

Use of stun guns by Australian police forces and in prisons

6 July 2009

In February 2009, CLA wrote letters to 17 Ministers of Police and Ministers for Corrective Services around Australia, expressing CLA's concerns over potential fatal outcomes of using stun guns use. We enclosed a copy of the new guidelines adopted in 2008 by the Royal Canadian Mounted Police on the use of stun guns.

The Canadian 2008 guidelines state the use of stun guns must be justified as a necessary and reasonable use of force. The rules underscore that there are risks associated with the deployment of the devices and emphasise that those risks include death, particularly in agitated individuals.

CLA received substantive responses from all of the addressees except NT Police.

General summary:

Police:

All Australian police forces use stun guns to some degree. Most require training and authorisation to carry and use, and have policies regarding their deployment. In some States, the use of use stun guns is restricted to special force groups.

A quite extraordinary comment was made by the Victorian Police Minister, Bob Cameron: *Victoria Police makes decisions on the deployment of all operational police equipment and it is not appropriate for the Government to intervene in this process.*

Corrective Services

Two Corrective Services use stun guns, while five do not. In WA, stun guns can be used against a prisoner in restraints if "... there is a serious threat to the prisoner's or officer's safety" It is hard to see how a prisoner in restraints could be a threat and how the use of a stun gun could be justified against a restrained prisoner.

The essential elements of individual responses are quoted below.

New South Wales Police 1 May 2009

"...Tasers have been employed successfully in certain NSW Police Force commands for approximately the last six years. Tasers were recently issued to all Local Area Commands and only following rigorous training for Duty Officers and Supervisors who are qualified to use them....On those rare occasions when a Taser is discharged by an officer, its use is governed by strict operating Procedures which clearly set out the situations in which its use is considered appropriate....they specify that ambulance personnel are to be called on all occasions when a person is subjected to a taser ...

The latest consignment of Tasers are equipped with recording equipment which means each time a Taser is discharged, footage can be downloaded straightaway and the conduct of those people involved in the incident can be reviewed.

I am aware that there have been calls for Tasers to be issued to all serving police officers. ...the Government and the NSW Police Force will continue to monitor the effectiveness of Tasers in the field and review the wider deployment of these devices at an appropriate time in the future..."

Victoria Police and Emergency Services and Corrections 18 March 2009:

First used by Special Operations Group, extended to Critical Incident Response Teams. *The Chief Commissioner has the discretion to allow other Victorian Police members access to Tasers...*

Victoria Police makes decisions on the deployment of all operational police equipment and it is not appropriate for the Government to intervene in this process.

Victoria Police advises me that to date, there have been no recorded misuse of Tasers, nor have there been any fatal consequences resulting for Taser use in Victoria. The Government has no intention to restrict or limit the use of Tasers by Victoria Police.

A wider rollout is being considered.

Queensland Police 11 May 2009:

"The Queensland Police Service has adopted a 'Situational Use of Force Model' as a guide to assist police officers when dealing with 'use of force' incidents. This model incorporates a number of options ranging from but not limited to communication skills, baton, oleoresin capicum spray, restraining accoutrements and conducted energy device (taser) which allows officers to escalate or de-escalate as necessary.

The use of Tasers is a less than-lethal option (sic) which enhances the ability of police to defuse potentially violent situations without endangering the safety of police and members of the public.

This government has undertaken to make Tasers available to front-line operational police officers across the State.

Police officers equipped with and authorised to use the taser are specially trained in the relevant Service policy and procedures and appropriate use of the device.

The service monitors all use of Tasers...Additionally, allegations of misuse or misconduct associated with the use of a taser are investigated by the Ethical Standards Command and overseen by the Crime and Misconduct Commission."

South Australian Police 20 April 2009:

"...Electronic Control Devices are a use of force and are only deployed within strict guidelines. This type of equipment has been used by SAPOL's Special Task and Rescue (STAR) Operations, and has proven to be a necessary and effective policing tool in high risk situations.

...a limited field trial conducted by SAPOL commenced on 16 February 2009. A specific policy has been established, which outlines the manner in which the device will be deployed..."

West Australian Police 1 April 2009:

"...stringent policies related to Taser deployment and reporting of Taser use are already established. ...comprehensive training, including first aid, is provided to officers before authorisation to carry Tasers is granted....police only employ the use of Tasers in justifiable situations and they are not used as compliance tools. They are instead a force option available to prevent injury"

Tasmanian Police and Emergency Management 10 March 2009:

"The carriage and use of Taser devices is restricted to members of the Special Operations Group (SOG) ... (they) have only been used twice (since May 2000)...existing restrictions imposed by Tasmanian Police already exceed those referred to in your correspondence"

ACT Police and Emergency Services 18 March 2009:

"...Tasers are only carried in ACT Policing by highly trained specialist response officers....They use Tasers in accordance with the AFP's Commissioners Order on the Use

of Force...Each and every use is subject to mandatory reporting, review and accountability requirements... I am satisfied that the above measures allow Tasers to be a reasonable use of force option for police in particular circumstances..."

ACT Corrections 18 March 2009:

At the Alexander Maconochie Centre (jail) "...at this point I have no intention of introducing stun guns for custodial officers".

New South Wales Corrective Services 9 April 2009:

"..stun guns are not presently issued or used by correctional officers in NSW".

Northern Territory Corrective Services 19 March 2009:

"Northern Territory Corrective Services has never used such weapons within correctional centres nor are there any plans to introduce them at a future stage".

Western Australia Corrective Services 23 March 2009:

The Taser is one of the Department's approved instruments of restraint, which is used under considerably controlled circumstances... The Department's strict guidelines and policy in relation to deployment of the Taser stipulate that it is only used in planned 'Use of Force' situations - it is not deployed reactively... Only specialist trained and accredited officers are authorised to use the Taser in these circumstances, and only as a last resort. The Taser is not used against a prisoner who is in restraints unless there is a serious threat to the prisoner's or the officer's safety".

South Australia Corrective Services 26 March 2009

"The Department's Correctional Officers currently do not employ the use of Taser stun guns in their line of duty...(However) any tool which may assist Officers in their duty will be considered and assessed".

Tasmanian Corrections 27 April 2009:

"I share your concern that the use of such devices is kept to a minimum... the Tasmanian Prison Service has a proven 'minimum use of force' policy in place, as well as comprehensive procedures governing the use of Tasers...approval to deploy a Taser must be specifically given by the Director or Assistant Director of Prisons... Correctional Officers are not routinely issued with Tasers and the circumstances in which these devices can be deployed within a prison environment are very specific in order to ensure that they are used on a 'last resort' basis and where no alternative method of subduing the offender is available or practical...Additionally, the officers authorised to use Tasers are highly trained and regulated..."

– Dr Kristine Klugman OAM
President, Civil Liberties Australia