

REPORT ON THE USE WITHIN ACT POLICING OF THE TASER X26

BACKGROUND

In 2002 ACT Policing Specialist Response and Security (SRS) members attended 6th Annual Less Than Lethal Weapons Conference in the United Kingdom. The purpose of this visit was to evaluate less than lethal use of force options available to policing organisations and, consider which of those options might be appropriate to the AFP's operational environment.

As a result of this visit, the Taser X26 Electrical Incapacitant was identified as a less than lethal use of force option that could be a suitable addition to the current less than lethal options available to AFP members.

Upon return from the conference, SRS members submitted a proposal to the AFP Operational Safety Committee and the ACT Policing Executive to trial the Taser X26 with a view to assessing its suitability for operational use within the AFP. Approval was given for members of SRS Tactical Response teams (SRSTR) to trial the Taser.

The model chosen by the AFP for the trial was the Taser X26 which is the fourth generation of Taser available to law enforcement agencies. In this report any use of the word Taser refers to the Taser X26.

Following training of SRSTR members, the Operational Safety Committee approved a Taser trial commencing in December 2004 for a period of six months. This trial was later extended by the Operational Safety Committee to run for a further six months ending in December 2005. The trial was extended due to insufficient data from the first six months of the trial to make an informed assessment.

In October 2005, the AFP Operational Safety Committee approved the continued use of the Taser, by SRSTR members, from scheduled completion of the trial in December 2005 until 31 March 2006 to allow the Taser to stay in service whilst the end of trial report was compiled and reviewed by Operational Safety Committee.

On 15 June 2006 the AFP Operational Safety Committee approved the Taser X26 as a less than lethal use of force option. Consistent with the practice adopted by other Australian jurisdictions, ACT Policing has restricted use of the Taser to appropriately trained Tactical Response Team officers only and currently has six X26 model Tasers available.

DISCUSSION

During the extended trial period the Taser was carried by SRSTR members on selected operational shifts including tactical deployments, general policing patrols, beat policing patrols, and during demonstrations. The Taser was carried on duty by appropriately trained SRSTR members, as a less than lethal use of force option, in excess of 450 occasions during the trial.

To facilitate the trial, AFP Commissioner's Order 3 (CO3), the document that governs the use of force by AFP members, was amended to incorporate electrical incapacitants such as the Taser.

CO3 defines 'use' in relation the Taser as:

use, in relation to an electrical incapacitant means;

a) drawing

b) aiming; or

c) discharging.

ACT Policing has adopted the following expanded definitions of each of these terms for the purposes of recording and evaluating use of the Taser:

Drawing: the removal of the Taser from its holster or securing mechanism.

Aiming: pointing the Taser at and or illumination of a subject with the Taser torch and or laser sighting system.

Discharging: the deployment of the Taser by utilising either:

- (a) the 'drive stun' mode where the Taser is pushed against the subject and activated causing localised pain around the immediate area against which the Taser is pushed; or
- (b) by "firing" the probes which attach themselves to the subjects clothing or body.

The circumstances under which the Taser can be 'used' are outlined in CO3.

(Particular section in CO3 deleted as operationally sensitive)

Since the commencement of the trial and subsequent operational deployment of the Taser in ACT Policing, the Taser has been 'used', (as defined in Commissioner's Order 3) on 26 occasions. These include:

- drawn on 10 occasions;
- drawn and aimed on seven occasions,
- discharged in the drive stun mode on three occasions,
- probes discharged on four occasions, and
- combination of probe discharge and drive stun mode on two occasions.

On the occasions that the Taser has been discharged by SRSTR members, no injuries have been sustained by the subjects, members of the public, or attending police.

Since commencement of the trial and subsequent approved operational use, each use of the Taser has been reviewed by Operational Safety Trainers to ensure the validity and effectiveness of the Taser's use. On each occasion it was concluded that the use of the Taser was justified given the circumstances.

The following is a brief outline of the circumstances surrounding each use of the Taser and the outcome, up to June 2007.

Taser Use 1 – Drawn/Aimed (not discharged).

In February 2005, SRSTR members assisted with the execution of a warrant at premises in a Canberra suburb. Police entered the premises and observed the subject attempting to flee through a window. Due to the subject's known propensity for violence and attempt to avoid being taken into custody, an attending SRSTR member drew the Taser and aimed it at the person. The person then complied with police instructions and was taken into custody without further incident.

Taser Use 2 – Drawn/Aimed (not discharged)

In July 2005 SRSTR members attended a violent altercation involving three persons outside a Nightclub in Canberra. An attending SRSTR member decided to use the Taser to prevent the persons from physically injuring themselves or Police. The SRSTR member drew the Taser, deactivated the safety mechanism, and illuminated the three persons with the torch and laser sight. Whilst doing this the SRSTR member issued verbal directions to the persons and indicated the SRSTR member's intention to use the Taser if the altercation continued. The persons then complied with the directions and ceased fighting.

Taser Use 3 – Drawn but not aimed or discharged

In July 2005 SRSTR members deployed to an incident involving a person suffering a mental illness. The person had an open pair of scissors held against the person's throat and was threatening self harm. SRSTR members feared the person was likely to self harm or harm police if the situation was not resolved and one member drew the Taser from its holster and armed it. The Taser was not aimed and the situation was resolved when the subject allowed an opportunity for police to physically restrain the person.

Taser Use 4 - Drive stun discharged

In September 2005 SRSTR members were called to assist a City Beats Team with the arrest of a person amongst a group of other persons. Whilst attempting to arrest the person, a number of the person's associates began to interfere with the arrest process. As the attending police arrested the first person one of the person's associates ran towards them swinging punches. Police tried to gain control of the second person but the person continued to struggle and lash out with the person's feet. An attending SRSTR member issued a verbal warning of the officer's intention to use the Taser if the second person did not stop struggling. The person did not comply with the verbal direction and continued to struggle. The SRSTR member used the Taser in drive stun mode, applying it to the left side of the person's back. Following the discharge of the

Taser the person ceased resisting and complied. The incident was resolved with no injury to the subject or the attending police.

Taser Use 5 – Drawn but not aimed or discharged

In September 2005, SRSTR members were requested to assist patrol members with an incident outside licensed premises in Canberra. A person was observed to be standing in a public roadway abusing police and members of the public. The person refused police requests to move off the roadway and behaved threateningly toward police. At this point, one SRSTR member drew a Taser while the incident was resolved. The person was taken into protective custody by police without further incident and without any further use of force by police.

Taser Use 6 – Drawn but not aimed or discharged

In September 2005, police were requested to assist another agency with execution of an order. The subject of the order approached police holding a golf club in a threatening manner. An SRSTR member drew a Taser at which point the person dropped the golf club. The person was handcuffed and conveyed by police to the Canberra Hospital.

Taser Use 7 - Probe discharged

In September 2005 SRSTR members were called to a siege in a suburb of Canberra where one person was holding another person hostage. The subject on this occasion was holding a knife to the throat of the hostage.

Following protracted negotiations the subject released the hostage but did not relinquish the knife. As negotiations continued the subject continually threatened violence including repeated threats to stab attending Police. Eventually the subject walked towards police while holding the knife in a threatening manner and stated the person's intention to harm police.

As the gap between the subject and police was reduced, an SRSTR member discharged the Taser against the subject. At this moment the subject quickly turned and moved away from Police. Due to the person's sudden movement both probes did not attach effectively with one probe coming out completely. As a result, the subject only received a brief exposure to the electrical current before the circuit was broken by the probe falling out. The subject retreated and shortly after surrendered to police.

Taser Use 8 - Drawn/Aimed (not discharged)

In September 2005 SRSTR members were requested to assist an agency. Intelligence and criminal records indicated a person the agency had dealings with had a propensity for extreme violence.

Police negotiated with the person. However, the person became aggressive and ignored police directions to place the person's hands in plain view. Police feared the

person had a weapon and drew and aimed the Taser at the person. The person then cooperated with police and was safely removed with no further incident.

Taser Use 9 - Probe discharged and drive stun

In September 2005 an SRSTR member used the Taser during the arrest of a person. The person had a long history of violence and assaults, was uncooperative, continually ignored police directions to comply, and became increasingly aggressive.

When police placed hands on the subject to move the person to the caged police vehicle the person started to resist. Fearing an escalation of violent behaviour the SRSTR member discharged the Taser against the subject.

Initially both probes attached to the subjects clothing in the region of the person's chest. However, as the subject started to fall, one of the lead wires detached from its probe resulting in the breaking of the electrical circuit. At this point the SRS member moved towards the subject and used the Taser in drive stun mode, firstly to the calf muscle area of the person's leg, then to the thigh area. This completed the circuit and allowed the Taser to perform effectively.

The subject was contained and placed in the police caged vehicle with no injury to the person or attending police.

Taser Use 10 - Drawn/Aimed (not discharged)

In October 2005 SRSTR were involved in a short vehicle pursuit of a person with a First Instance warrant and a significant criminal history. This person had alerts in place relating to the carriage of weapons and escaping police custody.

Following the vehicle pursuit the person fled from the car and was pursued by police on foot. The person was located by police but refused to obey directions to get onto the ground. Due to the criminal history, the physical stature of the offender, the fact that the person had already tried to elude Police, the person's refusal to obey Police directions and the fact that the person appeared to be intoxicated, attending Police believed the person could become violent. At this stage an SRSTR member drew and aimed the Taser at the person who then complied with police directions. The person was arrested without further incident.

Taser Use 11 – Drawn but not aimed or discharged

In December 2005, police responded to a report of a person threatening self harm at a residence in a Canberra suburb. Due to a report that the person had possession of a weapon, SRSTR members approached the person's location with one Taser drawn. The person complied with police directions and was hand-cuffed and searched. Police also searched the residence, locating a weapon.

Taser Use 12 – Drawn/Aimed (not discharged)

In January 2006, SRSTR members supported Police Negotiators during a negotiated surrender of a person who was believed to possess firearms. When the person failed

to comply with police directions, an SRSTR member drew the Taser and aimed it at the person. The person then complied with police directions and was arrested by police without incident.

Taser Use 13 – Drawn/Aimed (not discharged)

In April 2006, SRSTR members assisted with the transfer of a violent and mentally unstable prisoner from the City Watch House to the Canberra Hospital where the person was to undergo physical and psychological assessment. The prisoner had assaulted a police officer with a spanner the previous day and remained aggressive and unstable. SRSTR members approached the prisoner's cell with one Taser drawn and instructed the prisoner to move to the rear of the cell and lie face down. The prisoner did not comply with this request. Police entered the cell and aimed the Taser at the prisoner who complied with further police directions. The prisoner was placed in a caged vehicle and transported to the Canberra Hospital.

Taser Use 14 – Drawn but not aimed or discharged

In August 2006, SRSTR members negotiated the surrender of a person located in a flat in Canberra. The person was compliant with police demands. Due to the physical stature of the male and a known history of violent behaviour, attending Police believed the person could become violent. While handcuffs were applied to the person an SRSTR member had a Taser drawn, but not aimed at the offender, in the event that the person's demeanour changed. The person was arrested without incident.

Taser Use 15/16 – Drawn/Aimed (not discharged)

In September 2006 SRSTR members deployed but did not discharge Tasers during a search for and subsequent siege involving an armed offender. This matter is currently subject of a coronial inquiry.

Taser Use 17 – Drive stun discharge

In October 2006 police intervened in a dispute involving three persons at a taxi rank. After one of the persons assaulted police in an effort to prevent police taking another person into custody, an SRSTR member deployed the Taser in drive stun mode. The person was arrested and charged with assaulting police and hindering police.

Taser Use 18 – Probe discharged

In October 2006 a resident of a facility threatened staff with a knife. SRSTR members attended, observed the person approaching with a knife and deployed the Taser probes in order to subdue the person and remove the knife. The person was conveyed to hospital and placed under an emergency treatment order.

Taser Use 19 – Drive stun discharge

In October 2006 a large disturbance between two groups of intoxicated persons occurred at a club. Police attempting to arrest an offender who had thrown a beer

glass at police were assaulted by a number of individuals. The Taser was deployed by SRSTR members in drive-stun mode on five individuals. One person was taken into custody and subsequently released into the care of family members. The other four offenders were not able to be identified by police due to the large number of persons assembled.

Taser Use 20 – Probe discharged and drive stun

In November 2006 security staff at a Canberra venue intervened in fight between two persons. Both persons were taken into custody by police at which point one became violent. An SRSTR member discharged the Taser against the subject and subsequently deployed an additional activation of the Taser in pacifying the offender. The person was charged with resisting police.

Taser Use 21 – Drawn but not aimed or discharged

In December 2006, police were requested to assist an agency exercising its duty. One of the subjects of the agency's action produced a knife, threatened police and threatened harm to himself and another subject. Police attempted to negotiate with the subjects for a protracted period without success.

Police eventually forced entry to the premises due to concerns for the welfare of the occupants. During entry, Tasers were drawn to reduce risks to police should the occupants become violent. Following entry to the premises, both occupants were arrested without further incident.

Taser Use 22 – Drawn but not aimed or discharged

In December 2006, police attending a premises were confronted by a person wielding a Samurai sword. The person retreated into the house and ignored police instructions. Police were advised the person may have access to other weapons inside the premises. Following negotiations with Police Negotiators, the person exited the premises and was arrested. While the arrest was effected, SRSTR members drew but did not aim or fire Tasers.

Taser Use 23 – Drawn but not aimed or discharged

In December 2006 a person entered the front office of a police station, produced a knife and threatened self harm.

SRSTR members and Police Negotiators attended. Negotiations with the person lasted for approximately one hour and the person eventually put down the knife and was compliant with Police directions. During negotiations, Tasers were drawn as protection should a threat emerge to police in close proximity to the person.

Taser Use 24 – Probe discharged

In January 2007, police attended a reported incident of a person attempting self harm. After unsuccessfully negotiating with the person for a protracted period, police became concerned for the person's welfare and forced entry. On entry, the person

refused to bring the person's hands into plain view. Police were concerned the person may have access to a weapon due to the person's stated intention to self harm. After police directions were ignored on six occasions, and due to the person's demeanour toward attending police, an SRSTR member discharged a Taser to achieve a safe arrest.

Taser Use 25 – Drawn but not aimed or discharged

In January 2007, Police drew but did not aim or discharge Tasers while affecting the arrest of two intoxicated persons who were violently resisting police.

Taser Use 26 – Probe discharged

In April 2007, SRSTR members attended a facility to assist police with the extraction of a violent offender from a caged police vehicle. The person was acting highly aggressively, abusing police and spitting blood. The person had also moved handcuffed hands from behind the person's body to the front.

The person was advised that the Taser would be deployed to effect the person's removal from the vehicle if the person did not comply with police instructions. The person refused to cooperate and a Taser was deployed. After the person's removal from the police vehicle, the person again struggled with and spit at police. Due to concerns the person may injure themselves or police, a second SRSTR member deployed a Taser. The person was subsequently re-handcuffed and processed by staff.

CONCLUSION

The trial and subsequent operational use of the Taser in ACT Policing demonstrates that it can be a viable addition to the less than lethal options available to police. It has resulted, during the trial and subsequently, in the effective de-escalation and resolution of potentially violent situations.

It is evident looking at the operational uses of the Taser by SRSTR members during the trial period, that it was successful in resolving incidents which could have otherwise resulted in injury to police, members of the public, or the person against whom the Taser was used.

The Taser has advantages over other less than lethal use of force options. For example, a problem sometimes experienced when using OC spray is exposure to the incapacitant by police or members of the public. The Taser eliminates this risk.

To date AFP Professional Standards has received no complaints relating to the use of the Taser and no reports of injury from the persons against which the Taser was used.

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