person or the person is refused bail, that failure to appear may result in the arrest of the person or in the matter being dealt with in the absence of the person (see ss. 50(3): 'Form of court attendance notice' and 175(3): 'Form of court attendance notice' of the CPA).

Court attendance notices may, in cases where the accused person resides in Queensland, be forwarded to the officer in charge of the police station nearest the accused's residence for service.

### POLICY

Officers in charge of stations or establishments receiving court attendance notices are to:

- (i) check to ensure that the appearance date is at least twenty-one days after the notice is received;
- (ii) assign such notices to officers under their control for service;
- (iii) forward the notice to another police station or establishment for service, if inquiries reveal that the accused person is now residing in another division;
- (iv) retain a photocopy of any court attendance notice served, including the signed endorsement of service;
- (v) arrange for the 'service copy' of any court attendance notice served to be returned to the issuing or prosecuting officer in NSW as quickly as possible. A copy of a court attendance notice must, except with leave of the court,

be filed in the registry of the relevant NSW court within seven days after it is served and it must contain an endorsement as to service (see ss. 52(4): 'Service of court attendance notices' and 177(4): 'Service of court attendance notices' of the CPA). Consequently, the issuing or prosecuting officer in NSW must receive the endorsed service copy of the court appearance notice within seven days after service so that it can be filed at the relevant court registry; and

(vi) return any court attendance notice unable to be served for any reason, to the issuing or prosecuting officer in NSW.

Court attendance notices must be served in Queensland at least twenty-one days before the court appearance date specified in the notice (see s. 25: 'Time for service' of the *Service and Execution of Process Act (Cwlth)* (SEPA). This twenty-one day period does not include the date of service and the court appearance date (see s. 36: 'Calculating time' of the *Acts Interpretation Act (Cwlth)*).

### Service on individuals

Section 24(2): 'Initiating process may be served in any part of Australia' of the SEPA, provides that service on an individual must be effected in the same way as service of such an initiating process in the place of issue.

For committal proceedings, the provisions of s. 52 of the CPA apply.

For summary proceedings, s. 177 of the CPA and rule 5.9: 'Service of court attendance notices in summary proceedings' of the Local Court Rules (NSW) apply.

#### PROCEDURE

In both committal and summary proceedings, court attendance notices may be served by handing the notice to:

- (i) the accused person; or
- (ii) a person at the accused person's usual place of residence or business who is apparently of or above the age of sixteen years; or
- (iii) if the accused person is an inmate of a correctional centre, by handing it to the officer in charge of the correctional centre.

#### POLICY

Where a court attendance notice is unable to be served via personal or substituted service, it is to be returned to the issuing or prosecuting officer in NSW. The postal service of court attendance notices is not to be undertaken by QPS officers.

### Service on companies and registered bodies

In accordance with s. 24(3) of the SEPA the service on a company or a registered body must be effected in accordance with s. 9: 'Service on companies and registered bodies' of the SEPA.

### Service on other body corporate

Pursuant to s. 24(4) of the SEPA the service on any other body corporate must be effected in accordance with s. 10: 'Service on other bodies corporate' of the SEPA.

### Actual service

#### PROCEDURE

An officer when serving a court attendance notice on an accused person, company, registered body or other body corporate is to:

- (i) hand the 'defendant copy' of the notice to the accused person;
- (ii) explain the offence for which the court attendance notice has been issued; and
- (iii) advise the time, date and court at which the accused person is to appear.

Where an accused person refuses to accept a copy of the court attendance notice, the notice may be served by putting it down in the person's presence after the person has been told of the nature of the notice (see rules 5.3: 'How personal service effected generally' and 5.9: 'Service of court attendance notices in summary proceedings' of the Local Court Rules (NSW)).

Pursuant to s. 19: 'General power to enter to make inquiries, investigations or serve documents' of the PPRA, a police officer may enter and stay for a reasonable time on a place to serve a document; this includes a court attendance notice. However, if the place contains a dwelling the only part of the place a police officer may enter without the consent of the occupier is the part of the place that is not a dwelling.

### Endorsement of service

#### POLICY

After serving a court attendance notice officers are to:



(i) complete the statement of service details outlining the time and manner of service and sign the 'service copy' of the notice. This signature must be witnessed, however it does not need to be witnessed by a justice of the peace and can be witnessed by another officer; and

(ii) return the service copy of the court attendance notice, including the completed endorsement of service, to the officer in charge of the station or establishment, who will arrange for the notice to be returned to the issuing or prosecuting officer in NSW.

An officer who receives a court attendance notice for service and:

- (i) is unable to serve the notice at least twenty-one days before the appearance date;
- (ii) is unable to locate the defendant after all avenues of inquiry have been exhausted; or
- (iii) locates information to suggest that the defendant is residing in another division;

is to complete a brief covering report outlining the circumstances and submit that report with the unserved court appearance notice to the officer in charge of their station or establishment.

#### 14.29.6 Interstate service of an originating process

The *Service and Execution of Process Act (Cwlth)* (SEPA) allows for the interstate service of a civil process issued by a Queensland court or tribunal.

In Queensland a civil proceeding starts when the originating process is issued by the court (see rule 8: 'Starting proceedings' of the Uniform Civil Procedure Rules (UCPR)).

##### POLICY

Where an officer commences a civil proceeding under the UCPR in a Queensland court that requires service on a party interstate, a copy of a SEPA Form 1: 'Notice to defendant' is to be attached to the originating process (see s. 16: 'Information to be provided' of the SEPA and Form 1: 'Notice to defendant' under the SEPA). For example, where an application is made under s. 694: 'Application by police officer for order if ownership dispute' of the PPRA and a party to the proceeding is located interstate. (see s. 4.7.1: 'Disputed ownership (disposal)' of this Manual).

##### PROCEDURE

When service of an originating process is required to be made on a party located interstate, the applicant officer should:

- (i) liaise with the local Service prosecutor and the registrar of the relevant Queensland court to ensure the required originating process, forms and affidavits in relation to the civil proceeding are completed correctly and a suitable hearing date is obtained;
- (ii) complete a Form 1: 'Notice to defendant' of the SEPA;
- (iii) file all copies of the originating process, forms and affidavits with the registrar of the relevant Queensland court;
- (iv) ensure that the originating process, together with a copy of the Form 1: 'Notice to defendant' of the SEPA and any other required forms and/or affidavits are served on the interstate party in accordance with rule 123: 'Service outside Queensland' of the UCPR, s. 15: 'Initiating process may be served in any part of Australia' of the SEPA and Chapter 4: 'Service' of the UCPR.

Where personal service is required, officers should firstly contact the officer in charge of the interstate police division where service is to be attempted to ensure that they are able to serve the documents. Attach the originating process together with all other attachments to a report addressed to the officer in charge of the relevant interstate police division. The report should request that all documents be served personally and that an affidavit to establish proof of service be completed and returned. (See s. 11: 'Proof of service' of the SEPA. See also Appendix 13.12 of this Manual for an example of a completed 'Affidavit of Service').

Where police from the interstate division are unable to assist in serving the documents, officers should make the necessary arrangements to have the originating process and attachments served by a process server.

Where service is affected by post, officers concerned should complete an affidavit of service in accordance with s. 11: 'Proof of service' of the SEPA.

All affidavits of service are to be returned to the relevant Queensland court prior to the hearing date; and

- (v) forward to the prosecutor all documentation in relation to the matter.

All forms are available on QPS Forms Select or the Queensland Courts website.

## 14.30 Use of tyre deflation devices

### Definition

For the purpose of this section:



### Authorising officer

means for the deployment of a tyre deflation device (TDD):

- (i) in a pursuit, the pursuit controller; or
- (ii) other than a pursuit, the regional duty officer (RDO), district duty officer (DDO), shift supervisor, OIC or shift supervisor of the relevant communications centre, station or radio base.

For matters other than a pursuit, where it is not possible to obtain authorisation prior to deployment of the TDD and there is an emergent reason to justify the deployment, the senior officer at the scene may authorise the deployment. In such instances, the senior officer is to notify an authorising officer of the deployment as soon as practicable.

Tyre deflation devices are designed to immobilise vehicles with minimum injury to all participants and damage to surrounding property. They may be used, where justified, to terminate pursuits, in roadblocks or in other situations which require target vehicles to be stopped. For use of a TDD in a roadblock, see s. 2.4.12: 'Roadblocks' of this Manual.

The contents of this section are to be read in conjunction with ss. 15.4: 'Vehicle interceptions' and 15.5: 'Pursuits' of this Manual.

### Legislative authority to deploy tyre deflation devices

Relevant legislative authority to use a TDD is contained in ss. 21: 'General power to enter to arrest or detain someone or enforce warrant'; 52: 'Prevention of offences – general'; 614: 'Power to use force – exercise of certain powers'; 615: 'Power to use force against individuals', and 26: 'Roadblocks' of the PPRA.

### Authorising deployment of tyre deflation devices

The use of a tyre deflation device (TDD) brings with it risks which, if not carefully considered and managed can result in death and serious injury.

Deployment of a TDD is to be authorised by an authorising officer. Tyre deflation devices are not to be used to stop motorcycles or similar vehicles.

When a TDD deployment is considered by the authorising officer to be a lawful and appropriate means of stopping a vehicle, the authorising officer is to:

- (i) advise all officers involved in the incident that authorisation is given to deploy a TDD. Where the authorising officer is not an officer at a communications centre, station or radio base, they are to ensure the relevant communications centre, station or radio base is advised;
- (ii) ascertain the availability of a deployment officer and suitably equipped vehicle;
- (iii) obtain the deployment site location from the deployment officer;
- (iv) ensure the location of the deployment site is communicated to the units involved in the incident;
- (v) where appropriate, task other support units in the vicinity of the TDD to assist with traffic control; and
- (vi) in relation to a pursuit, monitor the pursuit and if of the opinion it is in the greater interest and safety of the public, abandon the pursuit pursuant to s. 15.5.11: 'Abandoning a pursuit' of this Manual, and/or rescind authorisation for the TDD deployment.

### Recording the authorisation of the use of TDD

The officer who authorises the use of a TDD is responsible for making a record of the use. Where the authorising officer is unable to make the record themselves, the authorising officer is responsible for ensuring a record is made in accordance with this direction.

A record of the use of a TDD is to be made on the Significant Event Messaging System (SEMS) (see s. 1.17.1: 'Significant event review matter' of this Manual) using the categories:

- (i) TDD Authorisation – Not Deployed;
- (ii) TDD Authorisation – Successful TDD Deployment; and
- (iii) TDD Authorisation – Unsuccessful TDD Deployment.

The record on SEMS is to include:

- (i) the name of the officer who authorised the use of the TDD;
- (ii) the factors the officer considered to make the authorisation;
- (iii) if a TDD is deployed, the result of the deployment; and
- (iv) the name of the deploying officer and any partner.

The record on SEMS is in addition to the reporting requirement in s. 14.30: 'Use of tyre deflation devices' of this chapter.

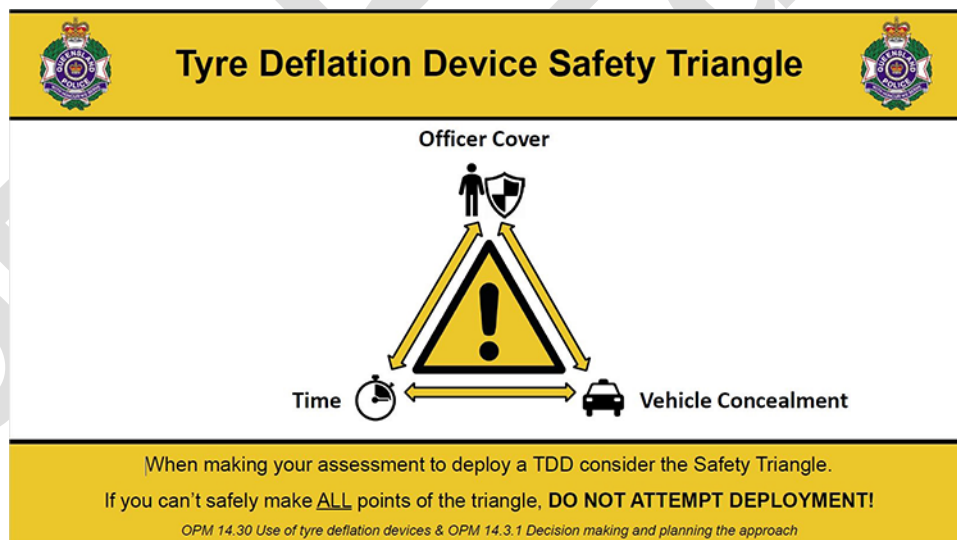
TDD deployment is a tactically dangerous situation for the purposes of s. 17.3.7: 'Tactically dangerous situations' of this Manual.

### Deployment of tyre deflation devices

When authority has been given to deploy a TDD, the deployment officer is to:

- (i) monitor the progress of the incident on the police radio network;
- (ii) select a suitable site for deployment of the TDD, having regard to the relevant circumstances of the incident and safety considerations concerning the potential location;
- (iii) communicate the location of the deployment site to the authorising officer;
- (iv) ensure pedestrians are directed away from the deployment site (see s. 59: 'Power for regulating vehicular and pedestrian traffic' of the PPRA);
- (v) refrain from deploying the device if:
  - (a) personal or public safety is compromised;
  - (b) the incident is abandoned pursuant to s. 15.5.11 of this Manual; or
  - (c) the authority to deploy the TDD is revoked by the authorising officer, regional duty officer, district duty officer or shift supervisor;
- (vi) deploy the TDD in accordance with Service policy and do not leave the TDD unattended;
- (vii) remove the TDD from the roadway as soon as it is safe to do so, once the target vehicle proceeds through the deployment site or when it is no longer required;
- (viii) remove from the roadway or vicinity of the deployment site any debris that is related to the deployment;
- (ix) inspect the TDD after use and perform any required maintenance in accordance with Service policy (see also 'Maintenance' of this section); and
- (x) update the relevant QPRIME occurrence indicating that a TDD was deployed.

In addition to the safety issues to be considered for a tactically dangerous situation, any officer involved in the use of a TDD must consider the TDD Safety Triangle criteria:



When authorised to use a TDD, all officers are to activate their BWC upon their arrival at a proposed TDD site to record their risk assessment as to the suitability of that site having regard to the circumstances, available cover and concealment. If an officer is unable to activate BWC or makes a decision that it is tactically unsound to activate a BWC, then the officer is not authorised to use a TDD.

Officers who make a decision not to use a TDD after being authorised to do so are to be supported for making that decision. The reasons for their decision are to be included in the record of the TDD use.

When there is a pursuit:

- (i) the primary unit is to:
  - (a) reduce speed when approaching the deployment site and remain a minimum of five seconds behind the pursued vehicle to prevent the police vehicle engaging the TDD. Distance between the pursued vehicle and the primary unit may need to be increased due to other circumstances including speed, road and weather conditions; and
  - (b) where practicable, intercept the target vehicle after engagement with the TDD;

(ii) assisting officers are to:

- (a) remain away from the deployment site unless otherwise directed; and
- (b) where directed by the authorising officer, assist with:
  - stopping traffic following the deployment; and
  - reducing traffic flow in the proximity of the deployment site; and

(iii) the pursuit controller, regional duty officers, district duty officers and shift supervisors should monitor the pursuit, where possible, and if of the opinion that it is in the greater interest and safety of the public, abandon the pursuit pursuant to s. 15.5.11, of this Manual, and/or direct the non-deployment of the TDD in relation to that pursuit.

### Training (tyre deflation devices)

Deployment of TDD is restricted to officers who have successfully completed the relevant OST training.

The Chief OST Instructor is responsible for ensuring the necessary systems are in place to enable OST training to take place with respect to TDD.

TDD training will be conducted in conjunction with operational skills training (see s. 14.3.10: 'Operational Skills and Tactics (OST) training' of this chapter). Officers failing to qualify in the use of TDD must undertake further training. Officers who after further training still fail to qualify are not to use or deploy a TDD until deemed competent.

### Maintenance

Officers should immediately report to their OIC:

- (i) the loss of any TDD;
- (ii) any damage or defect to a TDD; or
- (iii) any unsatisfactory condition relating to any TDD (e.g. maintenance consumables or replacement parts have been fully exhausted).

Regions and commands are responsible for ongoing financial expenses regarding the purchase of replacement TDD and all consumable components.

Officers in charge are responsible for the issue, care and storage of TDD on issue to their station or establishment. Officers in charge should ensure that when TDD are not in use they are appropriately stored.

### Compensation

If a person suffers loss as a result of the deployment of a TDD, compensation may be payable by the State to the person whose property is damaged. Any claim for compensation arising from deployment of TDD is the responsibility of the region or command in which the deployment occurs. The region or command is also responsible for furnishing and submitting any required Ministerial submission to obtain a decision pursuant to s. 804: 'Compensation' of the PPRA.

## 14.31 Use of Taser 10 energy weapons by district duty officers

### Background

A limited rollout of Taser 10 energy weapons will commence in Queensland. During this limited rollout, Taser 10 will be issued progressively to district duty officers (DDO) on completion of conversion training.

This section is to be read in conjunction with this chapter and the 'Taser 10 Learner Guide' available from OTS media library (see Taser training) on the Service Intranet, with the provisions of this section taking precedence.

### Application

This section only applies to DDOs that have been trained, approved to use and issued Taser 10.

For the purpose of this section officers trained, qualified and issued Taser 10 are to comply with all applicable aspects of s. 14.23: 'Conducted energy weapons (Tasers)' of this chapter as detailed:

- (i) the following sections remain unchanged:
  - (a) 14.23.2: 'Taser training';
  - (b) 14.23.4: 'Use of more than one Taser';
  - (c) 14.23.5: 'Using the Taser on people who are suspected mentally ill';
  - (d) 14.23.6: 'Special precautions to avoid eye and head injuries';
  - (e) 14.23.7: 'Probe removal and disposal';
  - (f) 14.23.8: 'Reporting the use of a Taser';

- (g) 14.23.9: 'Carriage of a Taser';
- (h) 14.23.10: 'Storage';
- (i) 14.23.11: 'Taser repairs and replacement'; and
- (j) 14.23.14: 'Review of Taser incidents',

however, a reference to:

- (a) 'a Taser' is a reference to a Taser 10 Energy Weapon; and
  - (b) 'downloading' is a reference to data transfer;
  - (c) s. 14.23.1: 'Definitions' of this chapter is a reference to s. 14.31.1: 'Definitions for Taser 10 use' of this section;
  - (d) s. 14.23.3: 'Use of Tasers' of this chapter is a reference to s. 14.31.2: 'Use of Taser 10' of this section
  - (e) s. 14.23.12: 'Downloading data from a Taser' of this chapter is a reference to s. 14.31.3: 'Data transfer from a Taser 10' of this section; and
  - (f) s. 14.23.13: 'Officer in charge and district officer responsibilities' of this chapter is a reference to s. 14.31.4: 'Taser management responsibilities' of this section; and
- (ii) the following sections are replaced with corresponding section of this section detailed below:
- (a) s. 14.23.1: 'Definitions' with s. 14.31.1: 'Definitions for Taser 10 use';
  - (b) s. 14.23.3: 'Use of Tasers' with s. 14.31.2: 'Use of Taser 10';
  - (c) s. 14.23.12: 'Downloading data from a Taser' with s. 14.31.3: 'Data transfer from a Taser 10'; and
  - (d) s. 14.23.13: 'Officer in charge and district officer responsibilities' with s. 14.31.4: 'Taser management responsibilities'.

### 14.31.1 Definitions for Taser 10 use

For the purpose of s. 14.23 of this chapter relating to the use of a Taser 10 the following definitions apply:

#### **Presentation of a Taser**

means pointing a Taser in the direction of a person without deploying or firing a probe.

#### **Deployment of a Taser**

means when the selector switch is in the armed position and the trigger is pressed and a probe is deployed and includes firing the Taser:

- (i) against a person or animal, or in the direction of a person or animal; or
- (ii) unintentionally discharging a probe in any circumstance (other than during Taser training).

#### **Completed circuit**

means when two or more probes have been deployed into a subject person and a connection (closed circuit) is established allowing charge to be delivered from the Taser to the person.

#### **Single cycle**

means when a completed circuit is made on a subject person and a single (continuous) five second programmed cycle commences (of electrical charge emitted by the Taser 10). If a completed circuit is not achieved after a second probe is deployed, then subsequent probe deployment may be required to commence a single cycle. One full (five second) single cycle is the operational standard for Taser deployment. A cycle may be shortened by the operator moving the selector switch to the down (safe) position.

#### **Multiple cycles**

means in relation to a subject person when an officer:

- (i) if a completed circuit is made and a five second cycle has commenced, and a further probe is deployed and the five second restarts;
- (ii) re-energises the Taser 10 following the initial five second cycle, or
- (iii) deploys additional probes following the initial five second cycle,

during the same incident or deployment.

#### **Re-energising a Taser**

means when:

- (i) an initial five second cycle has concluded;
- (ii) the Taser 10 is re-energised by pushing the selector switch upwards momentarily; and
- (iii) the weapon commences an additional five second cycle.

### **Neuromuscular Incapacitation**

means when a completed circuit is achieved, and the Taser transmits short duration electrical impulses into the body which affect the sensory and motor functions of the peripheral nervous system temporarily causing involuntary muscle contractions and rendering a person unable to perform coordinated action.

### **Taser 10**

means the Taser branded weapon in the general category of 'energy weapon' and is a hand-held neuromuscular disruption device capable of temporarily incapacitating a person and causing pain through the application of an electrical current. Taser 10 is a category R weapon, as defined in s. 8(f): 'Category R weapons' of the Weapons Categories Regulation.

### **Unintentional discharge of a Taser**

means an unintentional deployment of a Taser cartridge in any circumstance other than during Taser training e.g. during station loading and unloading procedures.

### **Use of a Taser**

means:

- (i) drawing the Taser out of the holster; or
- (ii) presentation of the Taser; or
- (iii) deployment of the Taser,

in the performance of the officer's duties.

Use of a Taser for reporting purposes does not include:

- (i) use during Taser training;
- (ii) station loading and unloading procedures;
- (iii) administrative tasks (e.g. data transfer and storage); and
- (iv) drawing or presentation only against an animal (i.e. not deploying).

The term 'use' includes any and all subsequent actions carried out with the Taser.

### **Warning alert**

means when the selector switch is pushed upwards prior to the deployment of any probes, a bright pulsing light and loud alert sound will emit from the weapon. The warning alert may assist an officer in de-escalating an incident without the need to deploy probes.

## **14.31.2 Use of Taser 10**

The Taser 10 is a multiple shot weapon that has the capability of firing individually targeted probes to allow for accurate aiming and the possibility of creating probe spread over the entire useful range of the weapon. The Taser utilises a magazine which holds 10 single probe cartridges, and each trigger pull of the Taser will deploy one single probe.

The deployment of a Taser should be determined by the circumstances existing at the time, bearing in mind the Situational Use of Force Model (see s. 14.3.2: 'Situational Use of Force Model (2016)' of this chapter). Officers are reminded the Service's philosophy of consider all options and practise safety (COPS) should be embraced when dealing with use of force incidents.

Single probe deployment allows officers to place each probe with accuracy over the entire effective range of the Taser. To create a completed circuit, at least two probes must strike and embed in the body of the subject person. Additional probes should only be deployed after an officer has assessed the effectiveness of the Taser and determined behavioural change has not been obtained.

When deploying a Taser on a subject person, officers can create their own probe spread by firing probes at the preferred target areas with a view to achieving neuromuscular incapacitation (NMI).

#### **ORDER**

Officers are to fire the minimum number of cartridges necessary in the circumstances of the incident in order to obtain behavioural change from a subject person.

There must be a risk of serious injury to a person before an officer can use a Taser. The decision to apply force or use a Taser is an individual one for which every officer will be held accountable.



Officers are not to intentionally deploy the Taser in a prolonged fashion unless it is absolutely necessary and is justifiable in the circumstances.

Every decision to use force should be the subject of a continuous assessment prior to the application of another use of force.

Officers should consider all the use of force options available to them and all the circumstances of an incident when determining the most appropriate use of force option(s) to be used.

The Taser 10 does not have a drive-stun capability; however, it can be deployed at close range (less than 30cm from the subject person). In such circumstances, officers create probe spread by individual targeting of probes to the preferred target areas on a subject person.

### **Prior considerations to use of a Taser**

Prior to deploying a Taser officers should:

- (i) where practicable, verbally warn the subject person(s) and initiate the warning alert; and
- (ii) be mindful of the area in which the subject may fall, for example on a hard surface. When an effective deployment is achieved, the Taser causes temporary incapacitation which may cause the subject to fall down. Injuries may be sustained by the subject where this occurs.

### **When a Taser should not be used**

A Taser should not be used:

- (i) against persons offering passive resistance (e.g. refusing to move or offering little or no physical resistance and refusing to comply with police instructions. A person acting as a dead weight or requiring an officer to lift, pull, drag or push them to maintain control);
- (ii) against persons handcuffed unless exceptional circumstances exist;
- (iii) as a crowd control measure (e.g. for crowd dispersal at a demonstration or industrial dispute);
- (iv) against the occupants of a vehicle or the operator of machinery where there is a danger of the vehicle or machinery going out of control and injuring the occupants or other people;
- (v) against children or persons of particularly small body mass, except in extreme circumstances where there is no other reasonable option to avoid the imminent risk of serious injury;
- (vi) against females suspected on reasonable grounds of being pregnant, except in extreme circumstances where there is no other reasonable option to avoid the imminent risk of serious injury;
- (vii) near explosive materials, flammable liquids or gases due to the possibility of ignition;
- (viii) punitively for purposes of coercion;
- (ix) to rouse unconscious, impaired or intoxicated persons;
- (x) on persons where there is a likelihood of significant secondary injuries (particularly concussive brain injury) from a fall (e.g. standing on a ladder or other elevated position); or
- (xi) on elderly persons, except in extreme circumstances where there is no other reasonable option to avoid the imminent risk of serious injury.

### **LED lights and laser**

The LED lights and laser are only to be used to aid in aiming and are not to be used for any other purpose. The laser sight should not intentionally be aimed at the eyes of the subject, or any other sensitive tissue area (face, neck, breasts groin etc).

### **Deployment of a Taser**

A typically operational application of a Taser is characterised by a single five second cycle. The five second cycle commences after a minimum of two probes have been deployed and embedded into a conductive target and a completed circuit has been established. Officers are to use the Taser on persons by application of a single five second cycle.

The Taser has the capability to fire multiple probes. Officers should deploy probes to the preferred target areas of a subject person until the officer observes signs that a successful connection has been established or behavioural change is achieved.

Multiple cycles may be applied in justifiable circumstances after the officer has reassessed the situation prior to each additional cycle.

Officers should be aware there may be technical or physiological reasons why the device is not working as expected on a particular individual. Therefore, if the initial application of the Taser is not effective, officers should reassess the situation and consider other available use of force options.

Officers should be aware multiple cycles of a Taser have been linked to deaths, particularly where:

- (i) use of a Taser was accompanied by the use of restraints or chemical incapacitant sprays (e.g. OC spray);
- (ii) subjects had underlying health problems such as heart conditions or mental illness;
- (iii) subjects were under the influence of drugs and/or alcohol;
- (iv) subjects were struggling violently for a sustained period; or
- (v) a combination of these factors existed.

There are cases where persons exposed to the effects of Taser have died sometime after being exposed. It is recognised there are circumstances where the only alternative may be the use of a potentially lethal use of force e.g. firearm or where the deployment of the Taser irrespective of the additional risk is absolutely necessary to protect life.

Officers should be aware Indigenous people are more likely to suffer from underlying health problems such as heart disease, lung disease and other illnesses increasing their risk of experiencing adverse health effects when a Taser is deployed against them.

ORDER

Where practicable, officers are not to deploy a Taser on a person who has just been subjected to deployment of OC spray.

#### **Deployment of a Taser on multiple persons by a single officer**

The Taser 10 is capable of being deployed against multiple subject persons and delivering a cycle against each at the same time. The application of each cycle to each person would need to be lawful and justified. As such the use of a single Taser against multiple subjects during an incident or event would require articulation, as the application of further cycles to a compliant subject could be considered excessive in the circumstances.

ORDER

An officer is not to deploy probes into multiple subject persons at the same time unless exceptional circumstances exist, i.e. they fear death or grievous bodily harm from a subject person and have no other option available other than the use of lethal force.

#### **Recording of cartridge serial numbers**

Where an officer has deployed a Taser, the officer is to record the serial number of every cartridge that was deployed in evidence.com against the corresponding event log entry for that deployment. For detailed instructions on how to record cartridge serial numbers in evidence.com, refer to the Taser 10 Learner Guide.

#### **14.31.3 Data transfer from a Taser 10**

The Taser has an internal memory that stores the operating firmware and a record of every deployment. The Taser rechargeable battery, which supplies power to the Taser handle, also has an internal memory which will download and store data from the Taser handle.

The data stored by a Taser is transferred from the Taser handle to evidence.com via the battery. When the battery is removed from the Taser handle and placed into a Taser 10 battery dock, the data from the Taser handle is automatically uploaded into evidence.com (see 'Data transfer' of the Taser 10 Learner Guide).

Do not remove a battery from a Taser handle or battery dock whilst a data transfer or data synchronisation is in progress (see 'Nomenclature' of the Taser 10 Learner Guide for procedures on docking Taser batteries).

The data from a Taser:

- (i) that has been involved in an incident:
  - (a) where ESC or the Crime and Corruption Commission have assumed responsibility for investigation of a matter (see s. 14.31.4: 'Taser management responsibilities' of this chapter) is not to be transferred to evidence.com:
    - without the approval of the Superintendent, Internal Investigations Group, ESC; or
    - until returned to the relevant unit after the investigation is complete; or
  - (b) otherwise, the district officer or equivalent is to ensure is uploaded into evidence.com within 72 hours of when the deployment occurred; or
- (ii) is to be otherwise uploaded into evidence.com every 30 days.

Each battery from a Taser is required to be docked:

- (i) for an eight-hour period every 90 days to allow for the battery to be reconditioned and any firmware upgrades to be downloaded; and
- (ii) when the battery percentage drops to 20% or less, the battery should be immediately docked and recharged.

#### 14.31.4 Taser management responsibilities

The OIC of a station or establishment or unit manager is to:

- (i) ensure an inspection of Tasers, cartridges and other ancillary equipment under their control, is carried out on a monthly basis. Particulars of these inspections are to be recorded in a register kept for this purpose. The OIC of a region, command or division (i.e. Legal Division) may authorise inspections of Tasers and ancillary equipment to be undertaken at other specified time intervals in conjunction with local risk management practices;
- (ii) implement compliance/management practices at a local level ensuring data from all Tasers is uploaded into evidence.com at least every 30 days. A sample of the data is to be cross-checked against the Taser register to identify any discrepancies. Where a discrepancy is identified, they are to as soon as practicable:
  - (a) advise their supervisor; and
  - (b) commence an investigation;
- (iii) immediately report to the district officer, commander, director or other supervising manager or commissioned officer the loss of, any damage or defect to, or any unsatisfactory condition relating to Taser equipment and comply with the provisions of the Financial Management Practice Manual in relation to any losses and, where appropriate, the recovery of debts resulting from the loss or destruction or damage to property while in the care of members;
- (iv) when aware of the necessity for the repair or replacement of a damaged or defective Taser, follow the procedure contained in s. 14.23.11: 'Taser repairs and replacement' of this chapter;
- (v) where a damaged Taser requires repair or replacement:
  - (a) make arrangements with the QPS Armoury, Wacol for the Taser's return; and
  - (b) where the Taser requires replacement, complete a QP 0413: 'Requisition for weapons/restricted item';
- (vi) if a Taser malfunctions during the first five years of operational use and is:
  - (a) within the manufacturer's warranty period, it is to be returned to the Armoury for RMA replacement; or
  - (b) outside the manufacturer's warranty period, it is not to be used operationally, however it can be used in a training environment;
- (vii) notify the QPS Armoury of any permanent or long-term change of a Taser's location so the Weapons Asset Control System (WACS) can be updated;
- (viii) ensure where possible, that a data transfer is conducted on a Taser to evidence.com prior to changing its physical location or being forwarded to the QPS Armoury, Wacol (see s. 14.31.3: 'Data transfer from a Taser 10' of this chapter).

When a Taser is forwarded to the QPS Armoury, Wacol, any costs involved in the inspection, testing, repair or replacement of the equipment are to be met by the requesting region, command or division.

#### Taser data required for other purposes (investigation and court)

Where a Taser has been damaged or is defective and the information recorded in the Taser needs to be extracted for investigation, the officer requiring the information is to contact the Armoury supervisor.

Where data from a Taser handle is required for court purposes, the officer should contact the Inspector, Operational Training Services, PCAP for advice.

#### Recording of Taser equipment

The Inspector, Operational Equipment and Armoury, OCC is responsible for ensuring the following information is recorded on WACS:

- (i) the district, or other organisational unit within the Service that each Taser and cartridge is issued to;
- (ii) the serial number of each Taser; and
- (iii) the date of issue.

District officers or equivalent are to maintain a local register of Taser equipment within their area of responsibility. Particulars to be recorded include:

- (i) the date of receipt of each Taser and cartridge;
- (ii) the station or establishment each Taser and cartridge is issued to;
- (iii) the serial number of each Taser; and
- (iv) the date, reason and method of disposal for each Taser.

The OIC of a station or establishment or unit manager is to maintain a local register of all Taser equipment issued to their work area. Particulars to be recorded include:

- (i) the date of receipt of each item;
- (ii) the serial number of each Taser;
- (iii) the expiry date of each batch of cartridges;
- (iv) the date each Taser was last inspected; and
- (v) the date, reason and method of disposal for each item.

#### **Issue and return register**

The OIC of a station or establishment, or unit manager is to maintain a local register to record the issuing and return of Taser equipment after each shift. The QPB 70: 'Taser Issue and Return Register' should record:

- (i) the time and date of signing the equipment in and out;
- (ii) the serial number of each Taser;
- (iii) officer details including signature; and
- (iv) a comment section to record the condition of the Taser and cartridges when returned and any damage, defect or unsatisfactory condition identified.

There is no requirement to record the serial number of a Taser cartridge in the QPB 70 when issuing or returning Taser equipment. Cartridge serial numbers are recorded by exception in evidence.com when a Taser has been deployed (see s. 14.31.3: 'Use of Taser 10' of this chapter).

All registers are to be accurately maintained and updated to reflect the acquisition, transfer or disposal of Tasers and cartridges within the Service.

#### **Additional storage requirements for Taser 10**

When officers return Taser 10 or place them into storage, they are to ensure the battery is inserted.

**Appendix 14.1 Deleted**

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## Appendix 14.2 Authority to possess weapons

(s. 14.4.2)

(Section 2(1)(e) of the *Weapons Act 1990*)

I,....., Assistant Commissioner/Executive Director of the Queensland Police Service, do hereby authorise the following staff member(s) of the Queensland Police Service, as defined in s. 2.5(1) of the *Police Service Administration Act 1990*, to possess weapons as part of the performance of their duty as such:

•

This authorisation is subject to the following condition(s):

- (i) the authorisation is only valid whilst the staff member remains a fit a proper person as defined in s. 10B of the *Weapons Act 1990*;
- (ii) (insert any additional conditions, if required)

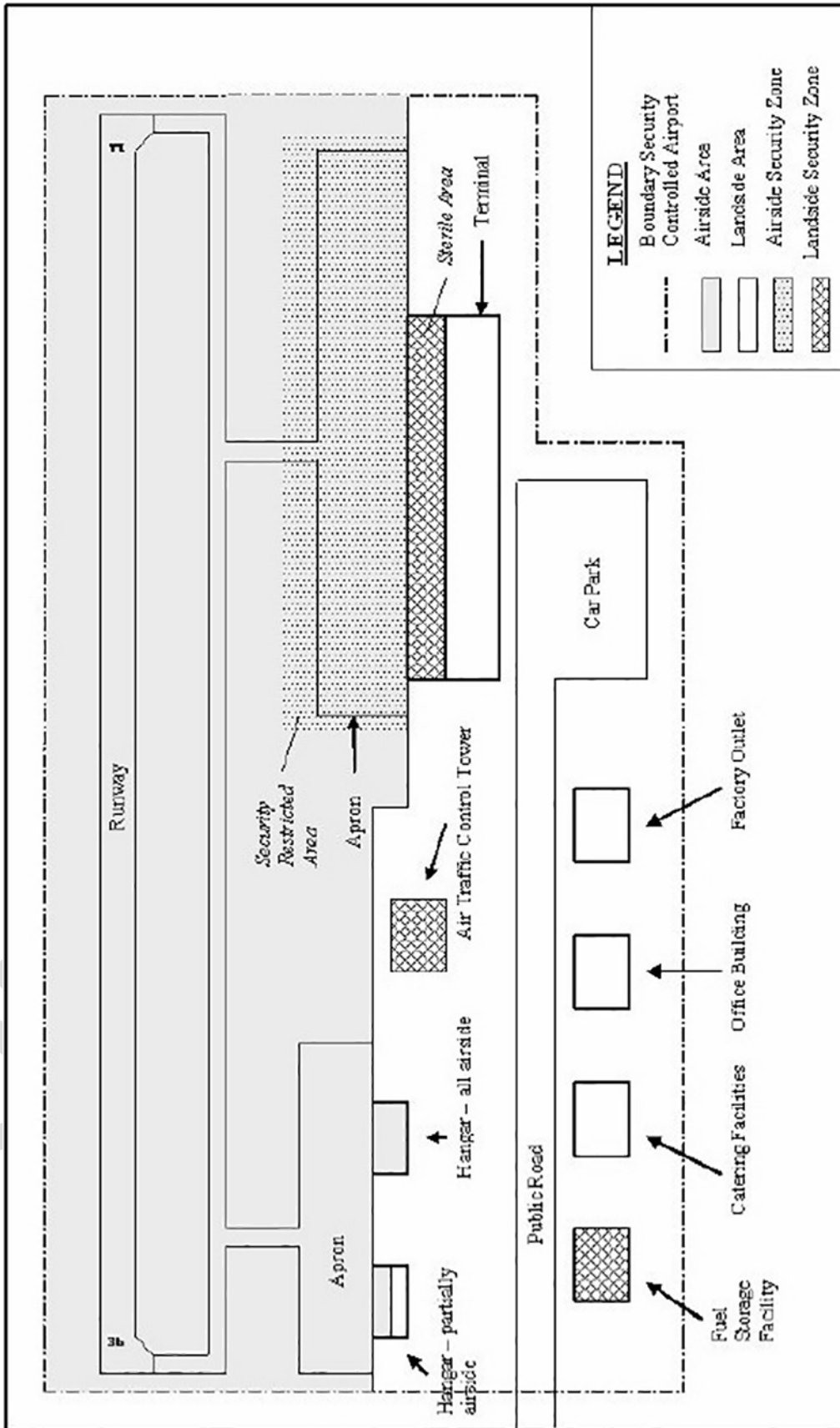
This authority is granted pursuant to:

- (i) s. 2(1)(e) of the *Weapons Act 1990*; and
- (ii) the authority provided by the instrument of Delegation D 8.7, as contained in the Queensland Police Service Delegations and Authorities Library.

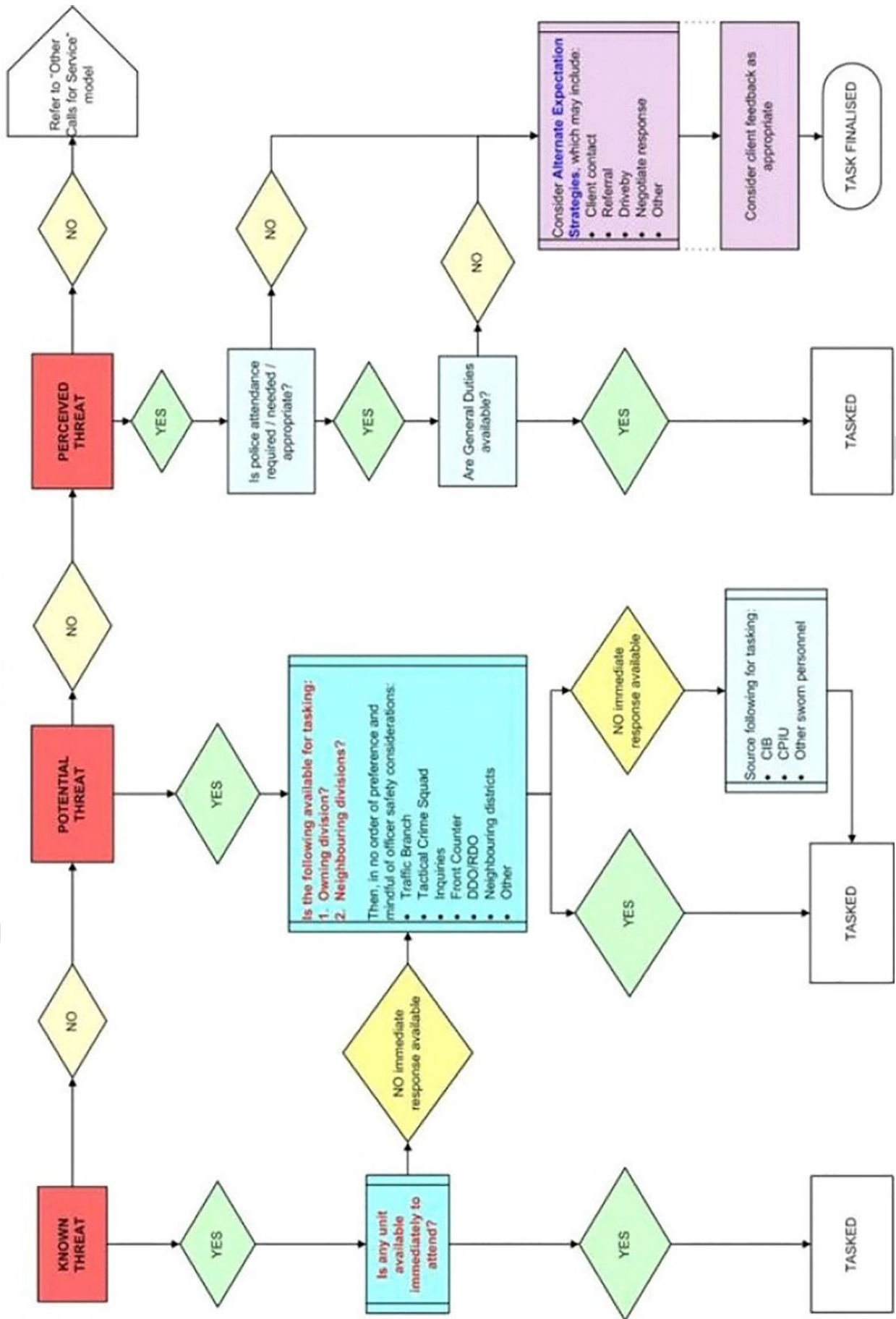
Dated at ..... this ..... day of ....., 20.....

ASSISTANT COMMISSIONER/EXECUTIVE DIRECTOR

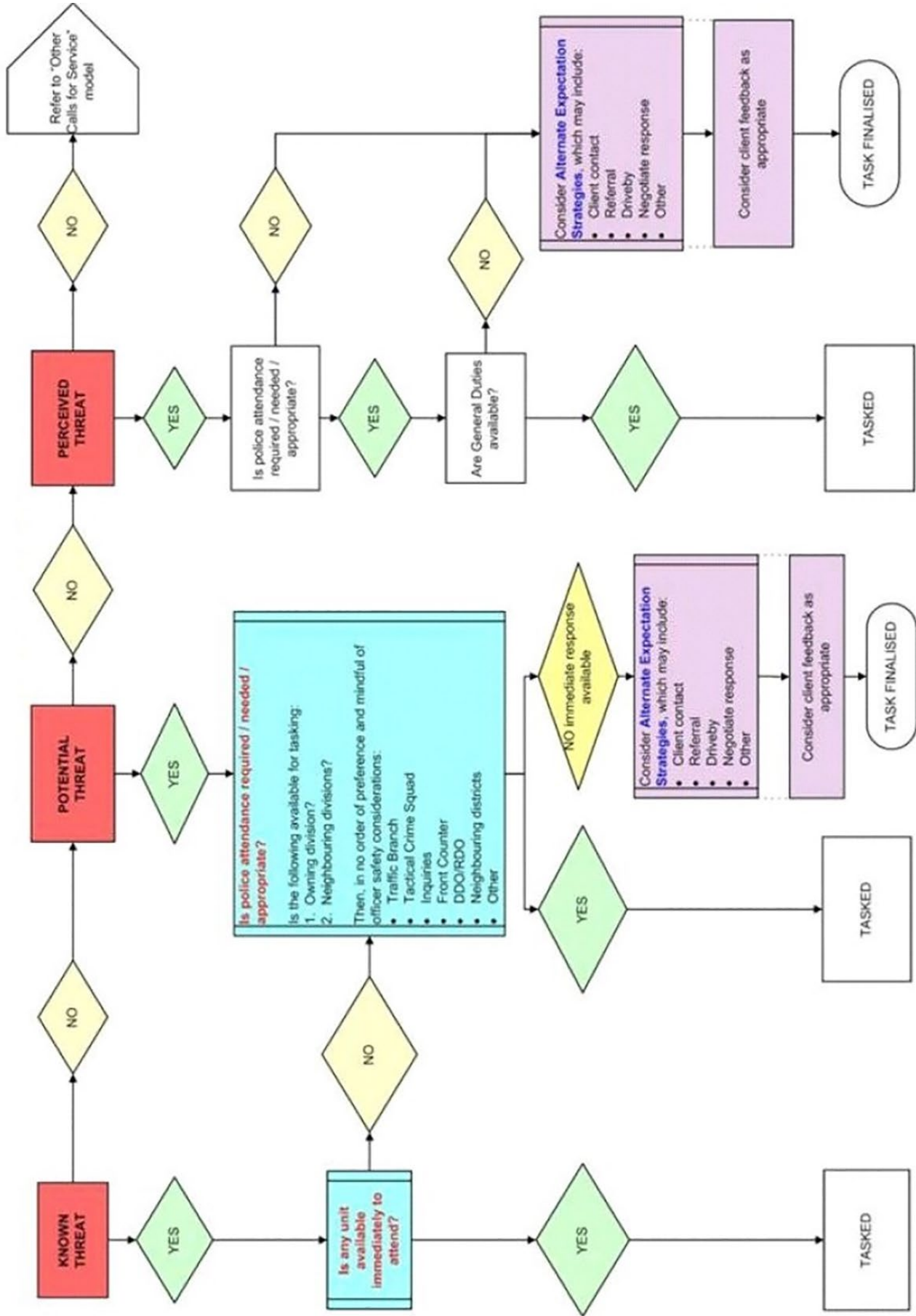
# Appendix 14.3 Airport security 'areas' and 'zones'



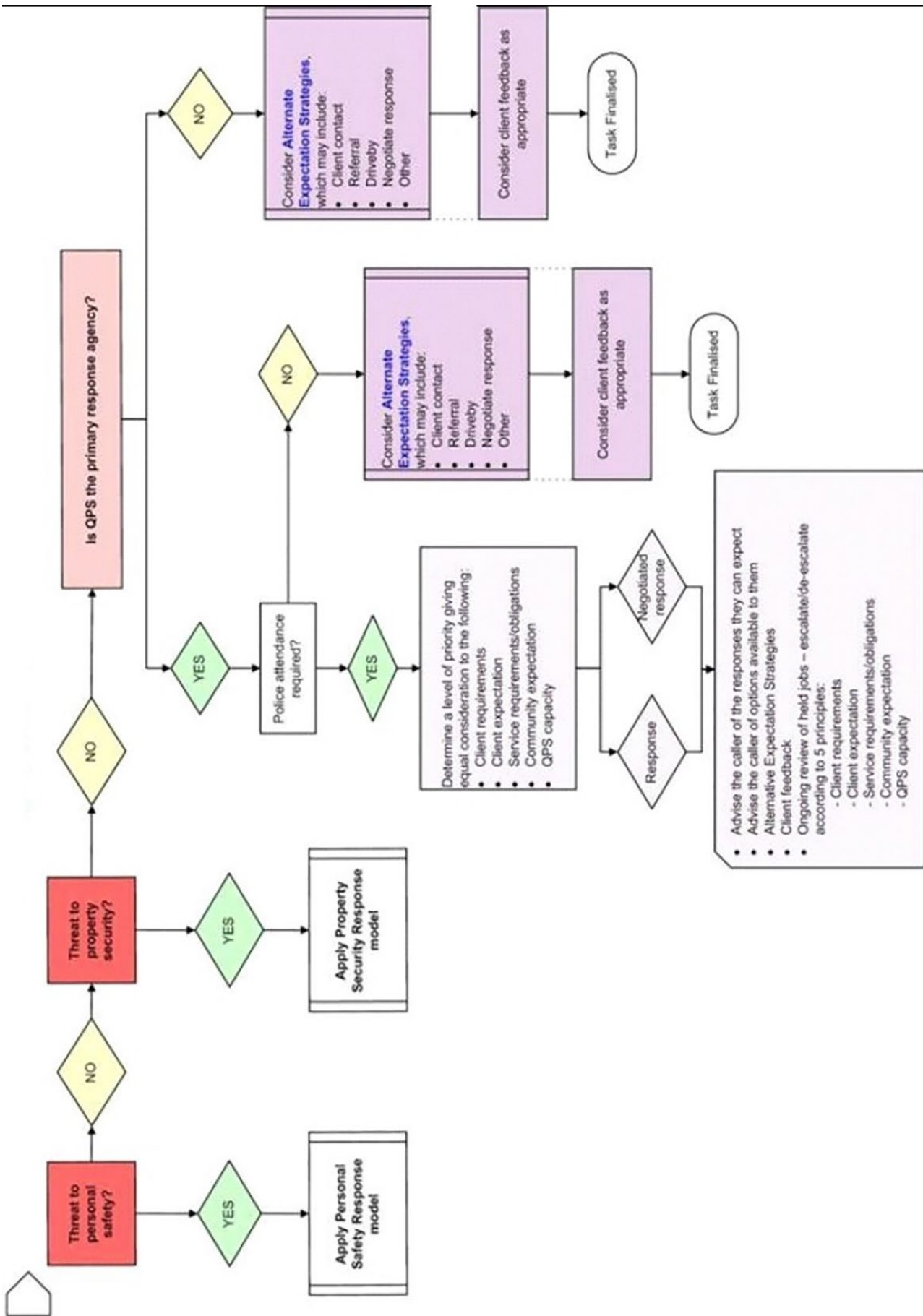
# Appendix 14.4 Threats to personal safety



# Appendix 14.5 Threats to property security



# Appendix 14.6 Other calls for service





## Appendix 14.7 Security controlled airports

(s. 14.11)

### Security Controlled Airports (183) At 10 March 2009

© indicates Commonwealth owned under the Airports Act,

\* indicates Territories,

◇ indicates joint defence facilities

The names below are the airport names recognised under the *Aviation Transport Security Act 2004*. These may be different to the airport operating names.

Designated (11)	Non-Screening (139)		
Adelaide ©	Albany	Garden Point	Mount Gambier
Alice Springs ©	Archerfield © (GA no RPT)	Geraldton	Mount Hotham
Brisbane ©	Armidale	Gladstone	Mount Magnet
Cairns ©	Aurukun	Grafton	Mudgee
Canberra ©	Badu Island	Griffith	Murray Island
Gold Coast ©	Bamaga/Injinoo	Groote Eylandt	Narrabri
Darwin © ◇	Bankstown © (GA no RPT)	Gunnedah	Narrandera
Hobart ©	Barcaldine	Halls Creek	Normanton
Melbourne ©	Bathurst	Hamilton	Numbulwar
Perth ©	Bathurst Island	Hooker Creek	Olympic Dam
Sydney ©	Bedourie	Horn Island	Orange
<b>Screening (33)</b>	Belmont	Hughenden	Palm Island
Albury	Birdsville	Inverell	Parafield © (GA no RPT)
Argyle	Blackall	Jandakot © (GA no RPT)	Parkes
Avalon	Blackwater	Julia Creek	Porpuraaw
Ayers Rock	Boigu Island	Kalbarri	Port Augusta
Ballina	Bouli	Kalkgurung	Port Keats
Broome	Bourke	Karumba	Port Lincoln
Christmas Island *	Broken Hill	Katherine/Tindal ◇	Portland
Cocos Island *	Bundaberg	Kempsey	Quilpie
Coffs Harbour	Burketown	King Island	Ramingining
Curtin	Burnie	Kingscote	Richmond
Gove	Cambridge	Kowanyama	Roma
Hamilton Island	Carnarvon	Kubin Island	Saibai Island
Hervey Bay	Ceduna	Lake Evella	Shark Bay
Kalgoorlie-Boulder	Charleville	Latrobe Valley Airport	Snake Bay
Karratha	Cloncurry	Laverton	Saint George
Kununurra	Cobar	Leinstar	Strahan
Launceston ©	Coconut Island	Leonora	Warraber Island
Learmonth ◇	Coen	Lightning Ridge	Tamworth
Mackay	Coober Pedy	Lismore	Taree
Maroochydore / Sunshine Coast	Cooktown	Lockhart River	Tennant Creek ©
McArthur River Mine	Cooma	Longreach	Thangool
Mildura	Coonabarabran	Lord Howe Island	Thargomindah
Mount Isa ©	Coonamble	Mabuiag Island	Toowoomba
Newcastle ◇	Cunnamulla	Maningrida	Victoria River Downs
Newman	Darnley Island	Maryborough	Wagga Wagga ◇
Norfolk Island *	Derby	Meekatharra	Walgett
Paraburdoo	Devonport	Merimbula	Warrnambool
Port Hedland	Doomadgee	Milingimbi	Weipa
Port Macquarie	Dubbo	Moorabbin	West Wyalong
Proserpine / Whitsunday Coast	Elcho Island	Moree	Whyalla
Ravensthorpe	Emerald	Mornington Island	Wiluna
Rockhampton	Esperance	Moruya	Windorah
Townsville © ◇	Essendon ©		Winton
	Flinders Island		Wollongong
	Fitzroy Crossing		Yam Island
			Yorke Island

## Appendix 14.8 Quick reference (use of force reporting requirements)

(s. 14.3.9)

### QPRIME Use of Force Report & Significant Event Message (SEM) Reporting Requirements – Firearm/Taser/OC Spray

Use of force weapon type	Use of force action			Policy
	Withdrawing weapon only	Pointing weapon at person (not discharging)	Discharging firearm or Deploying Taser or Spraying OC spray	
Firearm	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Custody 'UoF' tab</li> <li>• SEM</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Custody 'UoF' tab</li> <li>• SEM</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Custody 'UoF' tab</li> <li>• SEM#</li> </ul>	s. 14.7 of this chapter
Taser	<ul style="list-style-type: none"> <li>• QPRIME UoF Report<sup>^</sup></li> <li>• Custody 'UoF' tab</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report<sup>^</sup></li> <li>• Custody 'UoF' tab</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report<sup>^</sup></li> <li>• Custody 'UoF' tab</li> </ul>	s. 14.23.8 of this chapter
OC Spray	<ul style="list-style-type: none"> <li>• Custody 'UoF' tab</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report<sup>^</sup></li> <li>• Custody 'UoF' tab</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Custody 'UoF' tab</li> </ul>	s. 14.21.4 of this chapter

### QPRIME Use of Force Report & Significant Event Message Reporting Requirements – Other

Use of force type	No Reportable injury occurs	Reportable injury occurs to a person*	Policy
Open/closed hand tactics	<ul style="list-style-type: none"> <li>• Custody 'UoF' tab</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Injury Report (where applicable)</li> <li>• Custody 'UoF' tab</li> </ul>	s. 14.3.9 of this chapter
Restraining accoutrements	<ul style="list-style-type: none"> <li>• Custody 'UoF' tab +</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Injury Report (where applicable)</li> <li>• Custody 'UoF' tab</li> </ul>	s. 14.3.9 of this chapter
Baton	<ul style="list-style-type: none"> <li>• Custody 'UoF' tab</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Injury Report (where applicable)</li> <li>• Custody 'UoF' tab</li> </ul>	s. 14.3.9 of this chapter
Police dog	<ul style="list-style-type: none"> <li>• Custody 'UoF' tab</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Injury Report (where applicable)</li> <li>• Custody 'UoF' tab</li> </ul>	s. 14.3.9 of this chapter
Police horse	<ul style="list-style-type: none"> <li>• Custody 'UoF' tab</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Injury Report (where applicable)</li> <li>• Custody 'UoF' tab</li> </ul>	s. 14.3.9 of this chapter
Officer presents & uses an object	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Custody 'UoF' tab</li> </ul>	<ul style="list-style-type: none"> <li>• QPRIME UoF Report</li> <li>• Injury Report (where applicable)</li> <li>• Custody 'UoF' tab</li> </ul>	s. 14.3.9 of this chapter

Use of force type	No Reportable injury occurs	Reportable injury occurs to a person*	Policy
Police pursuit	QPRIME Police Pursuit Report & SEM (for all pursuits)	If UoF option used post-pursuit, QPRIME UoF Report & Injury Report (where applicable) apply.  (If injury results from a traffic crash, traffic crash reporting procedures also apply)	s. 15.7 of this Manual

# No SEM required where firearm discharged for lawful destruction of injured or sick animal.

\* Injury means an identifiable bodily injury to a person requiring first aid or medical treatment by a qualified ambulance officer, nurse or doctor at the time of the incident (see ss. 14.2: 'Definitions and references to legislation' and 14.3.9: 'Use of force reporting' of this chapter).

^ A SEM is required by exception only (see s. 1.18: 'Significant events' of this Manual)

+ For officers performing watch house or prisoner transport duties, the routine handcuffing of non-resisting / compliant prisoners for cell movements, prison transports and court appearances, is exempt from being recorded on the Custody UoF tab.