

## Reporting use of force/tactical options use

### What use of force/tactical options use must be reported in a TOR form?

These shows or uses of a tactical option(s) **must** be fully reported in a Tactical Options Reporting (TOR) form

- whether or not:
  - the subject has been arrested and/or is in Police custody
  - a complaint is expected, and/or
- whether the constable is on-duty or off-duty.

### Employees who use force must report

#### Shows of force

Shows of:

- a TASER (i.e. presentation, laser painting or arcing)
- a firearm.

To be reported on: **Standard TOR**

**Note: Excluding** Armed Offenders Squad or Special Tactics Group shows of a TASER or a firearm and shows of force during training.

#### Uses of force

Uses of:

- communication, but **only** when used with one or more of the tactical options below, and **only** the first time it is used
- metal or plastic handcuffs, a waist restraint belt, and a leg restraint – vehicle:
  - **with** pain compliance
  - **without** pain compliance, but **only** when handcuffs, a waist restraint belt, and a leg restraint – vehicle are used with another reportable tactical option
- a spitting hood
- a restraint chair

- empty hand techniques **excluding** touching, guiding, escorting, lifting, and pushing where a person does not fall to the ground
- O C spray (spraying)
- a baton (striking)
- a weapon of opportunity, e.g. a Police torch
- a Police dog when the subject is bitten and/or otherwise injured
- a TASER by discharge and/or contact stun
- a sponge round
- a firearm (discharge).

To be reported on: **Standard TOR**

#### **Notes:**

**Excluding** any use of force during training.

Unintentional or unauthorised TASER or firearms discharges must be reported in an Unintentional/Unauthorised Discharge form.

## **Uses of force on an animal**

Any use of force on an animal

To be reported on: **Animal TOR**

## **Unintentional discharges**

Unintentional discharge of a firearm or TASER must be reported in an Unintentional discharge form.

To be reported on: **UD TOR**

## **Supervisors must report**

### **Uses of force**

- that result in a fatality
- Police shootings that result in injury

To be reported on: **Fatalities / shooting injuries TOR**

## **fatality**

When a person is injured by the intentional discharge of a Police firearm or dies after Police used force on them, all reportable uses of force which were used at the incident must be reported in a Fatalities and Shooting Injuries TOR. This information is gathered for research and reporting purposes only and does not identify the staff at the incident. Due to the nature of these incidents, the TOR must be submitted by a supervisor, or by another employee assigned to complete the TOR (not the persons who used force), and is reviewed by the District Operations Manager. One TOR must be completed for each incident, regardless of the number of police staff at the incident. Submitting the Fatalities and Shooting Injuries TOR does not replace any requirement to report a Serious Harm Incident.

## **Unintentional or unauthorised discharge of a TASER or firearm**

Any unintentional discharge (operator error or mechanical fault) of a TASER or a firearm, including training, must be reported in an 'Unintentional Discharge' form. Intentional discharges that resulted in unintended consequences (e.g. death or injury to a bystander) must be reported in the Fatalities and Shooting Injuries or standard TOR as appropriate.

For more information on the procedure following an unintentional or unauthorised discharge see these parts:

- [TASER \(Conducted Electrical Weapons\)](#)
- [Police firearms.](#)

## **Use of a tactical option on an animal(s)**

Use of a tactical option on an animal(s) **must** be reported in a 'Use of Tactical Options on an Animal(s)' form.

For more information on using tactical options on animals see '[Animals](#)'.

## **Constables' reporting responsibilities**

This list outlines the reporting responsibilities for constables who showed and/or used force during a use of force incident.

1. Consider whether the force you used in the incident is reportable. Refer to the table above for force that **must** be reported and the Frequently Asked Questions (FAQ's) about TOR. If you are in doubt about whether or not to report a use of force incident, report it.

2. If the force used is **not** reportable, no further action is required, unless the use of non-reportable force:
  - results in a subject's injury and/or health issue - this requires the completion of a POL258
  - a complaint or investigation is expected - these incidents must be reported to your supervisor, who will direct whether or not the incident must be reported in a POL258
3. If the force used **is** reportable, complete a 'Tactical Options Reporting' (TOR) form, or if applicable, an 'Unintentional/Unauthorised Discharge Report' or 'Use of Tactical Options on an Animal(s)' form. **Note:** For incidents which resulted in a fatality, or a Police shooting that resulted in injury, all uses of force at the incident will be reported by a supervisor, and not by the members who used force. **Access TOR () forms** through the 'Notifications' section of Ten-One, by selecting 'Tactical Options Report (post 1 July 2010)', then 'Create new report', then 'TOR report' etc.
4. Follow the guidance on completing a TOR form and, if necessary, the FAQs about TOR when completing your report.
5. Submit the report for review to your supervisor within the prescribed timeframes.
6. If, following review, the reviewing supervisor or Inspector requires more detail or changes to the form, your supervisor will send the form back to you to amend and resubmit.

## Timeframes for submitting and reviewing TOR forms

This table sets out the timeframes for submitting, reviewing and signing off TOR forms.

Situation	Timeframe
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**Note:** these timeframes also apply to supervisors submitting these forms to Inspectors.

## Guidance on completing a TOR form

When completing a TOR () form, ensure that:

the 'tactics you used' section	<ul style="list-style-type: none"> <li>• reports tactical options you used in the order you used them</li> <li>• reflects the tactical options reported in the 'incident description' narrative section of the form</li> </ul>
the 'incident description' narrative	<ul style="list-style-type: none"> <li>• is fully detailed, and explains the incident in the order that things happened, including your TENR assessment and response</li> <li>• reflects the tactical options reported in the 'tactics you used' section of the form</li> </ul>
all other parts of the TOR	<ul style="list-style-type: none"> <li>• are fully completed.</li> </ul>

**Note:** For reporting of use of force resulting in a fatality, and Police shootings that result in injury, the information required will be different, including no identifiable details of Police employees, and no narrative (the form will guide requirements).

## Data and information requests on Police use of force

All internal and external requests for data or information on Police use of force, e.g., Tactical Options Reporting (TOR) data, TOR forms, use of force policies, TASERcam footage, TASER medical reports, must be referred to the National Manager: Response and Operations upon receipt, for reply. This includes requests made under the Official Information Act 1982, and Privacy Act 1993.

Data or information on Police use of force must not be externally released without the permission of the National Manager: Response and Operations.

## Frequently asked questions about TOR

### Why do I need to report the use of force?

The lawful authorisation to use force in certain circumstances brings with it individual and organisational accountability for any use of force. The public expect constables and Police to administer their use of force role with due diligence and care, which is crucial to public trust and confidence in Police.

Individual reporting of force is consistent with individual legal accountability for the use of force. Tactical Options Reporting (TOR) is the primary mechanism for providing individual accountability for the use of force. Supervisor and Inspector review of TOR forms provides further accountability for the use and reporting of force.

TOR data enables Police to better understand how use of force incidents escalate and/or de-escalate, to assist evidence-based decision making and improved employee and public safety.

## **What happens to the TOR form that I submit?**

Each TOR form submitted by a reporting constable is reviewed by their supervisor and an Inspector. Once signed off, the TOR form is 'completed' and stored in the TOR database.

A TOR for a use of force resulting in a fatality or a non-fatal police shooting is reviewed by an Inspector only, before the form is completed and stored in the database.

## **Do I have to submit a TOR form myself if I use reportable force?**

Yes, if you use reportable force you must submit a TOR form yourself, i.e., it must be completed by you, not another constable. The exception here is if the use of force has resulted in a fatality, or a non-fatal Police shooting, then the TOR must be submitted by a supervisor.

## **Do I report communication used during a use of force incident?**

Only report communication if it is used during a use of force incident **with** one or more reportable tactical options. In these instances, only report communication the first time it was used during the incident.

Do **not** report communication if it is the only tactical option you used at an incident.

## **Do I report all tactical options I used during a use of force incident?**

Yes. When the reporting threshold for one tactical option is reached, **all** tactical options that you used at that incident must be reported, even if these other tactical options are non-reportable when used alone (e.g., communication and handcuffs without pain compliance). Report all tactical options in the order that you used them.

### **Do I report the use of handcuffs, a waist restraint belt, and a leg restraint vehicle, without pain compliance?**

Yes, but **only** when handcuffs, a waist restraint belt, and a leg restraint – vehicle are used with another reportable tactical option.

### **Do I report carriage of a tactical option that deters a subject?**

No.

### **Do I submit a TOR when I am at an incident when other constables use reportable force, but I do not use reportable force?**

No. Only report reportable force you used at an incident.

### **Do I report use of a Police dog that results in an uncontrolled dog bite, or bite to another dog?**

Yes (for dog handlers). Such incidents must be reported in a POL258 (not a TOR form).

### **Do I report training or deployment accidents involving dogs?**

Yes (for dog handlers). Such incidents must be reported in a POL645 (not a TOR form).

### **Do I report use of force against property?**

No.

### **Do I report use of force in training?**

No, except for unintentional TASER or firearms discharges, which must be reported in an Unintentional Discharge form.

### **Do I report all subjects present at a use of force incident?**

Not necessarily. Only report subjects who had reportable force used against them by you. Do **not** report subjects who were at a use of force incident but against whom you did not use reportable force.

## **If two or more constables use reportable force at the same incident, do we both submit a TOR form?**

Yes.

## **Can I copy another constable's TOR form if we both used force at the same incident?**

No. Where two or more constables each use reportable force at the same use of force incident, each constable must submit a TOR form outlining the tactical option (s) that they used themselves, from their own perspective and in their own words.

## **How do I report more than one use of the same tactical option?**

There are two ways to report more than one use of the same tactical option in the same use of force incident, depending on when during the incident you used the tactical option.

	<b>If, for example, you used ...</b>
1	two bursts of O C spray in quick succession, report this as one tactic used, i.e., in the 'Tactic 1' section of the TOR form, noting the total duration of spray activation (in seconds).
2	one burst of O C spray, then empty hand tactics, then another burst of O C spray, report: <ul style="list-style-type: none"> <li>• the first burst of O C spray in the 'Tactic 1' section of the TOR form (noting the total duration of the first spray activation), then</li> <li>• empty hand tactics in the 'Tactic 2' section of the TOR form, and then</li> <li>• the second burst of O C spray in the 'Tactic 3' section of the TOR form (noting the total duration of the second spray activation).</li> </ul>

## **Can I use expressions such as 'reasonable' and 'necessary' force?**



Yes. However, if you use such expressions in the 'incident description' narrative section of the TOR form, their meaning must be fully explained. Detail the tactical option used, the degree of force used, and the consequences of this use of force, including reporting any subject injuries/health issues in the 'subject injury/health issue' section of the TOR form.

### **Do I report use of a dog if I am not a dog handler?**

No. Only dog handlers report the use of a dog. If you use force at an incident where a dog handler also uses force, only report the (reportable) force you used.

### **Do I report use of force incidents that result in serious injury?**

Yes. All reportable use of force incidents must be reported in a TOR form. Discharges of a Police firearm which result in an injury must be reported, by a supervisor, in a Fatalities and Shooting Injuries TOR.

### **Do I report use of force incidents that result in a fatality?**

Yes. All uses of force which were used at an incident where a person died after force was used on them, must be reported, by a supervisor, in a Fatalities and Shooting Injuries TOR.

### **How do I report a discharge of a firearm that had an unintended consequence?**

If you unintentionally discharge a firearm (except during training), report this in the Unintentional/Unauthorised Discharge form. However, if you intentionally discharged a firearm but accidentally shoot someone then this must be reported by a supervisor using the Fatalities and Shooting Injuries TOR. If you discharge a firearm at a person but miss and do not hit anyone else, then report this using the standard TOR form.

### **Do I report use of force incidents that result in serious injury to the subject?**

Yes. All reportable use of force incidents must be reported in a TOR form. Discharges of a Police firearm which result in an injury must be reported, by a supervisor, in a Fatalities and Shooting Injuries TOR.

### **How do I report an injury I received in a use of force incident?**

If you are injured and/or sustain a health issue during a use of force incident, you must:

- complete a POL645 Work Related Accident/Incident Form on the day you received the work related injury/health issue, before the end of shift
- get the POL645 signed off by your supervisor
- submit the POL645 to their District Human Resources Department for further action, and
- if the force used was reportable, detail your injury/health issue in the TOR form, as specified in the form, whether or not any treatment was received.

## Do I have to receive medical treatment for any injury I received?

If the injury/health issue is more than minor (i.e. professional medical assessment and/or treatment is required) you must be medically examined by a qualified medical practitioner as soon as practicable.

## Do I report use of force incidents resulting in subject injuries?

If a subject injury/health issue(s) occurs during...	then all injury/health issue details must be reported in...
a <u>reportable</u> use of force incident	a Tactical Options Reporting (TOR) form, as specified in the form, whether or not any treatment was received.  <b>Note:</b> only report subject injuries that resulted from force you used; do not report subject injuries that resulted from force used by other officers.

<p>a non-reportable use of force incident</p> <p><b>Note:</b> 'Non-reportable' force is use(s) of force that does not need to be reported in a TOR form. A non-reportable subject injury (e.g. a subject initiated injury from wearing handcuffs) must be reported in a POL258.</p>	<p>a POL258 (not a <u>TOR ()</u> form), whether or not any treatment was received. This must be sent to your supervisor within the prescribed <u>timeframe</u>, who must forward it through the appropriate chain of command to an Inspector.</p> <p><b>(Note:</b> You should use the initial/existing POL258 on file).</p>
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## Do subjects have to receive medical treatment for any injury received?

If a subject injury/health issue that occurs during a use of force incident is more than minor (i.e. professional medical assessment and/or treatment is required) the injured subject must be medically examined by a qualified medical practitioner as soon as practicable, providing it is safe to do so.

**Note:** All TASER discharge subjects must be medically examined by a registered medical **doctor** as soon as practicable. (For further information on medical treatment for TASER subjects see TASER (Conducted Electrical Weapons)).

## How do I report a use of force incident that may result in a complaint?

If a complaint or investigation is expected and the force you used is:

- reportable, report the incident in a TOR () form
- non-reportable, do not report the incident in a TOR () form. Instead, these instances must be reported to your supervisor, who will direct whether or not the incident must be reported in a POL258.

If a POL258 is required:

- use the initial/existing POL258 on file
- submit it to your supervisor within the prescribed timeframes