

Use of force by ACT Policing: more to do to lessen harm

An investigation into ACT Policing's
use of force 2019–2024

June 2025

Acknowledgement of Country

We acknowledge the Traditional Custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Terminology in report

Throughout our report, we use language and terminology that is in common use and well understood within ACT Policing but may be less familiar to members of the public. Where we consider this may impact understanding we have explained the term in a footnote.

CONTENT WARNING

This report contains material that can be confronting and disturbing. It describes the use of force by police against people, including young people. It describes offensive language used during interactions between police and individuals. Sometimes words can cause sadness or distress, or trigger traumatic memories for people, particularly survivors of past abuse, violence or childhood trauma.

For some people, these responses can be overwhelming. If you need to talk to someone, support is available through redress support services.

The following services are available 24 hours a day:

- beyondblue: 1300 224 636
- 1800RESPECT: 1800 737 732
- MensLine Australia: 1300 789 978
- Lifeline: 13 11 14
- Suicide Call Back Service: 1300 659 467



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Executive summary

Police have a very challenging job. They may need to make quick decisions in complex circumstances about whether and how to exercise their various powers. ACT Policing's mission is 'to keep the peace and preserve public safety within the ACT' and in the vast majority of cases incidents are resolved peacefully and without the use of force.

There are times when police need to use force to protect people and ensure the community is safe—but that force must be necessary, reasonable and proportionate to the threat or resistance.

When force is misused, it impacts both the individuals subjected to the force and the police officers involved and it can erode trust across the community. It also has the potential to disproportionately impact on vulnerable members of the ACT community, including young people, First Nations people and those facing mental health challenges.¹

The Australian Federal Police (AFP) provides community policing services (ACT Policing) to the ACT Government under the [ACT Policing Arrangement and Purchase Agreement](#).

Our investigation focussed on whether:

- ACT Policing's use of force is properly administered
- ACT Policing is appropriately responsive to complaints, findings from internal investigations and external scrutiny (including magistrate and judicial comments) with respect to use of force
- there are opportunities to improve outcomes for the ACT community in relation to use of force, especially for people at risk.

During our investigation we saw examples of excellent community policing which was sensitive to de-escalating heated situations. We also saw examples of policing that

¹ [Recorded Crime – Offenders, 2023–24 financial year | Australian Bureau of Statistics](#) indicates the offending rate for youth offenders was higher than the rate for all offenders in the ACT from 2019–20 to 2023–24 (incl), excepting in 2021–22; Aboriginal and Torres Strait Islander offenders in the ACT from 2019–20 to 2023–24 (incl) accounted for over 15% of offenders, compared to the 2021 census resident population of 2.1; ACT Policing's statistics (see Table 3) show 27% of use of force incidents involved 'mental health'.



unnecessarily inflamed situations, resulting in poor outcomes for the people involved and the community.

It is important that ACT Policing continuously learns and improves how it goes about its work, to protect its staff, enhance public confidence and ensure better outcomes for the ACT community.

Our investigation identified some gaps in how ACT Policing—and the AFP as a whole—is managing its use of force. We found:

- ACT Policing, and the AFP more generally, collect only limited data on use of force. There are widespread inconsistencies in the way officers report incidents, impacting the accuracy and reliability of statistics reported publicly and hampering ACT Policing's and the AFP's ability to identify trends and improve.
- Incidents involving intoxicated people, people experiencing mental health issues and young people are particularly challenging. Officers would benefit from additional tailored training and guidance to support them to more effectively handle these scenarios without the use of force.
- ACT Policing and the AFP do not have sufficiently effective internal mechanisms of oversight and accountability in relation to use of force to learn from past good practice or past mistakes. Specifically, potential issues need to be identified earlier to enable internal review and the practice of prematurely dismissing misconduct allegations prior to investigation needs to cease.
- A junior or inexperienced workforce was not in itself a key factor in ACT Policing's use of force issues. Rather, we observed the conduct of more experienced officers makes a difference to the way more junior officers conduct themselves. The loss of experienced officers means there is a greater need for investment in training and supporting operating procedures.
- Some unprofessional behaviour by ACT Policing officers (impatience, aggression, foul and abusive language) that appeared to unnecessarily escalate situations in about a third of the cases we reviewed, leading to use of force in circumstances where a more sensitive and trauma-informed approach to negotiation and de-escalation might have avoided the need to use force or as much force.
- The annual operational safety assessment is well-targeted at assessing the skills of participants, but could be more effective if delivered to officers from similar working environments and more frequently for newer officers. It does not



currently give officers adequate clarity about changes to approved methods of force.

- The availability of body-worn cameras (BWC) is important to improving officer accountability and identifying learning opportunities, yet ACT Policing has no oversight mechanisms for ensuring compliance with its BWC legislative obligations and its governance and guidance materials are out-of-date.

This report makes 13 recommendations that aim to strengthen and promote continuous improvement in ACT Policing's use of force, through 4 key themes:

1. raising the capability of ACT Policing officers
2. providing guidance and support to ACT Policing and AFP officers
3. ensuring reliable data and consistent record-keeping
4. establishing effective oversight mechanisms.

ACT Policing **accepted** 2 recommendations, **partially accepted** 8 recommendations and has **not accepted** 3 recommendations. The AFP and ACT Policing's response to this report is included at **Appendix A**.

While ACT Policing will always need to manage difficult behaviour in the community, the availability of diversionary programs also impacts outcomes for the community. In this report, we also highlight matters for the ACT Government that, if implemented, would support ACT Policing and the community. Notably:

- We strongly encourage the ACT Government to consider extending diversionary capacity for intoxicated people to reduce the escalation of responses. Further investment in diversionary options, especially for youth, may well reduce the use of force and provide better outcomes for the community.
- We strongly encourage the ACT Government to continue supporting the mental health co-responder model [Police Ambulance and Clinician Early Response (PACER)], given its capacity to reduce the escalation of responses that might otherwise result in police force being used.
- We consider the need for alternatives to police custody for young people is critical.

In this investigation we analysed 6,255 use of force reports, viewed 201 files of body-worn camera or CCTV footage for 54 separate use of force incidents, reviewed training and governance materials, observed training and conducted interviews. For each case



study we have used in this report, at least two of my staff viewed the footage and reviewed the use of force reports.

The Chief Police Officer for the ACT has advised that some of the case studies in this report are the subject of ongoing civil proceedings against the Commonwealth and the AFP disputes certain factual summations provided in this report. The Chief Police Officer notes that we have not been provided with the defences and evidence filed on behalf of ACT Policing in those proceedings. I agree that those proceedings may come to different assessments of these matters, informed by additional evidence. I believe that the recommendations in this report will assist with improvement, based as they are upon the entirety of the matters the investigation considered, regardless of whether contested legal proceedings may lead to different assessments of those particular case studies.

We thank all the people who shared their stories with us during our investigation.

We are grateful to the officers of ACT Policing and the AFP who openly shared their insights about use of force, as well as those who helped in providing requested information and facilitated our visits. It was clear to us that many ACT Policing officers are passionate about their work serving the ACT community and want to do it well. We hope this report supports them while improving outcomes for the ACT community.

Iain Anderson
ACT Ombudsman



Our investigation

We interviewed AFP and ACT Policing staff, met with people who had complaints about their engagement with police, analysed use of force reports covering the period 1 January 2019 to 31 December 2023, reviewed the AFP and ACT Policing's governance framework for use of force, considered the operational safety training curricula, observed an operational safety assessment, and reviewed body-worn camera and CCTV footage.

6,255 use of force reports 	201 files of body-worn camera or CCTV footage 	
645 training materials and governance documents 	2 days training observed 	8 formal interviews 

ACT police stations and the Watch House have CCTV coverage. Since 2019, ACT Policing has used body-worn cameras (BWCs) and, since early 2022, BWC use was legislated. Being able to review footage associated with use of force incidents allowed us to see multiple perspectives of an incident, alongside the written records. This provided the wider context of what led up to the moment when force was used.

Body-worn camera (BWC) footage, along with CCTV and mobile phone footage, mean the words and actions of police are now more reliably recorded than in times past. Contradictory accounts of an incident can now be tested.



Recommendations

The 13 recommendations made in this report are listed below, grouped by theme.

Raising the capability of ACT Policing officers



Recommendation 1

Dealing with intoxicated persons

To ensure officers are equipped to engage effectively with intoxicated people and minimise the need for use of force, ACT Policing review and roll-out refreshed staff training and guidance on their obligations under the *Intoxicated People (Care and Protection) Act 1994* (IPCP Act) when dealing with intoxicated persons, in particular:

- how to identify and assess reasonable alternatives to custody for the person's care and protection
- when it is reasonable and necessary to assess an intoxicated person as needing to be taken into custody for care and protection
- how to communicate sensitively, patiently and effectively with an intoxicated person about how they can cooperate with police, why they may be taken into custody, and what it means for them.

ACT Policing amend the Watch House Manual to ensure people who are detained under the IPCP Act and who seek to contact a lawyer are allowed to do so.



Recommendation 2

Dealing with persons experiencing a mental health crisis

ACT Policing identify and implement measures to better equip its officers with a greater understanding of:

- mental illness and how it affects a person's behaviour and ability to comply with directions
- strategies to de-escalate and engage sensitively and effectively with a person experiencing a mental health crisis.



Recommendation 3

Taking young people into custody

The AFP amend Commissioner's Order on Operational Safety (CO3) to:

- ensure any handcuffing of young people, compliant or non-compliant, is deemed a reportable use of force
- where a decision is made to leave handcuffs on a young person after intake at the Watch House, a separate use of force report is required
- require reasons to be documented in use of force reports for why handcuffing of a young person was reasonable, necessary and proportionate, including why it was necessary for handcuffs to remain on during transport
- ensure supervisors review the use of handcuffs on a young person and record their assessment of whether it was reasonable, necessary and proportionate in all the circumstances.



Recommendation 4

Trauma-informed approach

ACT Policing identify and implement measures to better equip officers to take a trauma-informed approach when engaging with members of the public and applying the AFP's Operational Safety Principles and Use of Force Model, to ensure appropriate compassion and sensitivity is exercised, particularly where a young person, intoxicated person or person experiencing a mental health crisis is involved.



Recommendation 5

Breaching the peace

ACT Policing identify and implement measures to better equip its officers with a greater understanding of their obligations in relation to taking a person into custody for breach of the peace, including:

- what constitutes a breach of the peace
- the requirement to provide a person deemed to be breaching the peace with an opportunity to provide an undertaking and avoid being taken into custody.



Recommendation 7

Operational safety training

ACT Policing work with the AFP's Operational Safety Training team to:

- identify and implement more regular refresher training on operational safety obligations and how to enact these in practice (incorporating training to develop officers' confidence and competence in negotiation and de-escalation)
- ensure training includes new techniques but also advises if any techniques are no longer approved, and supplement this with other methods of regular awareness raising
- ensure its officers can more regularly access relevant and appropriate training and development opportunities during their allocated monthly in-service training days.

Providing guidance and support to ACT Policing and AFP officers



Recommendation 6

Code of conduct and reporting

ACT Policing regularly remind all officers and provide guidance of their obligations under:

- the AFP code of conduct to:
 - act with due care and diligence in the course of AFP duties
 - act with fairness, reasonableness, courtesy and respect, and without discrimination or harassment, in the course of AFP duties
 - behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP
- the Commissioner's Order on Professional Standards (CO2): "AFP appointees and supervisors **must** record any non-compliance and consider formally reporting the matter pursuant to the *AFP National Guideline on complaint management and resolution of grievances*."





Recommendation 10

Guidance on body-worn camera obligations

ACT Policing immediately review and update its *Better Practice Guide on Body worn cameras* (BPG) to ensure it is practical, provides clear definitions and examples, and promotes compliance with the *Crimes (Surveillance Devices) Act 2010* (SD Act) and Guidelines.

The BPG should clearly set out the requirements for officers, including:

- when body-worn cameras must be on in full audio and visual recording mode (and remove guidance about switching cameras to mute)
- when and where to document the circumstances and reasons why their body-worn camera was not properly used in compliance with the SD Act, Guidelines and relevant instruments that form part of the AFP's professional standards framework, and who to report this to
- what steps a supervisor should take to review instances where body-worn cameras have not been used properly by their staff, including how to assess compliance and when a report to professional standards is required to be made.

The updated BPG should be widely communicated to all officers, with key changes to their obligations emphasised.

Ensuring reliable data and consistent record-keeping



Recommendation 8 **Recording use of force**

The AFP update its use of force report template, train officers and provide guidance to ensure all relevant data about a use of force can be captured to ensure greater transparency and accountability, including:

- type(s) of force used, ensuring this captures the type(s) of use by each officer
- subject name(s), date(s) of birth (or if not known, whether they were under the age of 18), gender and if the person identifies as Aboriginal and Torres Strait Islander (where appropriate)
- the availability of body-worn cameras, CCTV or other footage
- considerations and actions of supervisors, including:
 - clarifying information, obtained through discussion with team members, which is not apparent in the use of force report
 - identified opportunities for negotiation and de-escalation strategies that may have reduced or avoided the need for force to be used at any points during the incident
 - any other identified concerns with the use of force
 - actions taken by the supervisor (e.g. feedback provided to team members, matter escalated to an officer in charge, professional standards, etc)
 - what (if any) body-worn camera or other footage has been viewed by supervisors in reviewing the use of force report.

ACT Policing establish a reliable capability to easily extract, analyse and report on use of force data to inform better oversight by internal oversight mechanisms and improvements in operational safety training.



Establishing effective oversight mechanisms



Recommendation 9

Body-worn camera compliance oversight

ACT Policing immediately establish mechanisms to enable effective internal oversight of its compliance with its obligations under the *Crimes (Surveillance Devices) Act 2010*, Guidelines and relevant instruments that form part of the AFP's professional standards framework.



Recommendation 11

Learning from use of force incidents

The AFP implement a framework to facilitate the wider sharing of learnings and insights of use of force incidents between supervisors, senior management and officers. The AFP establish guidelines and provide training for supervisors in how to review use of force reports, including ensuring a supervisor is not responsible for reviewing use of force reports relating to an incident they were involved in. Supervisors should be encouraged to review body-worn camera footage more regularly and to consider and discuss with their teams:

- any opportunities for earlier negotiation and de-escalation strategies that may have reduced or avoided the need for force to be used
- the reasons for the chosen response and force options used, and whether lesser force options may have been more reasonable
- the proportionality of force used to the threats faced
- good practice in both the management of an incident and in use of force reporting
- any issues that may warrant further management action or referral to professional standards.

Such considerations and feedback provided should be documented in the use of force 'supervisor's comments' field.





Recommendation 12

Organisational oversight

The AFP should implement a mechanism to provide regular and effective oversight of the AFP's use of force, including analysis of:

- relevant statistical information about reportable use of force across the AFP
- any feedback from external scrutiny including the courts
- identifiable trends through use of force reporting
- particularly concerning incidents of use of force
- workers' compensation claims, staff leave/absenteeism and staff departures

to inform insights into the wider impacts of using force, including on staff wellbeing, and enable identification and implementation of protective strategies.



Recommendation 13

Review of use of force incidents

ACT Policing develop and implement clear processes for the risk-based review of use of force incidents to enable effective early identification of issues, appropriate internal reporting and, if necessary, referral to professional standards.

This should be supported by targeted training and practical guidance for officers, supervisors, and other staff as appropriate to ensure effective adoption of new processes.

Part 1. Use of force

What is lawful 'use of force'?

A police officer will from time to time be required to use force.

The 'general use of force policy' in Commissioner's Order on Operational Safety (CO3) defines when force may be used by AFP appointees², including ACT Policing, as follows:

AFP appointees may use force in the course of their operational duties for a range of purposes, including:

- defending themselves or another person
- protecting property from unlawful appropriation, damage or interference
- preventing criminal trespass to any land or premises
- effecting an arrest
- where authorised by a law.

CO3 emphasises that any use of force must be **reasonable, necessary**, and **proportionate** to the threat or resistance offered. It defines reasonable and excessive force as follows:

Reasonable force is the minimum force necessary and reasonable in the circumstances of a particular incident

Excessive force means force beyond that which is considered reasonably necessary in the circumstances of any particular incident, including:

- any force when none is needed
- more force than is needed
- any force or level of force continuing after the necessity for it has ended.

² An AFP Appointee is a Deputy Commissioner, AFP employee, special member or special protective officer and includes a person:

- engaged under s 35 of the AFP Act as a consultant or contractor to perform services for the AFP and determined under section 35(2) of the AFP Act to be an AFP appointee
- engaged overseas under section 69A of the AFP Act
- seconded to the AFP under section 69D of the AFP Act.



CO3 also emphasises communication, the need for AFP appointees to assess and reassess the situation and requires the primary consideration to be the safety of all persons involved.

In CO3, the principles of negotiation and conflict de-escalation are always emphasised as being primary considerations prior to using physical force.

Any application of force by an AFP appointee, including ACT Policing, in the course of their duties must be lawful and in accordance with CO3.

A 'reportable' use of force incident is any incident that is not a 'routine use of force'³ where an AFP appointee, performing AFP duties, uses a firearm, baton, shield, chemical munition, conducted electrical /energy weapon (taser), pyrotechnic device, extended range chemical munition (OC spray/pepper spray), extended range impact weapon, long range audio device, strike or kick, handcuffs or restraints, police dog or horse to apply force.

A reportable use of force may still be a lawful use of force.

³ 'Routine use of force' means uses of force performed as part of an AFP appointee's operational duties including:

- compliant escort or restraint holds (including to affect an arrest)
- compliant handcuffing
- compliant search of a person
- force to enter a building, vehicle, vessel, or other secured area to search, recover, seize or arrest, where there is no application of force against a person.

Case study: Using negotiation and force options effectively

De-escalation

Negotiation

Compassion

The following is a de-identified copy of the incident narrative included in a use of force report from September 2023.

It demonstrates not only the effective use of negotiation and least-forceful force options to manage a serious incident, but also stands as a good example of a use of force report, capturing not just what happened but the considerations and reasons for decisions throughout the incident.

Use of force report

About 10:55am, Police [attended an incident in a public place] in response to reports of [person A] walking around... smashing property and threatening people with a hammer. Police located and later identified [Person A], herein referred to as the Subject standing in the middle of [an outdoor public area] screaming with a hammer held in [their] right hand in [their] jacket pocket. The hammer was metal in appearance with a blue handle and approximately 30 centimetres in length.

[The location] is an open outdoor public area surrounded by shops, cafes and other high traffic areas. At the time, there were dozens of members of the public present with [local] security maintaining a wide cordon around the Subject.

[Acting Sergeant 1] and [Constable 1] engaged in negotiations with the Subject from about five meters distance. The Subject was in a heightened state, yelling, pacing, clenched fist, hand on the hammer in the right side of [their] jacket and getting aggressive when Police approached towards [them].

Police believed that the Subject had the means and intention to cause significant harm to any person or property, as previously demonstrated.

Police requested [the Subject] place the hammer on the ground numerous times though [the Subject] repeatedly refused. These negotiations continued for about



seven minutes. At this point, [Constable 2] and [Constable 3] arrived and positioned themselves behind the Subject.

The Subject observed Police behind [them] and began attempting to pull the hammer from [their] jacket pocket. [Acting Sergeant 1] and [Constable 3] believed that the Subject posed a significant risk of harm to Police and feared that [they] would attack them with the hammer. As such, [Acting Sergeant 1] and [Constable 3] drew their conducted energy weapons (CEW) and activated and aimed them at the Subject. Police continued to give the Subject directions to place the hammer on the ground.

Police negotiated the Subject into placing the hammer on the ground, though [the Subject] refused to move away from it and remained standing on top of the hammer. [Acting Sergeant 1] and [Constable 3] holstered their CEW as Police slowly moved towards the Subject in an attempt to usher [them] away from the hammer.

The Subject picked the hammer back up, causing [Acting Sergeant 1] and [Constable 3] to redraw and aim their CEW. The Subject put the hammer back on the ground. [Acting Sergeant 1] believed that the Subject would continue to refuse to move away from the hammer and had exhausted available negotiation strategies.

Conscious of the environment and public perception, Police were hesitant to deploy CEW unless absolutely necessary. As such, [Acting Sergeant 1] believed it appropriate and necessary to use a lesser force to resolve the situation.

[Acting Sergeant 1] pushed the Subject with one hand away from the hammer, causing [the Subject] to fall to the ground where [Constables 1, 2 and 3] restrained [them]. [Constable 2] placed handcuffs on the Subject in order to prevent further risk of injury and harm to all people involved.

About 11:04am, [the Subject] was informed [they] were under arrest for property damage and placed into Police custody.

Analysis

Our review of the body-worn camera footage associated with this incident confirmed the incident unfolded as described in the use of force report. This was not the case in all of the reports we reviewed, which is an issue we examine further in the [Collecting and using UOF data](#) section, later in this report.

Where is force used?

In the community

ACT Policing officers working in the community face unpredictable situations every day, any one of which could be perfectly harmless or lethally dangerous.

They could be required to use force in an infinite range of circumstances, in a wide array of settings.

They might be at a residence, in a street or carpark, at a major event or protest, conducting a traffic stop, within a shopping mall, school, hospital, or other public building, or outside a night-club in the early hours of the morning.

ACT Policing records an incident's location as one of 8 categories (see [Table 1](#) below).

Table 1 ACT Policing's use of force incidents by location and day, 1 January 2019 to 31 December 2023

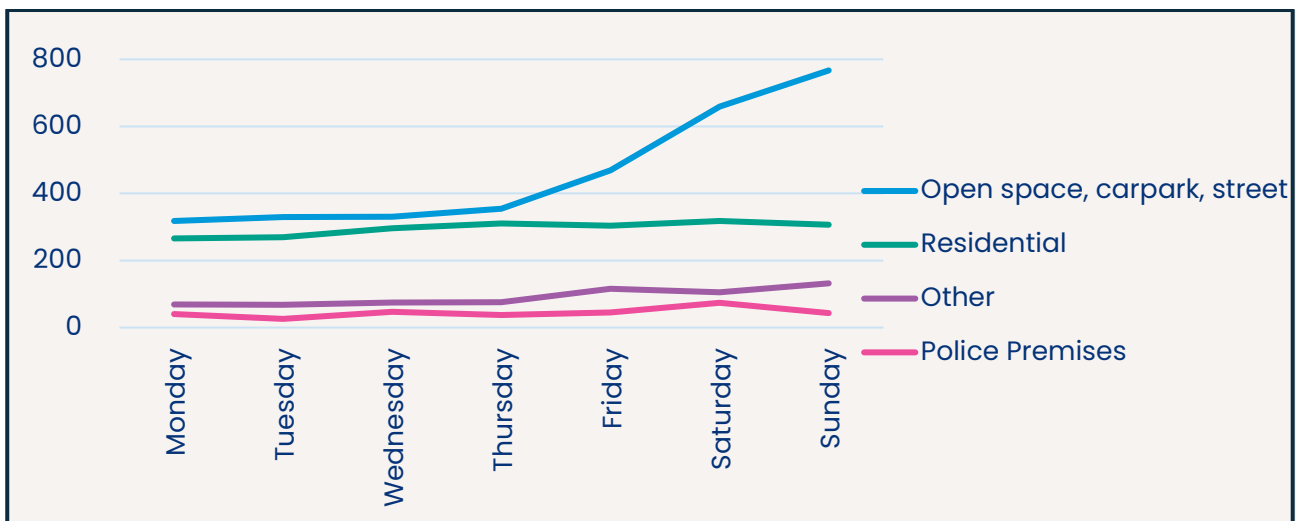
Location	Total	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Airport	2	2	-	-	-	-	-	-
Business, Office	91	20	13	14	10	13	10	11
Government Building/Installation	130	9	21	24	16	24	16	20
Licensed Premises	157	15	6	4	11	25	38	58
Open space, carpark, street	3,229	318	330	331	355	469	659	767
Other	261	23	28	33	39	54	41	43
Police Premises	313	40	26	47	38	45	74	43
Residential	2,072	266	270	296	311	304	318	307
Totals	6,255	693	694	749	780	934	1,156	1,249

The data depicts that most use of force incidents occurred in open spaces, carparks, and streets (3,229), followed by incidents in residences (2,072).

Figure 1 shows the consistency with which use of force incidents occur across the week (on average) for all categories, except in 'open space, carpark, street'.



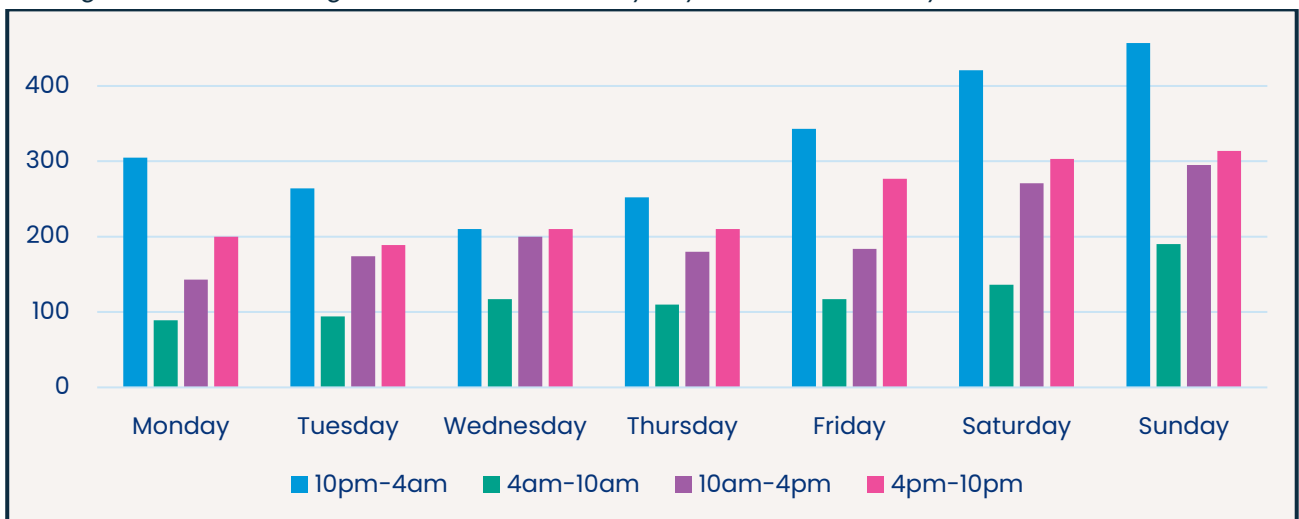
Figure 1 ACT Policing's use of force incidents by location and day of the week, 1 January 2019 to 31 December 2023



Our review suggests the increased use of force incidents in 'open space, carpark, street' reflects the increase in the number of people who head out to restaurants, concerts, night-clubs and parties on weekends, with an increased likelihood of intoxication and crowd dynamics requiring police attendance as people leave venues.

Reinforcing this, Figure 2 shows a majority of ACT Policing's use of force incidents occurred in the hours between 10pm and 4am.

Figure 2 ACT Policing use of force incidents by day and time, 1 January 2019 to 31 December 2023



Wherever and whenever they are using force, ACT Policing officers will commonly be doing their work with the public gaze upon them (and often a mobile phone or two filming them), and with their body-worn cameras recording much of what they do. There may also be nearby CCTV cameras capturing their actions.

ACT Policing officers undertaking community policing duties must act with fairness, reasonableness, courtesy and respect, and wherever possible use negotiation and conflict de-escalation prior to using physical force. Effective communication is integral to ensuring public safety, maintaining order, and building trust within communities. However, communication as the sole means of de-escalation and negotiation may not be effective in all situations. Nonetheless, officers must strive to use only the minimum force necessary in resolving incidents.

Officers confident in communication and negotiation techniques can defuse tension, reduce aggression and promote peaceful resolutions.

This is not only applicable when dealing with members of the public, but with colleagues as well. When ACT Policing officers use polite, respectful language, acknowledge the rights and dignity of others, and maintain composure even under pressure, this reflects positively on the organisation as a whole and goes a long way to enhancing public trust and confidence.

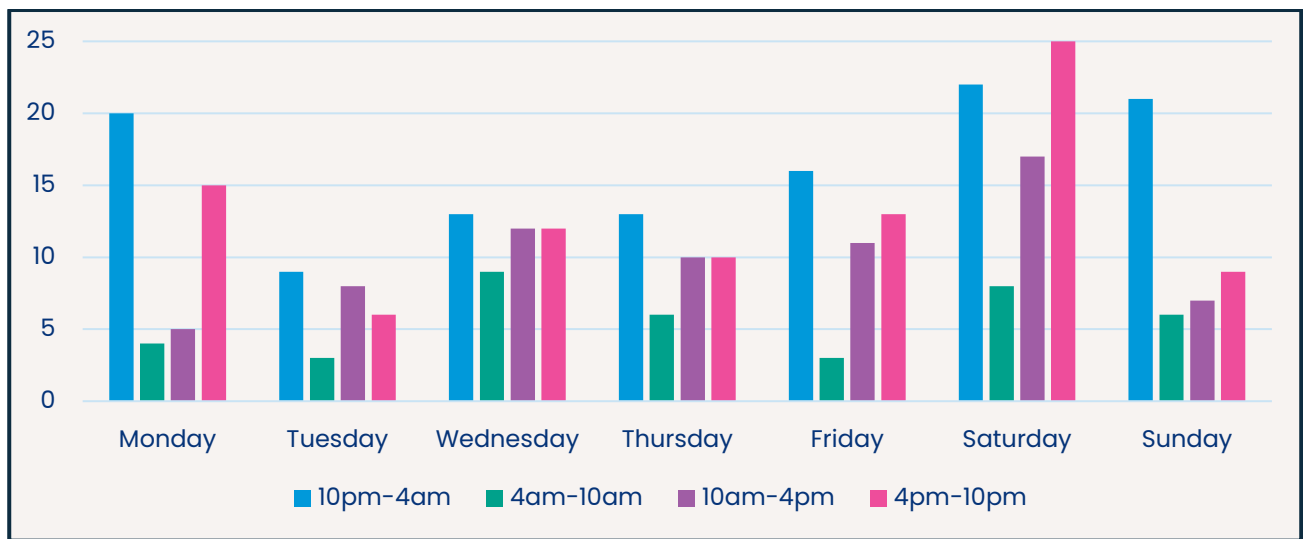
In the Watch House

After 'open space, carpark, street' and 'residential', the location with the highest number of incidences is 'police premises', most commonly at the ACT Watch House.

While the total number of incidents is much fewer, our analysis shows incidents at police premises occurred most in the hours between 10pm and 4am and more often over the weekends (see Figure 3 below).



Figure 3 ACT Policing use of force incidents at police premises by day and time, 1 January 2019 to 31 December 2023



The Watch House is a unique environment that brings with it particular requirements for the use of force. The Watch House is a closed environment with extensive CCTV monitoring throughout, which records video footage everywhere and audio at the intake desk and in most cells. Officers do not wear body-worn cameras in the Watch House and those officers who enter the Watch House while wearing a body-worn camera will de-activate it.

Unlike being in the community, the Watch House is a largely predictable space where ACT Policing officers have a degree of control over when and how they engage with the people in custody. Besides intake and discharge, they can also engage with the physical barrier of a cell door between them and the person in custody, until they choose to initiate direct contact. This means that uses of force are significantly less frequent than in the community. We interviewed one Watch House sergeant who said they had only had about 9-10 use of force incidents in their 2 years as a Watch House supervisor.

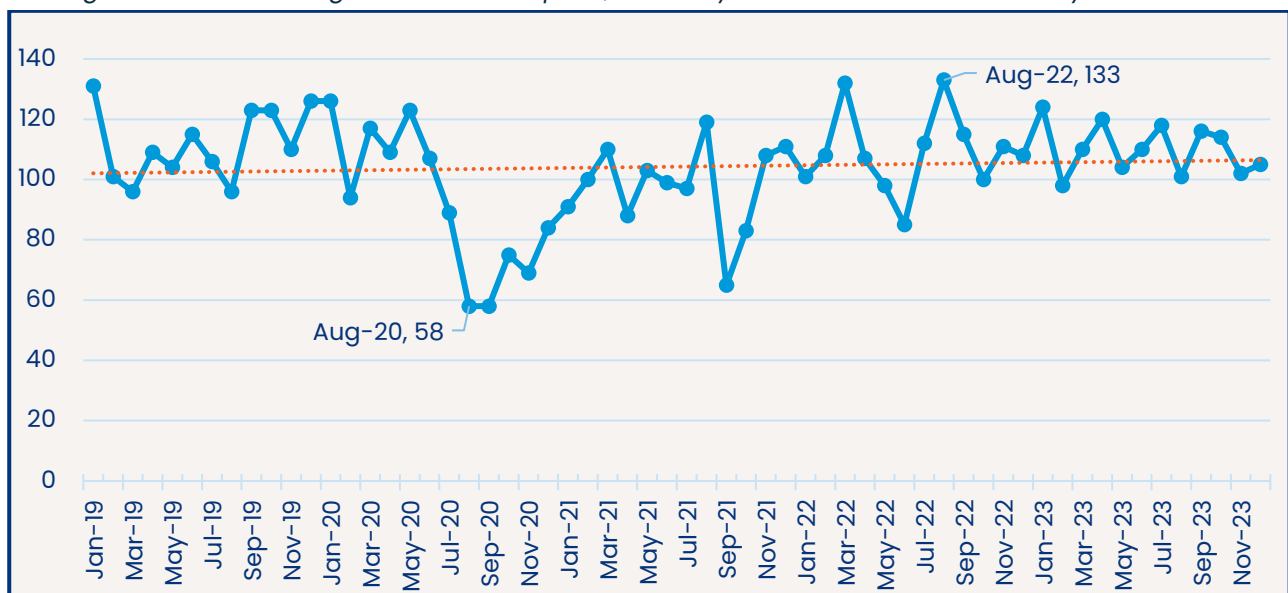
The *Watch House Manual* is a comprehensive guide for officers working in the Watch House, which has been recently updated. Officers are also guided by the *AFP National Guideline on persons in custody and police custodial facilities* and by their obligations under Commissioner's Orders. However, like all policing environments, ACT Policing officers who work in the Watch House do a lot of learning on the job.

How often is it used?

For the period 1 January 2019 to 31 December 2023, ACT Policing attended 445,736 incidents. Of those, just 5,902 incidents (1.3% of incidents) involved reportable uses of force, with 6,255 use of force reports generated.⁴ While our investigation focused on incidents where force was used, we acknowledge that ACT Policing officers would have used their skills and expertise in other incidents to avoid use of force altogether.

Over the 5-year period, ACT Policing averaged 3.2 use of force incidents a day.

Figure 4 ACT Policing's use of force reports, 1 January 2019 to 31 December 2023 by month



The type of force used is varied, and multiple types of force may be used in any single incident. For example, a person may be subject to a ground restraint, handcuffs, and an escort hold to a police vehicle during an arrest. There would be one use of force report submitted for this incident, which may have 2 or more officers involved.

The most common uses of force over the 5-year period involved handcuffs, escort hold, ground restraint and take down, followed by search of a person and taser (see Table 2).

⁴ For some incidents, multiple use of force reports may be generated. For example, one report for force used in the initial arrest and a second report for use of force in the ACT Watch House.



Table 2 ACT Policing's use of force statistics for the period 1 January 2019 to 31 December 2023

Type of Force	Number of incidents*	Percentage of incidents
Accoutrement retention	253	4.2%
Baton ⁺	258	2.6%
Block	154	2.5%
Chemical Agent (OC/pepper spray) [^]	650	10.8%
Conducted Electrical Weapon (taser) [^]	1,661	27.7%
Disengagement	173	2.8%
Entry to conveyance	125	2.0%
Entry to premises	541	9.0%
Escort hold	3,087	51.5%
Firearm [^]	318	5.3%
Ground restraint	2,773	46.2%
Handcuffs	3,794	63.3%
Police horse*	1	0.01%
Police dog	13	0.2%
Pressure point	161	2.6%
Search of person	1,529	25.5%
Strike	520	8.6%
Take down	2,181	36.3%

Note:

⁺includes raising with the intention to strike to gain compliance or striking a person with the baton

[^]includes drawing, aiming, or discharging

*the use of force report relating to this matter has been reviewed by ACT Policing who advised that "police horse" was entered in error. ACT Policing does not have a police horse within its service.

How is use of force captured?

CO3 requires all 'reportable' uses of force to be recorded on a use of force report before the appointee ceases duty on the day the use of force incident occurred. The AFP has a templated report form that prompts reporters to include key details. Reports must be reviewed by the appointee's supervisor prior to ceasing duty on the day the report is submitted. CO3 specifies that the supervisor must ensure the report is accurate and has been completed to a high standard containing sufficient detail to comply with CO3.



In addition to the written report, there may also be body-worn camera footage of the incident. A body-worn camera (BWC) is a portable camera worn or used by an AFP appointee. BWCs capture audio and video recordings of interactions between police and the public and can provide reliable contemporaneous evidence.

As part of our investigation, we were provided with copies of all 6,255 use of force reports from 1 January 2019 to 31 December 2023. We also requested body-worn camera and CCTV footage from 54 incidents, which allowed us to assess the accuracy of the use of force reports. We have reviewed the available footage from all the case studies in this report.



Part 2. Who in our community is subject to use of force?

People at risk

In trying to get an overview of the types of incidents of use of force, or whether there were any cohorts that may be over-represented, we asked ACT Policing for data about people who were the subjects of use of force, including whether the subject was:

- a minor (under 18 years old)
- identified as Aboriginal and/or Torres Strait Islander
- presented with mental health challenges
- was, or appeared to be, intoxicated with drugs and/or alcohol
- had a disability under the definition in the *Disability Services Act 1991*
- is a ‘vulnerable person’ as per the definition in section 36A(5) of the *Crimes Act 1900* (ACT).

ACT Policing provided a table of data relating to mental health and intoxication (see [Table 3](#)). However, it advised it could not provide data on any of our other requests, as it would require significant time to manually review each incident.

Table 3 ACT Policing’s data for incidents attended involving mental health and intoxication in the period 1 January 2019 to 31 December 2023

Subject of use of force	Number of incidents	Total percentage* (%)
Mental Health	1,629	27.6
Drug/Alcohol Intoxication	2,806	47.5

* % of the total 5,902 incidents ACT Policing identified in the period 1 January 2019 to 31 December 2023. An incident may be identified as involving both mental health and intoxication

Not having insights into who has been subject to force significantly hampers the AFP’s ability to identify any trends or issues that might help inform its training. This deficiency is addressed in more detail in [Collecting and using UOF data](#) below.



Types of incidents and behaviours

Using the 6,255 use of force reports provided to us covering incidents from 1 January 2019 to 31 December 2023, where force was used, we undertook some deeper analysis. Table 4 and Table 5 set out the nature of those incidents. Just under half (47 per cent) of uses of force occurred when a person was arrested, while 17 per cent involved a mental health incident, including the prevention of self-harm, and 10 per cent involved intoxicated persons.

Table 4 Use of Force Incident Type for the period 1 January 2019 to 31 January 2023

UOF Incident Type	2019	2020	2021	2022	2023	Total
Arrest	612	511	544	675	653	2,995
Mental health and prevent self-harm	244	197	214	204	206	1,065
Intoxicated person	159	111	134	134	121	659
All other	136	119	105	95	129	584
Forced entry/search warrant	55	61	45	44	55	260
Animal – deter/destroy	46	21	22	40	77	206
Public Disturbance	39	31	51	56	30	207
Traffic related (incl. vehicle pursuits)	20	41	35	30	22	148
Domestic dispute and family law	23	12	16	23	21	95
Strip/peaceable searches and DNA/body samples	4	3	4	4	5	20
Event, demonstration, and protest	2	2	4	5	3	16
Total	1,340	1,109	1,174	1,310	1,322	6,255

The use of force reports also capture certain relevant behaviours of the subject(s) of the use of force. There can be more than one behaviour applicable to a subject and potentially more than one subject. Across 6,255 reports covering the 5-year period from 1 January 2019 to 31 December 2023, ACT Policing's use of force reports identified 23,817 subject behaviours, with the 3 most prevalent being versions of 'violent or aggressive' (aggressive demeanour, abusive/violent language, violent behaviour) (see Table 5 and Figure 5).



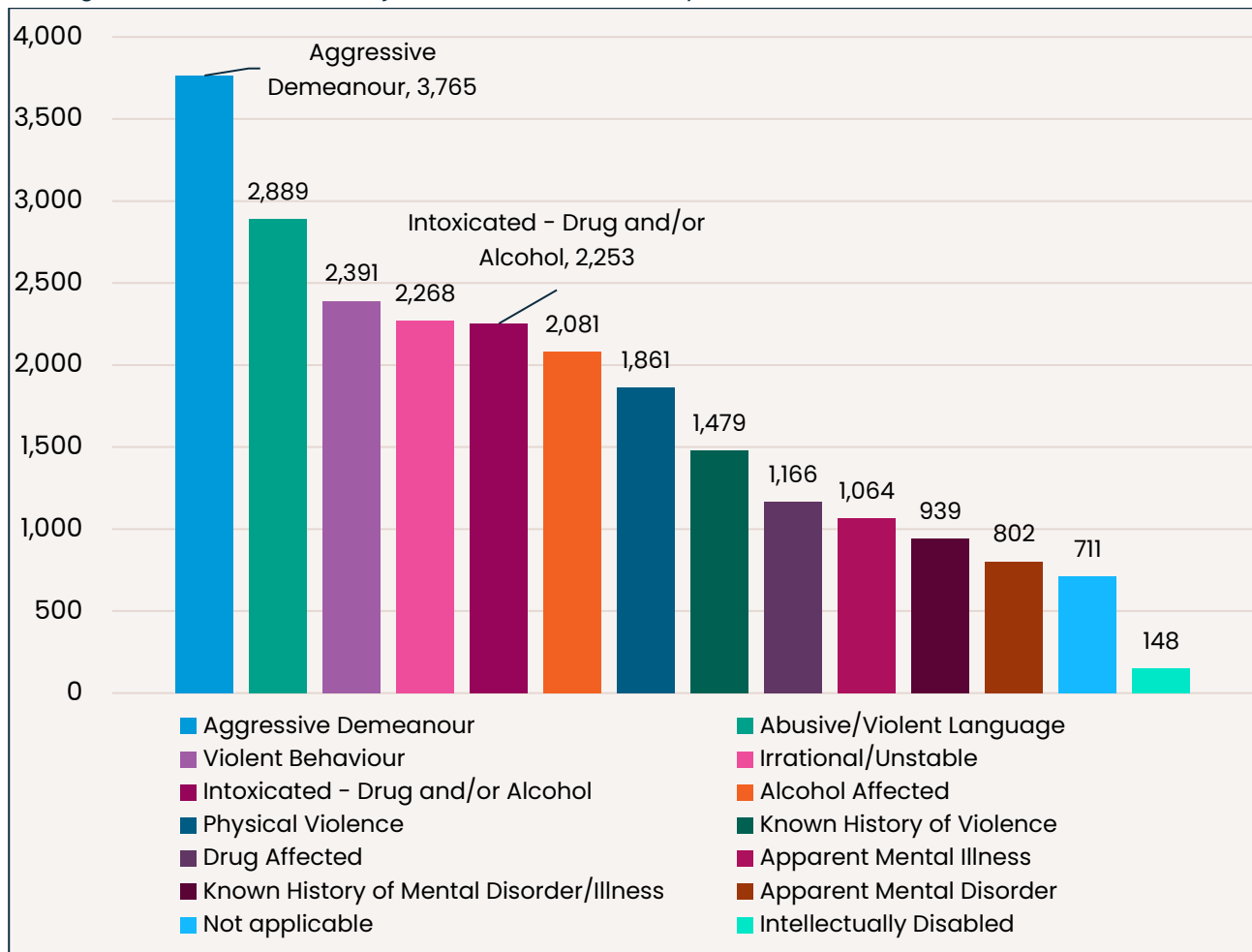
Table 5 Use of Force Subject Behaviours by year – 1 January 2019 to 31 December 2023 **Error!**
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	2019	2020	2021	2022	2023	Total	Annual Average
Aggressive demeanour	825	693	694	815	738	3,765	753
Abusive/violent language	631	536	552	610	560	2,889	578
Violent behaviour	562	392	448	540	449	2,391	478
Irrational/unstable	463	439	455	449	462	2,268	454
Intoxicated – drug and/or alcohol	497	367	431	492	466	2,253	451
Alcohol affected	439	347	409	452	434	2,081	416
Physical violence	419	314	352	413	363	1,861	372
Known history of violence	319	267	280	310	303	1,479	296
Drug affected	237	245	214	241	229	1,166	233
Apparent mental illness	238	199	192	223	212	1,064	213
Known history of mental disorder/illness	214	158	183	193	191	939	188
Apparent mental disorder	179	151	140	162	170	802	160
Not applicable	142	101	130	135	203	711	142
Intellectually disabled	17	17	39	44	31	148	30
	5,182	4,226	4,519	5,079	4,811	23,817	4,763

However, our analysis has been limited by the quality of the data captured. The current use of force template report does not have a ‘subject behaviour’ field for each subject. At these incidents, more than one individual could have demonstrated these behaviours. Equally, at an incident with multiple subjects, only one of them may have demonstrated these behaviours. Further, a subject’s ‘known history of ...’ behaviour is included in the subject behaviour field. While it is a useful consideration to record (as it would influence how the officers attending an incident consider and decide to engage with the subject), we consider it would be more appropriate to record this separately to the current behaviours exhibited by the subject.

Finally, there is no guidance to officers about what each of three ‘violent or aggressive’ behaviours (aggressive demeanour, abusive/violent language, violent behaviour) reflect. We observed little consistency in when each descriptor was used, with reporting officers commonly selecting all three.

Figure 5 Use of Force Subject Behaviours – 1 January 2019 to 31 December 2023



Part 3. How does ACT Policing engage?

Trauma-informed approach

Despite some of the challenges with the subject behaviour data discussed in Part 2, it is apparent that a majority of ACT Policing incidents where force is used occur in settings with people who are potentially or actually violent, in varying states of intoxication, and/or experiencing mental health issues. These make for challenging interactions and may reflect trauma responses on the part of the subject.

Trauma can shape how people respond to authority,⁵ with many people with a history of violence or discrimination viewing police officers with fear or distrust. Exposure to traumatic events may lead to conditions like post-traumatic stress disorder (PTSD), anxiety, and depression, causing reactions such as heightened anxiety, irritability, or social withdrawal, which can make interactions with police officers challenging and strained. Trauma affects police officers too, through their frequent exposure to traumatic situations as well as their own experience of adverse events (see [What is the impact on officers from using force?](#) below).

A trauma-informed approach involves understanding the potential effects of trauma on individuals' behaviours, thoughts, and emotions, and integrating this knowledge into all aspects of service provision. A trauma-informed approach emphasises creating environments that are safe, supportive, and empowering, where individuals feel respected, validated, and in control of their own healing journey.⁶

Huppe & Lair⁷ suggest that, unlike traditional methods of policing that prioritise control, trauma-informed policing focuses on empathy, safety, and support, with the goal of reducing re-traumatization and fostering healing. At the 'Trauma Informed Policing and

⁵ This paragraph draws from the article [Improving Police-Citizen Interactions Through Trauma-Informed Policing](#) Eva Huppe & Zachary Lair (B.A.) Carleton University (2025), in Applied Police Briefings (Winter 2025/Vol 01), which references as its source article: Birch, P. (2024). *Trauma-informed policing: Enhancing law enforcement practices through empathy and sensitivity*, in Abuse: An International Impact Journal. <https://doi.org/10.37576/abuse.2024.058>

⁶ [Sexual Assault \(Police\) Review report](#), ACT Government, March 2024

⁷ Huppe & Lair, *Op cit*



Law Enforcement Conference', held in Melbourne in February 2024, Professor Peter Miller, from Deakin University's School of Psychology and convener of the Conference said:

Trauma-informed law enforcement has been shown to reduce the number of assaults on correctional officers as well as reduce the use of physical force by officers, improving staff retention by up to 80%⁸

The AFP's Operational Safety Principles and Use of Force Model (in CO3) provide some guidance about police interactions when deciding to use force, including:

NEGOTIATION

- negotiation is the preferred means of confrontation management wherever possible
- communication should be active and ongoing wherever possible
- cordon and containment options are preferred wherever possible.

SENSITIVITY

- adoption of communication strategies for dealing with the mentally ill
- acceptance and accommodation of cultural diversity in interactions
- sensitivity to the persons and issues involved.

However, the guidance does not address the need for AFP appointees to take a trauma-informed approach and what this might involve.

Recognising that trauma is sadly a common experience of many of the people ACT Policing engages with, we encourage ACT Policing to train and support its officers to take a trauma-informed approach to interactions, ensuring that, wherever possible, its officers' actions are not exacerbating a person's trauma or causing secondary trauma (see [Recommendation 4 – Trauma-informed approach](#)).

Dealing with intoxicated people

A considerable proportion of community policing involves dealing with intoxicated⁹ people, which can be difficult and demanding. Intoxication may result in cognitive and

⁸ Trauma-informed policing conference gets underway in Melbourne | Deakin

⁹ AFP National Guideline on persons in custody and custodial facilities define 'intoxicated' as being under the influence of alcohol, another drug or substance, or a combination of alcohol, drugs or substances.



motor impairment, and increased aggression and hostility from individuals. This adds to the complexity and the risks ACT Policing officers manage when attending an incident. Use of force on an intoxicated person also comes with increased risks of positional asphyxia and/or other medical complications.

As shown in Table 4 above, nearly 10% of use of force incidents were categorised by ACT Policing as 'Intoxicated Person' incidents. Just under a quarter (23%) of use of force subject behaviours (Table 5 above) involved people characterised as being 'Intoxicated – drug and/or alcohol', 'Alcohol affected', or 'Drug affected'. ACT Policing responded to 3,767 intoxicated persons incidents in the relevant period, with 533 (14.1%) of these resulting in use of force.

The consumption of alcohol and other drugs may influence people to engage in risky or criminal activities¹⁰, increasing the likelihood of their interactions with police.

A report produced by the National Drug Law Enforcement Research Fund on [Managing intoxicated offenders: Best practice in responding to individuals affected by drugs and alcohol](#)¹¹ noted that effective communication was vital when managing intoxicated offenders, as it allowed officers to assess intoxication, build rapport and elicit compliance with officer's instructions, as well as reducing the need for physical intervention.

The impaired cognition caused by intoxication can affect a person's ability to comprehend questions and answer coherently. Officers who can identify and assess incapacitation can more effectively determine the communication techniques better suited to an individual who is unintentionally difficult. Showing respect and a genuine concern for welfare may encourage compliance.

¹⁰ See Social impacts in [Alcohol, tobacco & other drugs in Australia](#), Australian Institute of Health and Welfare, last updated 13 December 2024

¹¹ Fuller et al, [Managing intoxicated offenders: Best practice in responding to individuals affected by drugs and alcohol](#), 2016, Produced by the National Drug Law Enforcement Research Fund, Canberra



Case study: Prior interactions affect how a teenager is treated

Youth

Intoxication

Unprofessionalism

Over-reaction

Use of force report

A use of force report described the arrest of a young person (16 years old) (Young Person B) at night, in early July 2023. The report stated that Young Person B was sitting on a bench. He fell off the bench trying to remove his jumper.

His pants were entangled around his ankles. When the police talked to him for a few minutes and were helping him untangle his pants, the young person became 'immediately aggressive and abusive towards police so he was non-compliantly handcuffed'. He resisted police, even while cuffed.

After a short negotiation, he agreed to calm down. The young person was placed in a seated position and 'began screaming at the top of his lungs at passers-by that he needed help and to be saved from Police'. The young person 'hocked a globule of spit from his throat and directed it at [one of the officers]'.

The officers rolled him face down to avoid being assaulted again, requiring all 3 officers. When he tried to spit a second time, again directed at an officer, an officer applied a 1-second burst of OC spray.

The use of force report also referred to the young person's 'disgraceful behaviour' at the Watch House.

Body-worn camera footage

We reviewed the body-worn camera footage that was available. We observed a young person who was heavily intoxicated lying on the ground. Throughout the encounter the young person was slurring his words and showed cognitive impairment.

An officer tried to engage the young person and used the young person's name. The officer thought he had made a mistake with their name.



The officer then said, within the hearing of the young person, "It's not [Young Person B]. It's the other d***head."

Young Person B was lying on the ground while officers talked to him. While they stood over him, he asked if he was under arrest and an officer answered, "at the moment you are". He asked repeatedly to call his mum saying, "I have a right".

He was told he couldn't call anyone and that he had "no rights at the moment. You're in custody at the moment". He had not yet been informed of why he was under arrest. The young person started swearing at the police telling each officer "F*** you. F*** you. F*** you too." He was still lying on the ground.

He asked to pull his pants on. An officer asked to pat the pants. The officer found items in the bottom of the pants near his ankles, preventing the pants from being taken off or being pulled up. Two officers started helping to remove items from the pants (around his ankles) and he complained that it hurt. The young person did not resist.

The young person noticed blood on his hand. He waved an arm trying to show that his hand was bleeding. He called one of the officers "f***head". At that moment, a different officer grabbed his arm, turned him over and placed him in handcuffs.

We did not see any physical aggression before he was grabbed, rolled over and handcuffed. The young person was not warned before the handcuffs were applied nor given any verbal directions.

The young person continued swearing at the officers calling them "dogs". The officer then said, "this is why you're being handcuffed", possibly referring to the yelling and resisting being handcuffed. He was crying and continued yelling. The young person requested his lawyer "right now", he asked for an officer's badge number. He was told he could have all three badge numbers, but he asked again before one officer gave his number.

The young person asked for the cameras to be on. One officer said "they are all recording, mate. All 3 cameras are recording." However, we were only able to access footage from 2 body-worn cameras.

The young person agreed to calm down and officers helped him to sit up. He then began calling to passers-by asking them to record. He kept swearing at officers. One

of the officers stood over him wagging a finger and saying, "you said you were going to calm down".

The young person kept yelling and swearing and then spat at the officer standing over him. The officer reacted straight away and pushed him to the ground and turned him over and held his head to the ground and said, "stop spitting".

Another officer pulled out the can of OC spray and said, "if you keep carrying on like this, you're gonna get sprayed". The young person said "f*** you". The Officer said, "if you f***ing spit, if you spit again c***, if you f***ing spit at us again".

The young person spat. This time the spit was directed into the ground. The officer sprayed him. "Don't spit. Don't f***ing spit at us."

The young person reacted to the OC spray, and he was helped to a sitting position. He was placed under arrest for assaulting a frontline police officer. He asked for "Milk, anything, please, for my eyes and my mouth, anything please?" The response was "No! Don't f***ing spit at us, c***. It's as simple as that."

The young person did not cooperate when he was put in the vehicle to be transported to the Watch House.

Analysis

We were concerned with the use of unprofessional language throughout the engagement and the prejudgement of Young Person B. Young Person B was heavily intoxicated, 'mouthy' and swore a great deal at the police. However, Young Person B was not advised why he was being placed under arrest, he was told he had 'no rights', and at the time he was first restrained he was not being aggressive and had been given no verbal warnings.

OC spray was used despite Young Person B not doing the thing he had been told he would be sprayed for (ie spitting at police). He was also denied the opportunity to have his eyes washed out from the OC spray.

We also had concerns with the use of force report as it inaccurately states when Young Person B became aggressive and where he was directing his second attempt at spitting. It also included judgmental, but not descriptive, language about 'disgraceful behaviour'.

In the ACT, the [Intoxicated People \(Care and Protection\) Act 1994](#) (IPCP Act) provides a legislative basis for people found intoxicated in public to be taken into police custody to 'sober up' in a safe environment. Section 4(2) of the IPCP Act provides that a police officer may take a person into custody only if the officer is satisfied there is no other reasonable alternative for the person's care and protection.

We noted a number of cases where officers chose to take someone into custody for 'I&D' ('intoxicated and disorderly'), rather than charge them with other offences. This meant the person did not later find themselves with a criminal record because of one night with too much drinking. We were told anecdotally that it is not unusual for those who sober up at the Watch House in such cases to be exceedingly grateful for their treatment by ACT Policing and greatly apologetic for their behaviour while intoxicated.

While we generally consider this to be good practice, it is concerning that, in some cases, as demonstrated in [Case study: Trying to assist leads to arrest](#), a person can be taken into custody under the IPCP Act, ostensibly for their care and protection, yet end up suffering an injury and/or being charged with the criminal offence of 'resisting arrest'¹².

¹² obstructing a territory public official, contrary to s 361 of the [Criminal Code 2002](#)



Case study: Trying to assist leads to arrest

Intoxication

Impatience

Mr C witnessed an altercation outside a Canberra nightclub at just before 4am on a Sunday morning. Two police officers had arrived and commenced asking members of the public about the reported assault, including Mr C. Three more officers arrived to assist and Officer A asks one of those officers to find out from the nightclub's security staff what had happened. Security staff indicated Mr C was not involved.

Body-worn camera footage

Body-worn camera footage shows Mr C trying to talk to Officer A. Officer A is telling her colleague she has no idea who Mr C is. At the same time, Mr C is trying to explain himself to her. Officer A is abrupt interrupting Mr C while he is trying to speak. Officer A asks Mr C if he knew the alleged offender. When Mr C says no, Officer A tells Mr C to "keep walking then".

Mr C is intoxicated and insistent, telling officers they are not listening to what he's saying. Officer A pushes Mr C on the arm saying, "you have 2 options, you leave right now..." Mr C interrupts, sounding frustrated "this is what I'm talking about..." and attempts to re-tell his version of events. Officer A does not respond, is looking elsewhere and talking to her colleague.

Mr C turns to Officer B and attempts to tell him, but Officer B is also disinterested and impatient, interrupting Mr C to say, "this story is going nowhere". Mr C says he doesn't want to explain it in case he ends up in handcuffs.

Officer A mocks Mr C and states "yeah, you could end up in handcuffs". At the same time, Officer B reaches down his side with his right hand. Mr C notices this and repeatedly asks, "what was that?" From our review, we suspect Mr C was reacting to the Officer placing his hand on either his gun or taser. Officer A asks Mr C if he has someone to look after him, but Mr C doesn't answer, still asking "what was that?", gesturing at Officer B and started to back away from the officers.

Officer A asks again whether Mr C has a person who can look after him. After 4 seconds, with no reply from Mr C, Officer A grabs Mr C and tells him he is "under



arrest for intoxicated and disorderly”*. Mr C resists saying repeatedly “I am trying to back away”.

The officers jointly take hold of Mr C and struggle as they attempt to bring his hands behind his back to handcuff them. Three officers run over and Officer C draws his taser, and places it against Mr C’s back between his shoulder blades telling Mr C to stop resisting or he will be tased. Officer C applies a 2-second drive-stun¹³ to Mr C’s back, allowing officers to gain some control and bring Mr C to the ground on his back.

Officers A and B are holding Mr C’s arms and legs, saying “stop f***ing around or you are gonna be tased.” Officer C tells Mr C to get on his stomach or he will be tased, placing the taser at his stomach. Mr C is wrestling, saying he is trying to get to his stomach. Officers manoeuvre Mr C onto his stomach and place a handcuff on his right wrist. Officers are unable to secure the second handcuff and Mr C draws his right arm under his body. Officer C tases Mr C again.

Mr C screams and starts yelling, “why am I getting arrested?”. Officer C advises “assault”. Officer A says to the officer beside her, “he is getting arrested for I&D”, but it is unclear if Mr C heard this.

Three more officers arrive. There are now 8 officers at the scene. Officer C again states that if Mr C doesn’t cooperate, he will be tased. Mr C is lying on his stomach with his left hand behind his back and officers are attempting to regain control of his right arm, which is still under his body. Officer C again tases Mr C, yelling at him to get his hands behind his back. Mr C continues to scream and yell “what am I being arrested for”.

Mr C was handcuffed. He remains on the ground yelling “please it is too tight, I am literally going to feel my hand drop off”, “please stop”, “I don’t even understand what I did”.

CCTV footage

Mr C was conveyed to the Watch House, where he continued to question his arrest and not cooperate with intake procedures. He was taken to a cell and had handcuffs

¹³ A drive-stun is when the taser is discharged directly against the body of a subject, causing localised pain while activated.



and clothing removed while restrained on a mattress by five officers, during which Mr C continued to scream and twist his body in ways to obstruct police.

Two hours later, Watch House officers entered the cell and advised Mr C he was to undergo forensic procedures, namely the taking of photographs and fingerprints, which was standard practice for a person who is in custody for a criminal offence.

Mr C refused to comply with the procedure and actively resisted attempts by officers to escort him to the forensics counter and during their attempts to conduct the procedures, screaming almost constantly. The use of force report states:

As result of his ongoing resistance, Sgt S was of the belief that Mr C would continue to resist against the forensic procedures and it would potentially cause him injury to pry (sic) his fingers out from his clenched fist, or hold his neck/head straight to take photos, and the risk of injury outweighed the benefit of undertaking the procedure, and a decision was made to stop.

Mr C registered a complaint with the AFP about his arrest and subsequent treatment at the Watch House, including the lack of care given to him for what was later identified to be a broken right hand. This included allegations that, while at the Watch House, the intercom was switched off inhibiting his ability to seek medical treatment or other assistance.

Professional Standards¹⁴ investigation

The professional standards investigation established, on the balance of probabilities, the initial injury was likely to have occurred during the arrest and then may have been exacerbated while at the Watch House. It found the allegations of excessive use of force both during the arrest and in the Watch House were 'not established'.

Analysis

From our assessment of this case, we question the necessity of taking Mr C into custody in the first place, given the limited effort made to determine if a reasonable alternative was available. While Mr C was frustrating officers initially when trying to give his eyewitness account of an altercation, in our review of the body-worn camera footage we consider there was still an opportunity to handle the situation by engaging patiently with him, without arresting him or taking him into custody. The

¹⁴ Professional Standards is the AFP's business area responsible for managing the integrity framework of the AFP and for investigating Category 3 conduct issues and corruption issues, and associated practice issues relating to conduct engaged in by AFP appointees.



situation escalated rapidly, resulting in 8 officers being diverted to arrest him. We consider the use of force during his arrest was excessive and unreasonable, and potentially unlawful. We also consider the force used in attempting to take identification material without his consent in the Watch House to have been unnecessary and potentially unlawful.

* The use of force report states "there were reasonable grounds to believe that the use was necessary in order to restrain the subject, who was in lawful custody for being intoxicated and disorderly." Our review of the body-worn camera footage indicated Mr C was taken into custody under the IPCP Act. However, in response to the draft of this report, ACT Policing has stated that the person in the case study was arrested for assault and not arrested under the IPCP Act.

In several of the cases we reviewed, we found a tendency for ACT Policing to use the powers under the IPCP Act to prevent anti-social behaviour, rather than to provide for the person's care and protection. In response to a draft of this report, ACT Policing advised that all apprehensions where a person is taken into custody in relation to the IPCP Act require the officers to articulate considered alternate options to custody within PROMIS records. We have not reviewed the PROMIS records to verify if this information is recorded. However, when reviewing the BWC footage, while we saw examples of good practice, we did not always see officers undertaking checks to establish whether a reasonable alternative for the person's care was available, with priority seeming to be given to removing the individual from the scene quickly, effectively leaving management of alternatives to the Watch House staff.

The *Watch House Manual* clearly defines the requirements for Watch House staff to ensure compliance with the IPCP Act. However, we consider the IPCP Act intends for the officer responsible for taking the person into custody to have satisfied themselves that there is no reasonable alternative for the person's care before taking the person into custody. Frontline officers need to know how to identify and assess reasonable alternatives to custody for the person's care.

An investigation by the Commonwealth Ombudsman into the AFP's [Use of Powers Under the Intoxicated People \(Care and Protection\) Act 1994](#) (October 2008) made 14 recommendations to improve ACT Policing's administration of its powers under the IPCP Act, including in relation to enhancing police awareness of and confidence in pursuing diversionary options for intoxicated persons. The AFP chose not to respond to the recommendations but provided comments which were addressed where



appropriate in the report. While we have not formally assessed the AFP's implementation of these recommendations, we did note the Watch House Manual continues to include advice that:

Persons lodged into protective custody solely due to their level of intoxication (i.e. they have no criminal charges pending) are not to be given the opportunity to seek legal advice... Such detainees are not being charged with a criminal offence and legal advice is unnecessary.¹⁵

As outlined in our 2008 report, we do not consider a person detained for intoxication should be denied the opportunity to contact a lawyer on request. Given detention under the IPCP Act is essentially an unreviewable detention, a person who wishes to challenge the basis on which they are held or to seek other advice should be allowed to do so.

We encourage ACT Policing to continue to ensure its officers are clear about the legislative requirements that must be satisfied when taking someone into custody under the IPCP Act.



Recommendation 1

Dealing with intoxicated persons

To ensure officers are equipped to engage effectively with intoxicated people and minimise the need for use of force, ACT Policing review and roll-out refreshed staff training and guidance on their obligations under the *Intoxicated People (Care and Protection) Act 1994* (IPCP Act) when dealing with intoxicated persons, in particular:

- how to identify and assess reasonable alternatives to custody for the person's care and protection
- when it is reasonable and necessary to assess an intoxicated person as needing to be taken into custody for care and protection

¹⁵ ACT Watch House Operations – Functional Governance (ACTP079), last reviewed date 7 December 2023, page 58.



- how to communicate sensitively, patiently and effectively with an intoxicated person about how they can cooperate with police, why they may be taken into custody, and what it means for them.

ACT Policing amend the Watch House Manual to ensure people who are detained under the IPCP Act and who seek to contact a lawyer are allowed to do so.

We acknowledge that diversionary options are limited. The single 'Sobering Up Shelter' in the ACT is now only funded to provide services on Thursday, Friday, and Saturday nights from 11pm to 11am (last intake at 6am). It has only 5 beds available. Those beds are not available to young people.

We strongly encourage the ACT Government to consider extending diversionary capacity for intoxicated people to reduce the escalation of responses. Further investment in diversionary options, especially for youth, may well reduce the use of force and provide better outcomes for the community.

We reviewed incidents where adults and youth were intoxicated during the day mid-week. We also reviewed incidents where intoxicated youth were taken to the Watch House as there was no alternative. However, it was being taken to the Watch House that resulted in the use of force (for example, see [Case study: Patience and compassion in the face of limited options](#)).

Dealing with people experiencing mental health issues

ACT Policing are frequently the first responders to situations involving individuals experiencing a mental health crisis. These situations can escalate to the point where officers resort to a use of force. As shown in Table 4 , we found 105 (17%) of the 6,255 reported use of force incidents over 5 years were categorised as either 'Mental Health' or 'Prevent Self-Harm'. In its [2022-23 annual report](#), ACT Policing reported responding to 4,166 incidents. For the same period, only 105 of the reports made by ACT Policing



concerning the use of force were categorised as a mental health incident, suggesting just 4.8% of incidents attended resulted in a reportable use of force. However, ACT Policing advised that over the 5-year period, there were 8,269 incidents relating to a person affected by mental health, and force was used in 1,629 (19.7%) of those incidents.

An ACT Policing officer's ability to show empathy and compassion when dealing with individuals experiencing a mental health crisis is crucial to forming a connection. This can help to reassure the individual and encourage cooperation so that the minimal amount of force can be used, and interactions with police do not add to the individual's turmoil.

[Police Use of Force in Mental Health Crises: An Analysis of Coronial Inquest Findings from Australia](#)¹⁶ found that police face a 'complex web' of decision-making when responding to mental health-related incidents, having to weigh the need for public safety and mental health care. The analysis suggests police often perceive individuals in a mental health crisis as dangerous, especially when psychotic disorders and substance abuse problems are involved, which heightens their perception of the potential for violence.¹⁷ As police may not fully grasp the nuances of mental illness or how it affects a person's behaviour and ability to comply with directions¹⁸, the perceived threat can lead to a force response 'often mere seconds or minutes'¹⁹ after arriving at the scene. Police training teaches defensive tactics when a subject is brandishing a weapon, yet the drawing of a taser or firearm towards an already distressed individual is 'likely to override effective attempts to peacefully negotiate a resolution to the crisis'.²⁰

The study concludes that community-based mental health services must be adequately resourced to provide timely interventions before crises escalate to requiring police involvement. Where police involvement is required, there is a need for

¹⁶ Dodd et al, 2024, *Police Use of Force in Mental Health Crises: An Analysis of Coronial Inquest Findings from Australia* in International Journal for Crime, Justice and Social Democracy (Published: 2024-11-06), <https://www.crimejusticejournal.com/article/view/3560/1531>

¹⁷ Ibid., 2.

¹⁸ Ibid., 2.

¹⁹ Ibid., 10.

²⁰ Ibid., 10.



greater availability of a co-responder model where mental health clinicians accompany police during crisis interventions.²¹

In the ACT, [Police Ambulance and Clinician Early Response \(PACER\)](#) is a mental health co-responder model involving partnerships between ACT Policing, ACT Ambulance Service and Canberra Health Services. The team consists of a police officer, paramedic, and mental health clinician working together in one vehicle to respond to and assist individuals experiencing a mental health crisis in the community. The program was first implemented in December 2019, as a single unit operation, and expanded to 2 teams in early 2022. PACER currently operates a day team available 8am to 6pm, and an afternoon/evening team available 2pm to midnight, 7 days a week.

From our analysis (see [Table 5](#)) the annual averages for 2019–2023, for incidents where mental health–related subject behaviours were reported were:

- apparent mental illness: **213**
- known history of mental disorder/illness: **188**
- apparent mental disorder: **160**

From our detailed review of two cases involving ACT Policing responding to a mental health incident that resulted in force being used, we observed ACT Policing officers trying their best to communicate with the person in crisis. They were patient and spoke carefully in what were clearly difficult circumstances. In one case (see [Case study: Patience and care can't always avert the need for force](#)), there was no PACER attendance due to the time the incident occurred, although the ACT Ambulance Service did arrive after force had been used and took the person into medical care.

²¹ *ibid.*, 11.

Case study: Patience and care can't always avert the need for force

De-escalation

Negotiation

Compassion

At approximately 8am on a Saturday morning, ACT Policing were called to an incident involving a man concerned his wife was experiencing a mental health incident and posed a serious risk to her children. On arrival, 4 officers found the couple outside their apartment building in a carpark, with the man holding his baby with a toddler at his side, and the woman appeared to be trying to take the baby from his arms.

Body-worn camera footage

We reviewed body-worn footage of the four officers, which showed two officers ask the woman, Ms D, to step further away with them to talk while other officers went with the husband and children out of sight to also talk.

The 2 male officers speak with Ms D on the footpath outside her apartment complex. She is barefoot, wearing thin clothing and has dishevelled hair. She is distressed and seeking to return to her family. She is trying to walk around the officers, who are calmly asking her to stay where she is and help them to understand what has happened. She is agitated, initially saying there is no trouble here, she has two daughters, and she needs to be with them. The officers acknowledge she wants to go and attempt to calmly ask her to stay where she is while they work out what is going on before she can go and see her children. They observe she is bleeding and ask her about her injured ankles. Ms D says she was making breakfast and got so angry she smashed the bowl. She says no one was hurt but her.

Over the next nearly 5 minutes, the officers continue patiently trying to calm Ms D and to ascertain any information they can, but she is unable to give a clear response to the officers' questions and starts speaking in a foreign language and tries to hold the officers' hands. As she speaks, she is looking beyond the officers, trying to locate her family and starts to try to push past the officers, who use their bodies to obstruct her. One of the officers advises her that if she keeps pushing them, they will have to use handcuffs on her.



Ms D continues pacing back and forth, appearing to be looking for a way to dodge past. She is appearing more agitated. One of the officers places his hands on her shoulders to keep her from moving and says “stay here” calmly. She suddenly punches at him striking his face, saying “f*** that” in English amid a stream of foreign words. The officers immediately restrain her, take her to the ground and handcuff her wrists behind her back. She is told she is under arrest for assaulting a police officer. The officers call for an ambulance and wait with Ms D. She attempts to kick at the officers several times but eventually calms and remains still, in an apparent stupor, staring and no longer speaking.

The ambulance arrives approximately 20 minutes later, and the use of force report states ‘the Subject was unarrested and placed under Emergency Action.’ After discussion with the ambulance services staff, Ms D was kept in handcuffs for her and everyone’s safety until she was safely transferred to a stretcher and placed in soft restraints.

Mental health crises are not confined to the hours of 8am to midnight each day, and even between these hours, there will be times when a PACER team is not available to attend. Additionally, police may not be aware until they attend an incident that mental health is a factor. It is therefore inevitable that ACT Policing will continue to serve as a de facto mental health first responder for some incidents.

We strongly encourage the ACT Government to continue supporting the mental health co-responder model [Police Ambulance and Clinician Early Response (PACER)], given its capacity to reduce the escalation of responses that otherwise result in police force being used.

We understand the AFP College offers a 3-day ‘Enhanced mental health training’ course delivered by the ACT Policing PACER team and external presenters from ACT Health as well as lived experience from those suffering from mental health issues who have been engaged with police. In recognition that PACER cannot provide full coverage and ACT Policing officers will continue to engage with people experiencing a mental health crisis, we encourage ACT Policing to continue exploring options to equip its officers to de-



escalate and negotiate in high stress mental health incidents, including ensuring all of its officers complete the in-house training and have the opportunity for refreshers.



Recommendation 2

Dealing with persons experiencing a mental health crisis

ACT Policing identify and implement measures to better equip its officers with a greater understanding of:

- mental illness and how it affects a person's behaviour and ability to comply with directions
- strategies to de-escalate and engage sensitively and effectively with a person experiencing a mental health crisis.

Dealing with young people

Alternatives to custody

We reviewed 9 use of force incidents involving young people being taken into custody and/or the Watch House. We saw some very good examples of ACT Policing officers using negotiation and de-escalation practices in an effort to reduce the need for force in challenging circumstances (see [Case study: Patience and compassion in the face of limited options](#)).

Case study: Patience and compassion in the face of limited options

Youth

Intoxication

De-escalation

Compassion

Body-worn camera footage

After midnight (12.30am), police were called to a disturbance with two young people yelling on a suburban street. The young people were sitting next to each other and were clearly intoxicated and very distressed. The 16-year-old male (Young Person E)



was crying loudly and wailing. The 15-year-old female (Young Person F) was trying to comfort him and calm him. She was also crying loudly.

Five officers attended. The two young people initially did not want to talk to the officers and were scared that they would be 'taken'. Officers spent more than 20 minutes talking with the teenagers and calming them down. Body-worn camera footage shows different officers engaging with the young people, talking calmly and discussing options and attempting to call an adult they could stay with for their own safety.

The young people, while initially not engaging, once they had calmed understood that police were worried about their safety. With no one able to be identified for the young people to stay with, the officers decided to take them into protective custody. When the young people were told they would need to go to the Watch House until they were sober, Young Person F became agitated and tried to run. Officers took her to the ground and she resisted, kicking police officers.

Analysis

The patience and compassion officers showed to these young, intoxicated people in difficult circumstances was admirable. Unfortunately, there were no responsible adults who could be contacted to look after the young people and there are no other services where these young people could go to be safe. Having no other options, police had to take the young people into custody, and having to do so precipitated the need to use force.

It is essential that alternatives to police custody for children and young people are available and used by ACT Policing wherever possible to avoid the increased risk that young people will be exposed to trauma and physical harm through uses of force involved in being taken into custody.

With the minimum age of criminal responsibility in the ACT set to rise to 14 years from 1 July 2025, the availability of preventive and diversionary support services for young people not suspected of committing an offence is urgent. We encourage ACT Policing to continue working with the ACT Government and service providers to establish reliable options for those younger than 14 who would otherwise, but for a raised minimum age, come into contact with the justice system and to support diversionary



options for all young people, wherever possible. These services should be therapeutic, timely, trauma-informed, evidence-based, culturally safe, and human rights compliant.

The need for alternatives to police custody for young people is critical.

Uses of force on young people

CO3 only makes one mention of treating children and young people differently. That is in relation to handcuffing:

Handcuffing children or young people

15.4 AFP appointees must not handcuff a child or young person unless they believe on reasonable grounds it is essential to safely transport the child to protect the welfare and/or security of the child or any other person.

15.5 Considerations for handcuffing or restraining a child or young person include those identified in s.15.3²² above.

Through our investigation, we saw many cases where young people were handcuffed and remained handcuffed throughout their transport to the Watch House, and even, on one occasion, for more than 40 minutes after being detained in a Watch House cell.

²² 15.3 In deciding whether to use handcuffs or restraints AFP appointees must consider:

1. their safety and that of other persons and the person in custody
2. the nature of the offence or breach of law
3. the conduct and demeanour of the person either by words or actions
4. whether the person has previously attempted to escape or is likely to attempt escape
5. whether the person should be restrained to prevent the loss, concealment or destruction of evidence
6. whether the person has a history of violent behaviour, or the demeanour of the person is violent or aggressive
7. whether the person threatens to expel a bodily fluid or has done so
8. the number of other persons in custody at the time
9. the parity/disparity in physical attributes of the appointee and person in custody
10. the likelihood of injury to the appointee, other persons or the person in custody
11. the person's mental health history including incidents of self-harm
12. the requirement to prevent escalation of an incident
13. the circumstances and location of the incident.



We also saw some use of force reports made when a child or young person was compliant with being handcuffed. This reported compliance of the young person raises the question of whether handcuffs were actually reasonable, necessary and proportionate and applied in line with s 15.4 of CO3.

It was also rare in the use of force reports we reviewed for reporting officers to document whether the handcuffs were removed for the transport of the young person. It is not clear whether this implies the handcuffs remained on during transport or whether officers actively considered the option of removing them. We understand there are times when an ACT Policing officer may hold a belief that the young person, while complying with being handcuffed, still poses some risk of harming themselves or others, but such considerations should be documented to justify why the handcuffing was necessary.

We are also aware of a case where no use of force report was lodged in relation to the arrest of a young person, which was explained as not being needed because the young person was compliant with being handcuffed and escorted to the police vehicle. Noting the explicit obligation under CO3 to *not* handcuff a child or young person (except where an officer reasonably believes it is essential to safely transport the child to protect the welfare and/or security of the child or any other person), we consider any handcuffing of a child or young person (compliant or non-compliant) should be reported as a use of force with the reasons recorded.

Case study: Heightened emotions lead to tasing

Youth

Hyper-vigilance

Unprofessionalism

In June 2024, a 17-year-old male (Young Person G) was pursued on foot after fleeing a stolen car he had been driving after ACT Policing had brought it to a stop. Young Person G attempted to evade police by running behind a screen at the front of a suburban home and around the side, but he slipped and fell on the ground. The police caught up with him. The 2 officers who had given chase came upon him with tasers drawn. While the officers did not know if they were chasing the driver or



passenger from the stolen car, they were aware the vehicle had swerved at and nearly hit an officer during the pursuit.

Use of force report

The use of force reported described the officers' thinking in those first minutes:

[The officers] both felt extremely threatened and feared for their safety as they viewed the subject to have a balaclava on...[Officer 1] could not see the subject's hands due to the poor lighting and seriously believed he was reaching for his belt line, further to this [the officers] were cornered with the subject in an extremely small space and had no time to back away.

The use of force report also noted that on review of the body-worn camera footage the subject was heard saying "sorry", but that officers did not hear this at the time.

Body-worn camera footage

From our review of the body-worn camera footage, as the officers arrived, young person G was lit by their taser torches shining on him. He was on all fours raising one arm in submission saying "sorry, sorry" as the officers were yelling "Oi, you little c**t, get down!" Within a second, the first officer to arrive grabbed Young Person G's clothing above his shoulder, pulling him forward and pressing his taser into the young person's back to force him face-down onto the ground on his stomach, yelling "stop it! Get on your f***ing stomach!" The officer immediately applies a 2-second taser drive-stun²³ into Young Person G's back as he lay on the ground on his stomach.

While attempting to apply handcuffs, the officers are still yelling "get on the f***ing-stay down! Stay down!" while the young person is heard saying "please" and "ow, ow". The young person says "f***, bro, I banged my head", but receives no response from the officers. Twice more he mentions his head, then can be heard wheezing and says "taser", then "puffer?" twice.

The officers had trouble getting the second handcuff on Young Person G, so took off the cuffs then successfully reapplied them, by which time the young person is audibly wheezing and groaning. The officer asks "are you all good, brother? Talk to me brother..." The other officer asks "where's your puffer?" They remove the young person's balaclava, holster their tasers and move him into the recovery position (with hands still cuffed behind his back). He sounds like he is having an asthma attack,

²³ A drive-stun is when the taser is discharged directly against the body of a subject, causing localised pain while activated.



then suddenly goes silent as he falls into unconsciousness. After 5 seconds, he suddenly gasps and regains consciousness.

The officers then demonstrate a caring and concerned demeanour, with one officer encouraging the young person to breathe with him and trying to calm him. Young Person G is still wheezing and after 25 seconds, falls unconscious again. The officer tries to rouse him, removes the young person's gloves, loosens his jacket and checks his pulse and advises his colleague "he's still breathing". An ambulance is called. Young Person G regains consciousness after a minute and a half.

Analysis

At no time was it apparent in the body-worn camera footage that the option of removing his handcuffs was considered, even when the young person was being seen to by the ACT Ambulance Service, and had been displaying no behaviours since his arrest to suggest he wouldn't remain compliant with police.



Recommendation 3

Taking young people into custody

The AFP amend Commissioner's Order on Operational Safety (CO3) to:

- ensure any handcuffing of young people, compliant or non-compliant, is deemed a reportable use of force
- where a decision is made to leave handcuffs on a young person after intake at the Watch House, a separate use of force report is required
- require reasons to be documented in use of force reports for why handcuffing of a young person was reasonable, necessary and proportionate, including why it was necessary for handcuffs to remain on during transport
- ensure supervisors review the use of handcuffs on a young person and record their assessment of whether it was reasonable, necessary and proportionate in all the circumstances.

Prejudgments of young people

We also observed some disappointing interactions, where officers demonstrated a prejudicial approach to some young people with whom they had had prior interactions. In [Case study: Prior interactions affect how a teenager is treated](#), the officer approaching a 16 year old lying intoxicated on the concrete paving in a public place, said to his colleague "It's not [Person X]. It's the other d***head". We also observed interactions that followed what is described in [Case study: Heightened emotions lead to tasing](#). After Young Person G regained consciousness, the arresting officers withdrew and other officers then monitored the young person while waiting for the ambulance. Although much of the footage was without audio, we heard one officer saying, "what, you think you're hard or something, do ya punk?" The young person responds "I dunno, do you?" Another officer says "what the f***'s your problem?" Young Person G says "I don't have a problem. I'm just sitting here." The officer responds "Yeah, you're sitting here, you've driven at police." While we acknowledge there had been a threat of serious injury or death to police due to the actions of Young Person G prior to his arrest, we consider these subsequent interactions after he was restrained and calm were unnecessarily antagonising to the young person.

Prejudgment, lack of respect and use of inflammatory language are more likely to escalate a situation. We discuss the issue of escalating behaviours by officers further throughout this report, including through several other case studies below.



Recommendation 4

Trauma-informed approach

ACT Policing identify and implement measures to better equip officers to take a trauma-informed approach when engaging with members of the public and applying the AFP's Operational Safety Principles and Use of Force Model, to ensure appropriate compassion and sensitivity is exercised, particularly where a young person, intoxicated person or person experiencing a mental health crisis is involved.

Dealing with breaches of the peace

Case study: Breaching the peace, or mere annoyance?

Intoxication

Over-reaction

Just after 9pm one evening, police were called to a disturbance between two neighbouring properties.

Use of force report

The use of force report states that, when the 4 officers arrived, two neighbouring groups were yelling 'aggressively' at each other. A male was identified as one of the persons of interest and was subsequently handcuffed and placed into the cage of the marked police vehicle without incident. A female [Ms H] located out the front of one of the properties became 'agitated and aggressive, she appeared to be heavily intoxicated'. An officer directed Ms H to go inside the house or she would be arrested for *Breach of the Peace*. Ms H continued to act in an 'overly aggressive manner', and at this point 3 officers approached Ms H placing her under arrest.

The use of force report described that during the arrest Ms H became physically violent, actively resisted arrest and assaulted an officer by kicking her. Two of the officers placed Ms H in an AFP approved escort hold before placing her in the cage of a police vehicle.

Body-worn camera footage

From our review of the body-worn camera footage, we observed Ms H conversing with occupants of the property within the confinements of the front-yard. While Ms H did appear intoxicated (with a drink in hand), she appeared to be having a conversation with the occupants and not acting 'overly aggressive' towards them or police. An officer gave a direction to Ms H's friend saying "mate, if you keep going, alright, you'll be arrested for breach of the peace. Go inside." Then to Ms H, he said "So will you." Ms H replied that "we're having our say on our own f***ing driveway, c***, f*** off!" and she made a rude gesture (raised her middle finger) towards the officer. At that moment, the officer pointed at her and said "breach of the peace" and



attempted to take her into custody, with other officers joining to assist. Ms H became combative, questioning the arrest, saying “What? Are you going to lock me up?” and “I’ve done nothing!”. The situation escalated as Ms H began thrashing and resisting and one of the officers says “she kicked me”. The officers were able to place her in an escort hold, and then into a police vehicle to be conveyed to the ACT Watch House.

[Case study: Breaching the peace, or mere annoyance?](#) highlights inconsistencies with the intended application of the legislative framework for dealing with a breach of the peace.

According to the AFP’s *Better Practice Guide on Breach of the Peace*,²⁴ officers must be ‘satisfied there is a genuine fear that violence will break out on a serious scale if police do not intervene.’ It further advises that ‘a mere annoyance, disturbance, insult or abusive language without personal violence are not generally sufficient to establish a breach of the peace’. The *Better Practice Guide* also highlights that the officers involved must inform the person of the reasons they have been detained and be given the opportunity to enter an undertaking to keep the peace and not return to the scene or resume the relevant conduct. If accepted, the officers are immediately to release the person and invite them to sign their notebook to record their acknowledgement.

Our review of the footage found that, although intoxicated and ultimately agitated by her interactions with police, Ms H was confined to the perimeter of the property, had not approached officers or others in a threatening manner, and was not conducting herself in a manner that would suggest an imminent likelihood of violent behaviour. The use of force report description of Ms H as being ‘overly aggressive’ does not reflect the behaviour seen in the officer’s own footage. Ms H did yell unpleasantries at the officers and she made a rude hand gesture, but these actions do not constitute what is defined as a breach of the peace in the AFP’s *Better Practice Guide*.

In a separate case we reviewed, a man who had initially been arrested at his own home for trespassing had his charge changed to breach of the peace when officers established that he was not trespassing. When he was informed he was under arrest for breach of the peace instead of trespassing, the man was sitting, handcuffed, on his front lawn, and not presenting any threat of violence. He was not informed about the new charge or offered the opportunity to enter an undertaking. This case appears to

²⁴ last updated 15 November 2023

demonstrate a lack of knowledge of the procedures for breach of the peace, which seek to prevent harm, reinstate peace and avoid taking people into custody, where possible.



Recommendation 5

Breaching the peace

ACT Policing identify and implement measures to better equip its officers with a greater understanding of their obligations in relation to taking a person into custody for breach of the peace, including:

- what constitutes a breach of the peace
- the requirement to provide a person deemed to be breaching the peace with an opportunity to provide an undertaking and avoid being taken into custody.

Part 4. Who is using force?

Overview

Officers

At any point in time over the last 5 years, there has been a maximum of 742 sworn officers in ACT Policing. During the 5 years from 1 January 2019 to 31 December 2023, 1,159 individual ACT Policing officers were involved²⁵ in an incident where reportable use of force occurred. The extent of involvement in use of force incidents varied greatly depending on the officer's role as can be seen in Table 6 below. This data shows 143 (12%) of the 1,159 officers were involved in only one incident each over the entire 5 years, while 439 officers (38%) were each involved in over 20 incidents, and 23 of these were each involved in over 100 incidents where reportable use of force occurred. An officer was involved in 278 incidents where force was used, averaging more than one incident a week.

Table 6 ACT Policing officer's involvement in use of force incidents over the period 1 January 2019 to 31 December 2023

Number of individual officers with involvement ³ in:	No.	%
1 incident over the 5 years	143	12.3%
2-19 incidents over the 5 years	577	49.8%
20-49 incidents over the 5 years	326	28.1%
50-99 incidents over the 5 years	88	7.6%
100+ incidents over the 5 years	23	2.0%
200+ incidents over the 5 years	2	0.2%
Total individual officers involved in use of force over the 5 years	1,159	
Average number of incidents each officer was involved in over the 5 years	21.6 (4.4 per year)	

²⁵ An officer is identified as 'involved' if listed in any of the 'Officer in Charge of Incident', 'Other Officers Involved' or 'Officer Reporting Incident' fields on a use of force report – an officer is counted once for that incident, even if their name appears in multiple fields.



Teams

Certain teams within ACT Policing dominate in the use of force statistics, which is unsurprising given the nature of the work the various teams perform (Table 7). The patrol teams and the dedicated Territory Targeting team that are out in the community as first responders to police callouts have most cause to use force.

Table 7 Total uses of force reported by ACT Policing team from 1 January 2019 to 31 December 2023, showing annual rank from highest (1) to lowest (7) uses of force

Team	2019	2020	2021	2022	2023	TOTAL
Gungahlin Patrol	328 (7)	340 (7)	383 (6)	341 (7)	348 (7)	1,740
Tuggeranong Patrol	543 (5)	464 (4)	378 (7)	457 (6)	434 (5)	2,276
Woden Patrol	530 (6)	426 (5)	447 (5)	510 (5)	421 (6)	2,334
Belconnen Patrol	604 (3)	674 (1)	534 (3)	541 (4)	508 (4)	2,861
Territory Targeting	590 (4)	347 (6)	678 (1)	828 (1)	667 (1)	3,110
City Patrol	766 (1)	602 (3)	533 (4)	607 (3)	642 (3)	3,150
All Other	727 (2)	608 (2)	554 (2)	795 (2)	650 (2)	3,334
Total	4,088	3,461	3,507	4,079	3,670	18,805

What is apparent from the statistics is that over time, the total number of reported uses of force has fluctuated a bit each year, but has remained approximately consistent, across the ACT Policing teams. The COVID-19 pandemic may have influenced the reduction in the overall number of uses of force during 2020 and 2021, reflecting fewer people being out in the community for parts of these years (see also Figure 4). The ranking of 1-7 shows which team in any year had the highest (1) and lowest (7) uses of force, and shows that, in the last 3 years, the Territory Targeting team has been responsible for the greatest number of uses of force.

Does ACT Policing have a ‘junior workforce’ issue?

During this investigation, many of the discussions we had with staff raised the current ‘junior workforce’ as a challenge affecting ACT Policing’s use of force outcomes. Former Chief Police Officer for the ACT, Neil Gaughan APM, made similar statements in the



weeks before he finished his term to an ACT forensics conference, where he is reported²⁶ to have said:

Our general duties police officer, those most likely to provide the immediate response to crime, are the most inexperienced in the country.

At our police stations – Gungahlin, Belconnen, City, Woden and Tuggeranong – over 48 per cent of our uniformed police are probationary constables.

With approximately 100 new police coming in the ACT [in] each of the next two financial years, the balance of experience across [ACT Policing] will require careful management by the incoming [Chief Police Officer].

Staff we spoke to indicated that new officers were routinely paired with officers who had only a limited amount more experience than they did, having graduated one or two courses prior. This was apparently occurring because there were insufficient experienced officers available to do the shifts due to other priorities. Using the data available from the use of force reports, we reviewed the experience of officers involved in use of force incidents over the 5 years from 1 January 2019 to 31 December 2023 (see Table 8).

Table 8 Experience of officers when involved in use of force incidents, measured in years from AFP commencement date* to date of force incident

Number of officers with:	2019	2020	2021	2022	2023
10+ years in AFP when force used	1,581	1,424	1,091	1,030	958
5-10 years in AFP when force used	1,206	1,381	1,057	917	1,003
3-5 years in AFP when force used	1,265	371	970	1,342	1,446
2-3 years in AFP when force used	155	664	513	782	872
1-2 years in AFP when force used	713	450	687	678	717
less than 1 year in AFP when force used	278	279	321	381	379

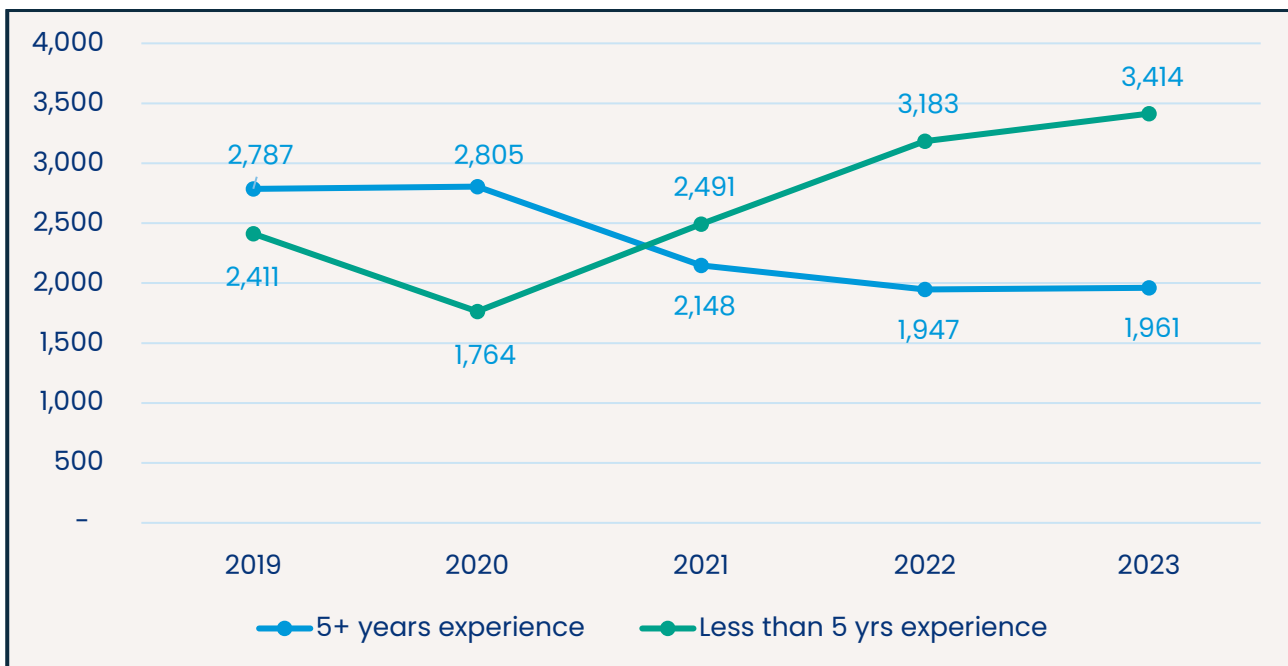
*Note: officers may have had experience with other police forces prior to commencement with AFP

The data from Table 8 above shows the ratio of more experienced to less experienced officers involved in these incidents has shifted over time (Figure 6 below).

²⁶ 26 April 2024, The Canberra Times, [ACT's rookie police force leading to 'all-time high' poor outcomes](#), by Peter Brewer



Figure 6 Officers' experience when involved in use of force incidents, measured in years from AFP commencement date* to date of force incident



* Officers may have prior policing experience when they commenced with the AFP

Noting time in the job is not the only indicator of experience, we also looked at the band levels of ACT Policing officers involved in use of force incidents during the 5 years from 1 January 2019 to 31 December 2023. We found 75% of officers involved in use of force incidents were in the lower band levels of 2, 3 or 4²⁷.

We generally observed the conduct of more experienced officers made a difference to the way more junior officers conducted themselves. For example, in [Case study: Using negotiation and force options effectively](#), the Acting Sergeant had worked at the AFP for 5 years and 4 months and Constable 3 for 2 years and 9 months. Each was accompanied by a junior constable who had commenced with the AFP just over 7 months prior to this incident. From our review of the body-worn camera footage, it was apparent the Acting Sergeant took charge of the negotiation and his calm considered approach was reflected in how the other officers conducted themselves and how the subject responded. At one time, the Acting Sergeant invited his junior partner to have a go at negotiating with the subject, having modelled the approach himself. No doubt, the newer constables gained valuable experience learning on the job

²⁷ Statistics drawn from data provided by ACT Policing on 27 August 2024 and 12 February 2025. The band numbers reflect the current band level of all current AFP appointees who were listed as involved on use of force reports in the period 1 January 2019 to 31 December 2023. They were therefore either at the same or a lower band level at the time they were involved in use of force.

with the more experienced officers demonstrating good practice in negotiation, de-escalation and using force only as a last resort, while respecting the dignity of the subject.

Unfortunately, however, we also observed unhelpfully confrontational conduct by senior officers, where some of the first words an officer uses are highly aggressive, including swearing at a person or calling them names, which can goad the person into resisting and escalating behaviour. In [Case study: Intoxicated man's treatment described as "deplorable"](#), the First Constable had 6 years and 2 months experience, while the Constable had 2 years and 1 month experience.

Case study: Intoxicated man's treatment described as "deplorable"

Unprofessionalism

Intoxication

Over-reaction

Just before 10pm one evening, two officers were conducting mobile patrol when they observe a car travel through a red traffic signal in the opposite direction. The officers activate their emergency lights and sirens, follow the vehicle and indicate to it to pull over.

Use of force report

The use of force report submitted describes the officers conducting a traffic stop where they 'removed the driver and sole occupant from the driver's seat of the vehicle holding the belief the driver [Mr I] may attempt to leave the location'. While moving Mr I to the rear of the vehicle the officers felt the subject 'begin to pull away' and formed the belief that 'he was attempting to evade apprehension and leave the location'. The First Constable performed an AFP approved armbar takedown, forcing Mr I onto his stomach with the intention of placing him into handcuffs. Mr I was given numerous commands to place his hands behind his back which he ignored, forcing the officers to physically place Mr I's hands behind his back. A 'short time later' Mr I was seated upright whilst they waited for other officers to arrive at the location. Mr I refused to undertake screening and was conveyed to the Watch House, where he continued his 'belligerent' behaviour and failed to provide a sample for breath analysis.



Body-worn camera footage

From our review of the body-worn camera footage, Mr I appeared relatively cooperative during the incident, trying to follow instructions while apparently heavily intoxicated.

The Constable approached the driver's side door and orders Mr I out of the vehicle. Mr I removes his hands from the steering wheel and turns the engine off. The Constable opens the door and pulls Mr I out of the vehicle. While escorting Mr I towards the rear of the vehicle, the First Constable pushes him forward causing him to stumble and break free of their grip. The officers perform a take-down, forcing Mr I to the ground and aggressively ordering, "Hands behind your f****ing back c****". Mr I cries out in distress from being thrown to the ground, and the officers continue giving instructions for Mr I to place his arms behind his back.

Once handcuffed, Mr I is left face down in the gutter while the officers wait for another unit to arrive with an alcohol screening device. Shortly after, an officer holds the device to Mr I's face attempting to get a sample whilst he remains handcuffed facedown. Mr I appears to be confused and disoriented. The officers sit him up and persist with requesting him to blow into the device and provide a sample. Several times Mr I begins to blow, before stopping and asking, "what is going on?". He seems unable to comprehend what is being asked of him and so is unable to provide a sample. Mr I is taken into custody and transported to the City Police Station for breath analysis.

ACT Magistrate's Court

The matter was heard in the ACT Magistrate's Court where [Mr I] faced two charges related to failing to undergo a screening test or provide a breath sample²⁸.

The magistrate reached the conclusion that the evidence of the failure to undergo the screening test was obtained by, or a consequence of, the unlawful use of force by police officers. The magistrate concluded however that the evidence of the defendant's failure to provide a breath sample at the City Police Station was not obtained as a result of the unlawful force or a consequence of that unlawful force. The magistrate handed down his decision, excluding the evidence relevant to the first charge, and making the following comments:

I consider that the actions of the officers enforceable (sic) removing the defendant [Mr I] from his car without giving him opportunity to comply and

then throwing him to the ground were outrageous. They were in my view an unlawful use of force upon the defendant.

The actions of these officers was deplorable and should be denounced. A strong message must be sent that this behaviour will not be tolerated.²⁹

There was also a recent case highlighted in the media,³⁰ in which the special magistrate is reported as having condemned the conduct of an officer of 37 years' experience, saying the detective sergeant was the first to show an 'impatient, agitated attitude' and the first to initiate force, 'foul language' and threats against non-compliance. The special magistrate said:

He sets an example for other officers...

If this form of behaviour is not called out by the courts, [police officers] may think it is appropriate.

Similarly, we observed unnecessarily dismissive conduct by officers, such as ignoring requests, failing to answer questions and not taking time to listen patiently to the person, which increased the person's frustration and led to uncooperative behaviour (see for example the case studies [Case study: Prior interactions affect how a teenager is treated](#) and [Case study: Trying to assist leads to arrest](#)). In these cases, and in others we reviewed, we formed the view that force may never have been necessary had the officers conducted themselves differently. The need to use force could have been avoided or reduced if officers had prioritised negotiation and de-escalation from the start.

While we have seen some excellent conduct by officers, handling difficult interactions with care and respect, we are concerned at the unprofessional conduct, offensive and abusive language, and unnecessary aggression displayed by some officers, the seniority of whom does not appear to have been a determining factor. In about a third

²⁸ Failure to undergo a screening test in accordance with reasonable directions of a police officer, contrary to s 22C (1)(b) of the [Road Transport \(Alcohol and Drugs\) Act 1977](#); Failure to provide a breath sample in accordance with reasonable directions of a police officer, contrary to s 22 (d) of the [Road Transport \(Alcohol and Drugs\) Act 1977](#).

²⁹ The magistrate's decision is not available publicly but was reported on in the media. For example, see [Magistrate James Lawton slams 'cruel and degrading' actions of ACT Policing Officers](#), The Canberra Times, 29 July 2022.

³⁰ 5 September 2024, The Canberra Times, [Hotel cop biting case dismissed, police 'called out' over unlawful arrest](#), by Tim Piccione



of the cases we reviewed, this unprofessional conduct was a concern. While it is important for officers to assert a certain confidence and establish their physical presence to demonstrate control, deter non-compliance and signal that lawful force will be used should it become necessary, an officer's posture and words also need to demonstrate the officer's intent to engage calmly, respectfully and professionally.

An assertive yet compassionate communication style that respects the autonomy and dignity of the people the police are dealing with and allows time and space for effective two-way communication, negotiation and compliance is critical. Negotiation and de-escalation take time, require officers to be confident and well-equipped with verbal strategies, and can be especially challenging when people are in heightened emotional states, affected by alcohol or other drugs, or are otherwise not able to make good decisions or take actions that serve their own best interests. It can also be difficult for officers to rise above some of the abusive insults directed at them and remain calm.

This is where having officers confident in applying effective command-and-control responsibilities can assist. Effective command-and-control is based on training, exercise, experience, and having operating policies and procedures to support decision making.

Figure 7 Command-and-control responsibilities



Case study: Take a big breath

Over-reaction

De-escalation

Body-worn camera footage

In the early hours of a Tuesday morning, a senior Sergeant arrives on scene shortly after his officers, quickly assesses the situation and notes the heightened emotional state of his officers following an adrenalin-fuelled vehicle pursuit. The officers first on scene had rushed in, yelling and swearing and smashing the windows of the car, hauling the driver and passenger out and onto the ground.

The Sergeant calmly and firmly takes charge, telling his officers “everybody take a big breath, calm down. Big breath. Big breath”. He encourages them to “make sure your cameras are on. Watch your language”. He calmly walks across the scene, checking on the two people who have been taken into custody and with his officers about their thoughts on the next steps. He learns that the driver might have a respiratory illness and directs all officers to put masks on.

Analysis

The marked change in the conduct and demeanour of the officers was notable following the Sergeant’s arrival. The officers ‘followed suit’, slowed down and the level of anxiety and resistance displayed by the driver and passenger also calmed significantly as the mood shifted. Officers re-holstered drawn tasers and proceeded to calmly caution, search and escort the driver and passenger to the caged vehicle with minimal force required.

To reduce the extent of unprofessional, dismissive and discriminatory conduct when dealing with members of the public, and to foster more effective community engagement, ACT Policing needs to ensure unacceptable conduct is not condoned and is reported. Under the AFP’s integrity framework, AFP appointees have obligations to record and deal with information that raises a potential conduct or practices issue. Under the [Australian Federal Police \(Categories of Conduct\) Determination 2023](#), Category 1 conduct issues include “discourteous behaviour including (but not limited to) rudeness, abruptness, verbal abuse, derisive attitude or behaviour, unreasonableness and lack of respect”, with repeated Category 1 conduct issues



amounting to a Category 2 conduct issue.³¹ In the cases we reviewed where we observed unprofessional behaviour, it was unclear if any action was taken by supervisors or fellow officers to report it. Insufficient reporting of misconduct (and insufficient investigation into reported misconduct) means ACT Policing, and the AFP as a whole, cannot hold individual officers to account for poor behaviour or ensure there is adherence to the desired culture.



Recommendation 6

Code of conduct and reporting

ACT Policing regularly remind all officers and provide guidance of their obligations under:

- the AFP code of conduct to:
 - act with due care and diligence in the course of AFP duties
 - act with fairness, reasonableness, courtesy and respect, and without discrimination or harassment, in the course of AFP duties
 - behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP
- the Commissioner's Order on Professional Standards (CO2): "AFP appointees and supervisors **must** record any non-compliance and consider formally reporting the matter pursuant to the *AFP National Guideline on complaint management and resolution of grievances*."

³¹ The [Australian Federal Police \(Categories of Conduct\) Determination 2023](#) describes "Failure to comply with the Code of Conduct that results in a failure to meet the standards of behaviour reasonably expected of an AFP appointee, and goes beyond a minor management or customer service issue, but does not, and could not, result in a breach of operational or national security, harm to an individual or reputational damage to the AFP" as a Category 2 conduct issue, noting "repeated category 1 conduct that amounts to a failure to comply with the AFP Code of Conduct because of its repeated nature."



What is the impact on officers from using force?

While all officers are aware policing carries inherent risks, it is nonetheless upsetting for anyone who puts their safety on the line to experience serious injuries through ‘just doing their job’. Injuries can be both physical and mental and can be temporary setbacks or life-altering. Injuries are a particular risk when officers use force on another person, which is another reason why it should only be used as a last resort and why de-escalation and negotiation must be prioritised.

Reported injuries

From the 6,255 use of force reports for the 5 years from 1 January 2019 to 31 December 2023, ACT Policing officers were recorded as experiencing injuries in 1,340 reports (21%), with 1,481 officers receiving major or minor injuries (see Table 9). Minor injuries include bruises, scratches and second-hand exposure to OC spray, while major injuries include serious head knocks, broken bones, serious hip and back injuries. However, these injuries are only the ones that were known at the time the use of force report was filed, and would not include any that emerged later, for instance delayed psychological impact.

Table 9 Reported officers Injuries for the period of 1 January 2019 to 31 December 2023³²

Officer injury description	2019	2020	2021	2022	2023	Total
Minor	307	287	281	316	262	1,453
Major	4	5	1	8	10	28
Total	311	292	282	324	272	1,481

³² We note general concerns over the quality of this data given that 63 reports indicated that an officer injury was ‘fatal’ but on review those incidents related to use of force on an animal (to euthanise an injured animal) and 2 were errors.



Case study: Officer sustains a life-changing injury from use of force

Impatience

Negotiation

Mr J was brought into the Watch House at about 2:15am on a Sunday morning.

Use of force report

Just after 6am, a Watch House sergeant and 3 other officers enter Mr J's cell and roused him from sleep, saying his fingerprints and photographs were required per Watch House procedure. The use of force report states that 'At this time, the subject refused to get out of his bed and was argumentative.'

CCTV footage

We reviewed the CCTV footage and Mr J did refuse to get up, saying "I have all day, I'll do it later". The sergeant pulled Mr J's blankets off him and demanded he come now, giving the reason that they needed to have it done before they finished the shift.

Mr J refused to move, arguing that "I'm not doing it now", "you'll have to drag me", "you're not going to get good prints if I'm resisting, are you?" and asking that they "just leave it".

The sergeant indicates to the officers to assist and they take hold of Mr J and the 4 of them manage to lift him to an upright position beside the bed and attempt to escort him out of the cell. Mr J is resisting and using his physical strength to slow progress towards the cell door. As they were struggling to leave the cell, the sergeant punched Mr J in the lower back, which the use of force report describes as 'an AFP approved strike to the lower back of the subject in an attempt to gain control.' The group manage to escort Mr J out of the cell and along the corridors towards the forensics counter.

Due to having to view the CCTV footage from different cameras as the group moves through the Watch House, it is difficult to see exactly what occurs as the group comes through a doorway and turns into another corridor, but it is evident that the sergeant sustains an injury to his hand, as he disengages clearly in pain. The other



officers continue escorting Mr J to the forensics counter. Mr J's photographs and fingerprints were taken, and he was escorted back to his cell.

Use of force report

The use of force report indicates the sergeant required hospitalisation and, from discussions with ACT Policing, we understand the injury sustained has meant the sergeant can no longer use his injured hand to perform the full range of motions, significantly limiting the roles he can perform for ACT Policing.

The use of force report states that:

During this matter all force was reasonable and proportionate to the actions and demeanour of the subject and no more force was used than required.

Throughout this incident all Police involved continually assessed and reassessed the need to use force in accordance with the principles of CO3.

Analysis

ACT Policing relies on s 230(3)(b)(ii) of the [Crimes Act 1900](#) for its power to take identification information without consent, and on s 230(8) to 'use force that is necessary and reasonable in the circumstances to take identification material from a person under this section'. The decision must be made by an officer of or above the rank of sergeant and can only be made in relation to a person in custody for an offence (that is, not in custody under the IPCP Act or for breach of the peace).

While it is not unlawful for ACT Policing to use force to take fingerprints and photographs against the consent of, and when facing physical resistance from, the subject, we question whether it was reasonably necessary to force the issue in such circumstances.

Unreported injuries

What is not apparent in the use of force report statistics is the psychological, emotional and trauma injuries officers sustain over time following their involvement (active or peripherally) in a use of force incident. Such injuries may only become apparent over time, or indeed may never become known to ACT Policing. Workers' compensation claims, staff leave/absenteeism and staff departures may all provide insights into the wider impacts of using force on staff wellbeing. We have not analysed this data but



encourage ACT Policing to monitor these and other sources of insight into officer wellbeing to identify and implement protective strategies.

In [Case study: Heightened emotions lead to tasing](#), officers were seen to be upset when they realised the young person was experiencing breathing difficulties. In [Case study: Repeated taser use described as "inexplicable"](#), the force used was unreasonable and unnecessary and caused harm to the subject of the force. In such cases, there is an increased risk of harm to the officers involved following a traumatic encounter such as these, where it may play on the minds of those involved. There is also the potential for vicarious trauma for the families of the officers.

We also viewed footage (for example [Case study: Breaching the peace, or mere annoyance?](#) and [Case study: Heightened emotions lead to tasing](#)) where officers over-reacted in a moment. Some of this over-reaction or hyper-vigilance may be a result of reactions to previous incidents. We appreciate the 'heat of the moment' affects all people. However, it is critical that ACT Policing officers ensure they can remain clear-thinking when making decisions about using force.

Case study: Repeated taser use described as "inexplicable"

Intoxication

Over-reaction

In the early hours of a Saturday morning, 5 officers responded to a domestic violence incident.

Use of force report

According to the use of force report, officers were met at the residence by Mr K, who was 'cantankerous', 'under the influence of an intoxicating substance' and was 'incoherent and uncooperative at times when speaking with police'. An officer informed Mr K that he was under arrest for suspicion of family violence common assault³³, with Mr K becoming immediately 'rigid', and 'began yelling nonsensical

³³ common assault, contrary to s 26 of the [Criminal Code 2002](#), subject to s 48C(2): the offence is an aggravated offence if the offence involves family violence



things'. When an AFP approved take-down was utilised to bring Mr K to the ground, he grabbed onto an officer causing them pain, and then threw himself at another officer causing him to fall to the ground. Commands were given to 'get down' and 'stop resisting' however Mr K did not comply.

Mr K was unable to be placed in handcuffs due to resistance and aggression, giving cause for one officer to use her CEW (taser) to 'resolve the incident'. An initial discharge of the CEW had 'no effect', the officer then arced the CEW, which was still ineffective. Officers attempted to negotiate with Mr K who continued to behave aggressively. The same officer discharged a second cartridge, followed by arcing³⁴ of the CEW after Mr K tensed up again. Mr K grabbed one of the arresting officers by the wrist refusing to let go and again the CEW was discharged, which effectively immobilised Mr K to enable handcuffing. Mr K underwent a medical procedure to remove the probes from the CEW and was then conveyed to the Watch House without further incident. He was charged with resisting arrest³⁵ in addition to the family violence assault charge.

Body-worn camera footage

From our review of the body-worn camera footage of the different officers we found discrepancies between the use of force report, and the footage. Our interpretation was that Mr K was relatively calm. While frustrated that his version of events was not being listened to, he did not appear uncooperative or incoherent. An officer, having spoken to the complainant, informed Mr K he was under arrest for family violence assault and asked him to place his hands behind his back, while being held. Mr K was released from the hold so an officer could deal with the household's dog that was distressed and nipping. Another officer pulled Mr K outside of the residence, pressing him against the wall with one arm, and wrapping his other arm around his neck, then wrestling him to the ground.

Three officers assisted with the arrest, manoeuvring Mr K onto his stomach and restraining him. One of the officers drew her CEW (taser) discharging it without warning into Mr K's upper shoulder, as he screamed in pain, continually asking what he had done. Mr K was told he was under arrest on an allegation of family violence

³⁴ Arcing a CEW/taser is when the taser is activated so the electrical pulse is discharged into the air, emitting the light and sound of the current, but it is not directed at anyone. Can be used as a warning to show the taser is activated to encourage compliance.

³⁵ obstructing a territory public official, contrary to s 361 of the [Criminal Code 2002](#)

assault, and to stop resisting. The CEW was arced and discharged a second time without warning. A fourth officer assisted, placing their hands on the back of Mr K's head and forcing his face onto a grate in the driveway. Mr K continued to struggle and argue, resulting in the officer using their CEW a third time to drive-stun³⁶, enabling officers to secure the left handcuff, while the right hand remained in a wristlock. A fifth officer approached yelling into Mr K's ear to stop resisting. Mr K was drive-stunned a fourth time without warning. He was able to be handcuffed and held by 4 officers face down for some time, before eventually being rolled over and allowed to sit up. He continued to question his arrest demanding to know what he had done, to which officers did not generally respond. Mr K was taken into custody and transported to the Watch House.

ACT Magistrate's Court

While the family violence charge was not pursued, ACT Policing pursued the resisting arrest charge, and the matter was heard in the ACT Magistrate's Court before the Chief Magistrate. The Chief Magistrate handed down her [decision](#), dismissing the charge and making the following comments:

[Officer] application of a taser four times to [Mr K]'s shoulder was without warning and solely for the purpose of effecting compliance with the demand that he succumbs to being handcuffed. The unlawful application of the taser four times ... was inexplicable and amounted to gratuitous violence.

...the conduct of police, whether through poor judgement or inexperience, caused the situation to escalate rapidly into a violent episode which went far beyond what could be conceived as reasonable, necessary and proportionate to effect [Mr K]'s arrest.

I am satisfied that because of the excessive use of force by [Officer], the officer's conduct in forcing [Mr K] to succumb to being handcuffed was unlawful and therefore not a function of a Territory public official.

It follows that the prosecution has failed to discharge its evidentiary burden.

³⁶ A drive-stun is when the taser is discharged directly against the body of a subject, causing localised pain while activated.



While we understand ACT Policing and the AFP closely monitor the health and wellbeing of officers to ensure supports, programs and strategies can be implemented, we suggest the organisation's use of force oversight mechanisms also consider analysing available data including workers' compensation claims, staff leave/absenteeism and staff departures for insights into the wider impacts of using force on staff wellbeing and to identify and implement protective strategies (see [Recommendation 12 – Organisational oversight](#)).



Part 5. How are ACT Police trained to use force?

The AFP operates under the 70/20/10 Continuum, a strategic model for learning and development, based on: 70% on-the-job experiences, learning through practical application and real-world tasks; 20% interactions with others, gaining insights through social interactions, mentorships, and feedback; 10% formal education and training, acquiring foundational knowledge through structured learning programs.

Recruits and annual requalification

A new AFP recruit will complete the AFP Federal Police Development Program (FPDP). FDFP is a competency-based program, which combines theory, practical application of knowledge, team projects, research, physical fitness and operational safety training to ensure recruits can effectively undertake duties as an AFP officer. Recruit training runs for 24 weeks, including 5 weeks for the operational safety component of their training, which encompasses using force. A recruit who does not pass their operational safety training will exit the recruit course.

Once appointed, all AFP appointees required to hold a valid operational safety qualification³⁷ must complete an operational safety assessment (OSA) annually and must have a current first aid qualification to undertake an OSA. Under CO3:

The OSA must include the following assessable items:

- demonstrated knowledge of this Order, relevant powers, legislation and the Operational Safety Principles and Use of Force Model
- a Firearms Handling Assessment with a relevant official firearm
- the official Firearms Qualifying Assessment with a relevant official firearm and holster
- use and maintenance of all of the AFP appointee's personally issued AFP equipment

³⁷ Operational safety qualification means an operational safety qualification issued under the Commissioner's Order on operational safety (CO3)



- holistic assessments focusing on practical interpretation of the Operational Safety Principles and cognitive reasons for choosing use of force options.

If an AFP appointee has their operational safety qualification revoked, they must requalify. Where an AFP appointee is responsible for an unauthorised discharge of a firearm, taser or approved munition, they will have their operational safety qualification for that force option temporarily revoked. After a review of the circumstances and a determination about the appointee's competence for safe handling of the particular force option, the AFP appointee may be permitted to seek requalification.

Recruits have a limited amount of time in a busy and undoubtedly overwhelming period of information-overload to be trained on using force. Ongoing AFP appointees have only 3 days a year to refresh on use of force and operational safety, which means they necessarily do most of their real learning on-the-job. This limited exposure to training means ACT Policing relies heavily on fellow officers to model best practice and effectively coach and mentor less experienced officers when engaging with the public and deciding when to using force.

The nature of the work means ACT Policing officers will face unknown and unpredictable environments any time they go out into the community. Some officers may go years with few attendances at incidents that require the use of force. As was shown in Table 6 , 62% were involved in fewer than 20 such incidents over the 5 years (an average of fewer than 4 incidents a year) with 12% of officers involved in only one use of force incident in the 5-year period from 1 January 2019 to 31 December 2023. It is clearly a challenge for officers to maintain skills and experience in using force when it is so unpredictable whether an officer may be called upon to use it.

Is the training model working?

As part of this investigation, we wanted to understand whether the recruits' operational safety training and subsequent annual OSAs are sufficient to empower recruits and appointees with the confidence and competence to effectively respond to conflict or potential conflict situations, which they will necessarily face in the course of their duties. We reviewed the current curriculum and associated materials for both the recruit training and the annual OSA and observed parts of the practical delivery of an OSA by qualified operational safety assessors. We spoke with several operational safety trainers, who provided their insights into the challenges and opportunities in the current operational safety training environment.



During our observations of the OSA, we saw officers engage in practical 'vignettes'. Officers entered a constructed scenario that aimed to simulate high-stress incidents—such as encountering someone with a gun—and had to make decisions and take action. These vignettes lasted 1-3 minutes, and officers went through 3-4 variations to test, review and enhance the officers' response capabilities.

Although the training was well-targeted at assessing the skills of participants, there was a wide range of abilities demonstrated by participants, which reflects the variety in the day-to-day work experience of the officers. For example, many ACT Policing participants are working in frontline community policing roles or in the ACT Watch House and are likely using their operational safety skills regularly and building on their experience on the job. Other participants working elsewhere in the AFP may perform more office-based functions that involve less engagement with the public and have no need to use force in the course of their regular duties. For some of those participants, the last time they wore their vest, belt and accoutrements was their last OSA.

We consider there might be an opportunity for more targeted training if OSAs were arranged so that participants came from similar work environments. This would mean ACT Policing officers (not necessarily from the same teams) would do their OSAs alongside other ACT Policing officers. This model may offer greater opportunities for participants to share relatable experiences and explore use of force issues specific to performing community policing work. The learning pace and focus of various elements of the course are likely to be more consistent across a group of people who work in similar roles. Noting how much needs to be covered in just 3 days, this has the potential to offer a more relevant and meaningful training experience for participants.

We also considered the frequency of OSAs. From our discussions with ACT Policing and AFP staff, there is a need for newer officers to access refresher training more often than once a year. Equally, long-standing experienced officers may be adequately served by 2-yearly refreshers. While we appreciate the challenge in transitioning from one approach to another, and the need to have AFP-wide consistency in operational safety training, we encourage ACT Policing and the AFP's operational safety trainers to collaborate on exploring alternative models that may enhance the outcomes of OSAs.

We observed too many instances of tasers being used to compel compliance where this was not necessary, reasonable or particularly effective (see Case studies: [Trying to assist leads to arrest](#), [Heightened emotions lead to tasing](#) and [Repeated taser use described as "inexplicable"](#)).



It is essential lessons identified within the AFP, whether in ACT Policing, Protective Services, Aviation or elsewhere can be shared across teams and fed into organisation-wide training. For example, in a case reported in the media,³⁸ an AFP Protective Services Officer used a leg-sweep manoeuvre that had not been an approved take-down method for a number of years, resulting in serious injuries and a professional standards investigation. The case involved a failure to de-escalate, an incomplete understanding of legislative powers and use of a non-compliant force technique. While this incident did not involve an ACT Policing officer, it serves as an example of a case from which all AFP appointees should be able to learn.

From our observations of the training and based on our understanding of the AFP's most up-to-date approaches to use of force, we consider there is a lack of clarity provided to appointees during the OSA about which previously approved methods of force can and cannot now be used. We also considered the training on how to appropriately implement certain techniques and use certain accoutrements was rushed and provided only limited confidence that appointees would be able to effectively perform the techniques when required in an operational context.

When meeting with the Operational Safety trainers, they identified the challenges with officers needing to make split-second decisions. They suggested in such circumstances officers are likely to resort to a force option they have confidence in using—for example, if a certain takedown method worked last time, that is what will be used this time; if a taser worked to gain compliance last time, a taser will be used this time. This view was shared by other officers we talked to during our investigation.

We consider defensive techniques taught at the academy to recruits should be demonstrated and assessed in annual OSAs to ensure consistency across the workforce in how to perform AFP-approved techniques. This is essential for techniques involving 2 officers. For example, one senior officer gave insight to recruit training and the teaching of a new 'high/low' takedown, that requires two officers to be familiar with the technique to successfully implement it with minimal risk of injury to the subject or officers. Problems emerge if new recruits are taught about the technique, but other officers are not equivalently trained.

³⁸ 22 February 2024, ABC News, [*Police officer won't face criminal charges over arrest outside Iranian embassy in which protester suffered serious injuries*](#), by Patrick Bell

Other awareness raising methods might include all staff communiqués, updates in staff newsletters, posters, and reinforcing communications to supervisors and senior staff to ensure they are fostering the necessary changes within their teams and monitoring staff actions accordingly.

We were advised that AFP appointees are allocated a monthly in-service training day. However, we understand that, with staff shortages, rostering requirements and ongoing operational needs in the ACT, ACT Policing officers do not always make use of their training days for learning and development. This is a missed opportunity to provide its officers with valuable skills and experience.



Recommendation 7

Operational safety training

ACT Policing work with the AFP's Operational Safety Training team to:

- identify and implement more regular refresher training on operational safety obligations and how to enact these in practice (incorporating training to develop officers' confidence and competence in negotiation and de-escalation)
- ensure training includes new techniques but also advises if any techniques are no longer approved, and supplement this with other methods of regular awareness raising
- ensure its officers can more regularly access relevant and appropriate training and development opportunities during their allocated monthly in-service training days.

Part 6. Learning the lessons

Overseeing use of force

In several of the cases we reviewed we found gaps in ACT Policing's oversight of use of force under existing arrangements, at both the macro and micro levels. In effect, this means there is limited opportunity for issues to be identified and fed into organisational improvement.

For example, in [Case study: Repeated taser use described as "inexplicable"](#), the magistrate was the person who identified the flaws in the use of force. At no time between the arrest and the court hearings did the officers, their supervisors or any other AFP appointees review the body-worn camera footage. No one raised concerns about the use of force. It was not referred to professional standards for review until days after the magistrate's comments were reported in the media.

We consider improved use of force review practices in the AFP and ACT Policing could have led to this matter being appropriately scrutinised by senior officers, with officers given the opportunity to debrief, constructive feedback provided to officers about how they might have better handled the situation, and potentially referral to professional standards for review. As it was, it resulted in a public and embarrassing failure for ACT Policing generally and its officers personally, as well as undermining community trust and confidence in the police.

This section focuses on what ACT Policing and the AFP need to do to oversee its use of force and better support organisational learning and improvement. It identifies opportunities to better capture and use information from use of force reports and body-worn cameras, and to expand and enhance existing review mechanisms.

Collecting and using UOF data

In reviewing the use of force reports, we observed a wide range of detail included in the main narrative field that describes the use of force incident. Further, from our review of body-worn camera footage, we found the narratives were not always consistent with what could be seen in the footage.

We also noted that the data fields in the use of force reports are inconsistently completed, which will necessarily affect the accuracy of the AFP's and ACT Policing's



statistics reported about use of force. Poor data hampers ACT Policing's capacity to properly monitor trends and identify issues in relation to use of force. It also brings into question the reliability of public reporting by ACT Policing in relation to its use of force in any period.

Counting uses of force

ACT Policing's [public reporting](#) provides statistics on the number of use of force reports that involve a particular type of force. There is no public accounting for how many times the same type of force was used at each incident, and no clarity about the extent of force used. For example, if a use of force report describes an incident where four officers draw and aim their tasers at a person and in the course of the incident one of those officers discharges their taser twice against the person, ACT Policing's current reporting model counts this as one incident where a taser was used—just as it would for an incident where one officer draws and then re-holsters their taser without aiming or discharging it.

According to CO3:

Use means, in relation to a:

- firearm, CEW, chemical munition or extended range impact weapon
means one or more of the following:
 - drawing
 - aiming
 - discharging

The CO3 definition is unclear about whether use is 'one or more of the following' per officer or per incident. From our analysis, there is a significant difference between the number of uses depending on which way the data is counted.

With the way use of force data is currently captured, there is no way—other than to individually read the documented narrative in each use of force report—for ACT Policing to ascertain exactly how many times its officers have discharged a taser in a certain period (or how often a taser was drawn, aimed or arced). Likewise, the data captured does not accurately capture how many times its officers have used various other force options, only that the force option was used at an incident.

While ACT Policing has been clear in its annual reporting that its statistics reflect 'use of force reports', we do not consider this approach to reporting provides the necessary



clarity to enable officers, ACT Policing command or the public to properly understand how force is being used by ACT Policing. In particular, the 'one or more' approach obscures both how much and what type of use has been made of the different force options. It also does not allow for meaningful comparative trend analysis.

We consider the use of force reporting system needs a significant review to enhance and enable useful, accurate data about the AFP's use of force to be captured and analysed, so that ACT Policing and the AFP can know more accurately what force is being used, when and by whom so this can be fed into reporting, learnings, and ultimately improvements.

Inconsistent reporting and record-keeping

There are very few mandatory fields in the use of force report, meaning we observed a widely inconsistent completion of certain data fields. This included in relation to the force options used, as well as other data about the incident.

As there is generally only one report per incident, the report has data fields to capture the name of the reporting officer as well as details of other officers who were involved. There is a field for 'member in charge', which may be left blank, may include the names of everyone at the incident or, as it should, only the name(s) of the officer(s) in charge of the incident (noting it may change during the incident). There is a field for the names of other officers involved in the incident, which again we found inconsistently completed when compared to the narrative. There are no form 'smarts' that prevent an officer's name being entered twice in the 'members involved' field, and we noted a number of instances where the wrong officers were listed or officers involved were not listed at all.

There is a field for 'Have all members involved confirmed the details of this UOF Report?' This field is also inconsistently completed (see Table 10 below), and there is no guidance for a supervisor about what, if anything, they should do if they see that all officers have not reviewed the report. It is unclear how all officers 'confirm' the report, or what they can do if they disagree with the version provided by the reporting officer. We found that, even when all officers are reported as having confirmed the report, there are still discrepancies in the completeness of data fields, suggesting this information is not closely reviewed by officers when confirming the report.



Table 10 Number of use of force reports where all officers involved confirmed the report was complete and accurate

Have all members confirmed report?	2019	2020	2021	2022	2023	Total
Yes	1,068	922	929	1,037	1,083	5,039
No (or blank*)	272	186	245	272	239	1,214
Total	1,340	1,109	1,174	1,310	1,322	6,255
% No (or blank)	20.3%	16.8%	20.9%	20.8%	18.1%	19.4%

* there were 16 reports in 2019 that were blank

Of further concern, we found over 30% of the use of force reports did not have the field 'All members UOF qualified?' completed, with a small number specifying 'No' (see Table 11). Again, it is unclear what, if any, action was taken in response to this information being reported, although from our spot-check of several of the cases indicating 'No', it was clear from reading the narrative that a recruit-in-training was observing, not actively involved, in some of these incidents.

Table 11 Number of use of force reports where all members involved were use of force qualified

All members UoF qualified?	2019	2020	2021	2022	2023	Total
Yes	952	770	778	900	858	4258
No	3	6	4	6	3	22
Blank	385	332	392	404	461	1974
Total	1,340	1,109	1,174	1,310	1,322	6255
% blank	28.7%	29.9%	33.4%	30.8%	34.9%	31.6%

Supervisors we spoke to indicated they would generally be aware of any officers who had any disqualifications in relation to use of force and would carefully review any use of report that indicated involvement by such an officer. However, it is concerning that this data is so incomplete and no apparent action is taken when this field is left blank (or indicates 'No').

Use of force reports provide a field for recording each AFP appointee who used certain types of force (firearm, CEW (taser), chemical munition, baton, and handcuffs) and a field for entering details about each type of force used at the incident. However, it is not always possible to determine which officer used which type of force without reading the narrative (and even then, in some narratives there is insufficient detail).



Without systems and guidance in place to ensure the accurate completion of use of force reports by its officers, the AFP and ACT Policing will not be able to properly account for its operational use of force or identify and manage trends and risks associated with its use of force.

Capturing other relevant data

We also found the use of force reports do not capture pertinent information about the person(s) subject to a use of force. The forms do not have designated fields to capture the subject(s) name, date of birth (or whether the person is under 18), gender, or whether they identify as Aboriginal or Torres Strait Islander.³⁹ This information is only captured in the narrative. There is no way for ACT Policing to account for how many individuals have been the subject of a reportable use of force or how many children and young people have been the subject of a reportable use of force.

Further, the reports do not currently capture data about the availability of body-worn cameras, CCTV or other footage, which may assist in the review of a use of force incident. In one case we wished to review, the use of force report identified that CCTV footage in the police station had captured the incident, but the CCTV footage had not been kept and had been destroyed as part of the normal archival destruction process.



Recommendation 8 **Recording use of force**

The AFP update its use of force report template, train officers and provide guidance to ensure all relevant data about a use of force can be captured to ensure greater transparency and accountability, including:

- type(s) of force used, ensuring this captures the type(s) of use by each officer

³⁹ We recognise ACT Policing's position, consistent with its [Strategy for Engagement with First Nations People and Communities 2023–28](#), is that, following consultation with First Nations people and community members, and out of respect for the sovereignty and opinions of First Nations people in the ACT about data and information that pertains to them, it remains the decision of First Nations people to volunteer their cultural identity.

- subject name(s), date(s) of birth (or if not known, whether they were under the age of 18), gender and if the person identifies as Aboriginal and Torres Strait Islander (where appropriate)
- the availability of body-worn cameras, CCTV or other footage
- considerations and actions of supervisors, including:
 - clarifying information, obtained through discussion with team members, which is not apparent in the use of force report
 - identified opportunities for negotiation and de-escalation strategies that may have reduced or avoided the need for force to be used at any points during the incident
 - any other identified concerns with the use of force
 - actions taken by the supervisor (e.g. feedback provided to team members, matter escalated to an officer in charge, professional standards, etc)
 - what (if any) body-worn camera or other footage has been viewed by supervisors in reviewing the use of force report.

ACT Policing establish a reliable capability to easily extract, analyse and report on use of force data to inform better oversight by internal oversight mechanisms and improvements in operational safety training.

Body-worn camera footage

ACT Policing's introduction and use of body-worn cameras (BWCs) from 2019 was promoted as increasing transparency around police conduct. Legislative updates in February 2022 increased the use of BWCs by ACT Policing, requiring officers interacting with members of the public to have their BWCs on and recording unless it 'is not reasonably practicable' to do so. While this continual monitoring provides protections to officers and is a valuable source of evidence, it also provides the community with some confidence that any poor conduct by police can be more reliably identified and addressed.

ACT Policing's *Better Practice Guide on Body worn cameras* (BPG) is intended to provide guidance to officers on using BWCs. The current version (V10) was last reviewed on 13 November 2019, before the February 2022 amendments to the [Crimes](#)



[\(Surveillance Devices\) Act 2010](#) (SD Act), which define the circumstances in which BWCs may or must be used by police officers performing policing functions in the ACT. The [Crimes \(Surveillance Devices\) Body-worn Cameras Guidelines 2022](#) (the Guidelines) came into effect on 11 February 2022.

The fact the BPG has not been updated to reflect the requirements of the SD Act and the Guidelines has resulted in clear discrepancies, which are confusing and misleading to ACT Policing officers about their obligations when using BWCs. For example, the Guidelines state BWCs must be used when 'dealing with a member of the public in the course of the officer's duties' and is purposely broad to capture the standard circumstances of a police officer performing their duties. In contrast, the BPG uses language that is open to interpretation and officer discretion: 'A sworn ACT Policing (AFP) appointee is permitted to use a BWC to record when: the appointee is acting in the course of his or her duties'. This phrasing is ambiguous about an officer's obligations and is not in line with the SD Act or Guidelines.

Consistent with the Commissioner's Order on Professional Standards (CO2) and the AFP Integrity Framework, 'all members have an individual responsibility to maintain the AFP's professional standards'. It is therefore beholden on officers to self-report any failures to comply with their BWC obligations. ACT Policing was unable to identify any instances where an officer had made a self-report, or reported a colleague or subordinate, about a failure to comply with BWC obligations.

Under the Guidelines, ACT Policing must provide data in its annual report about any use of BWCs inconsistent with this guideline and the SD Act. In its [Annual Report 2023-24](#), ACT Policing reported only one complaint received by Professional Standards. However, we reviewed 2 complaints from the period relating to non-compliance with BWC obligations under the SD Act and Guidelines. Both were closed by the AFP using its discretion not to investigate under s 40TF of the [Australian Federal Police Act 1979](#) (Cth) (AFP Act)⁴⁰, meaning no findings were made about the substantive complaint or the BWC non-compliance. The case records indicate officers involved in each case were

⁴⁰ The Commonwealth Ombudsman has separately raised significant concerns about the AFP's use of s 40TF of the AFP Act, where the AFP is dismissing many allegations of misconduct on the basis of a review of BWC footage alone, rather than investigating and making findings about alleged misconduct. See [Annual Report on the AFP's handling of complaints against its officers](#).



reminded of their obligations to have BWCs on when engaging with members of the public.

Further, through our detailed review of use of force reports, we identified several which noted a BWC had been found after the incident to have not been properly activated. For example, in one case involving the arrest of a 15-year-old, the use of force report states:

Due to the urgent response to the incident, [the officer] had not switched his body camera off sleep mode upon leaving station, until the foot pursuit had ended, which as a result meant the BWC did not activate upon drawing the CEW [taser].

While there was a need for the officer to leave the station as quickly as possible to respond to the incident, we consider it was still ‘reasonably practicable’ for the officer to have switched on their BWC before leaving the station or at any time thereafter while the officer was driving around the incident location looking out for the young offenders. Based on the report, it appears he simply forgot. However, it seems no self-report (or supervisor’s report) was made through the professional standards system of a failure to comply with the BWC Guidelines in this or any of the other cases we saw of BWC non-compliance documented in use of force reports.

In our reviews of the BWC footage from several incidents, we identified instances where there was no BWC footage readily accessible for some of the officers involved and no self-report appeared to have been made. We also found a number of times when BWCs were muted for extended periods, meaning no audio was recorded, even though the visual footage showed the officers interacting with members of the public. When audio is not recorded, the capacity for officers, supervisors, oversight bodies and courts to review what happened is impeded. We understand there is a practice, in line with the 2019 BPG, of switching cameras to mute in circumstances where the BWC may record:

- private conversations between appointees
- operational or tactically sensitive conversations, such as those that expose police methodology, intelligence, or sources of information, unless there is awareness of all parties involved coupled with well-considered reason to do so
- police radio conversations.

We understand the sensitivities of recording information that is not directly applicable to 'dealing with a member of the public in the course of the officer's duties'. However, this muting practice risks ACT Policing inadvertently failing to properly record interactions when BWCs are required by law to be in full use.

By not reliably collecting audio and visual BWC evidence, ACT Policing is failing to comply with the law and undermining the legislative intent of promoting accountability and protecting the safety of both police officers and members of the community.

Given how easy it is for officers in the midst of an incident to forget to switch their BWCs back onto audio recording after muting, it would appear to us a more practical solution would be to have BWCs set for both audio and visual recording at all times while officers are attending an incident. If material is required for court purposes, any footage that includes sensitive operational content can be redacted (or applications made to a court to have the material ruled inadmissible).

ACT Policing advised its 'use of force reporting does not capture data relating to whether BWC, CCTV, or dash-cam footage was available in relation to the incident'. In our detailed review of a sample of use of force reports, we noted that officers will sometimes note that footage is available, and a small number of supervisor comments refer to having reviewed the footage. When we sought footage to view for some of these cases, there were several cases where some footage was not available, and when it was followed up internally, we were advised the footage had not been uploaded or the BWC had accidentally not been activated. We also found there was no consistent approach to naming conventions for saved footage, which may add to the difficulty in tracking what footage is available in relation to any particular incident.

When we asked what steps ACT Policing takes to assure itself that officers are complying with the SD Act and Guidelines in relation to use of BWCs, it advised:

In accordance with Commissioner's Order on Professional Standards (CO2) and the AFP Integrity Framework "all members have an individual responsibility to maintain the AFP's professional standards".



Apart from a non-mandatory tick-box in the Workplace Issues and Complaint Resolution complaint system, which is only used if a complaint or self-report is formally registered, ACT Policing has no established mechanisms in place to effectively monitor compliance with its BWC obligations. Consequently, it is unable to satisfy itself of its level of compliance with the SD Act and Guidelines and has consistently failed to comply with its public accountability obligations to report annually on any use of BWCs that is inconsistent with the SD Act and Guidelines⁴¹.



Recommendation 9

Body-worn camera compliance oversight

ACT Policing immediately establish mechanisms to enable effective internal oversight of its compliance with its obligations under the [Crimes \(Surveillance Devices\) Act 2010](#), Guidelines and relevant instruments that form part of the AFP's professional standards framework.



Recommendation 10

Guidance on body-worn camera obligations

ACT Policing immediately review and update its *Better Practice Guide on Body worn cameras* (BPG) to ensure it is practical, provides clear definitions and examples, and promotes compliance with the [Crimes \(Surveillance Devices\) Act 2010](#) (SD Act) and Guidelines.

The BPG should clearly set out the requirements for officers, including:

- when body-worn cameras must be on in full audio and visual recording mode (and remove guidance about switching cameras to mute)
- when and where to document the circumstances and reasons why their body-worn camera was not properly used in compliance with the SD Act, Guidelines and relevant instruments that form part of the AFP's professional standards framework, and who to report this to

⁴¹ Section 7.3 of the Guidelines states "ACT Policing must provide data in the annual report each year regarding any use of BWCs inconsistent with this guideline and the Act, including but not limited to data on any substantiated complaints."



- what steps a supervisor should take to review instances where body-worn cameras have not been used properly by their staff, including how to assess compliance and when a report to professional standards is required to be made.

The updated BPG should be widely communicated to all officers, with key changes to their obligations emphasised.

Supervisor review

Experiences in reviewing

We spoke with several ACT Policing officers with experience as supervisors for the purpose of reviewing use of force reports. It was clear from these discussions that officers performing the supervisor role took their responsibilities seriously and saw the review process as an important check on the actions of officers when using force. They indicated the supervisor's review provided quality assurance, ensuring the accuracy and completeness of the reports, as well as a chance for supervisors to provide feedback, whether that is to congratulate teams for handling a challenging situation well or as a learning opportunity if anything is identified that could have been done better.

What must a supervisor do?

In CO3 (s 7.8), when reviewing a use of force report the supervisor must:

- ensure the report is **accurate** and has been completed to a high standard **containing sufficient detail** to comply with the requirements stipulated in this Order
- **record** on the relevant PROMIS [Police Real-time On-line Management Information System] case any direction provided to the appointee to address **issues** within the report
- record on the relevant PROMIS case whether they endorse the report including an assessment of whether the use of force was **appropriate and justified**
- **identify, address and report to Professional Standards (PRS) any suspected misconduct issues** arising from the reportable use of force incident including any involved appointee who was not use of force qualified at the time of the incident.



Often, a supervisor has been at the incident themselves so does not need to do more than check that a use of force report describes the incident as they recall it. On other occasions they have received a debrief from the officer in charge ahead of the report being submitted. In these cases, their review can take 5–10 minutes. We were advised it is not uncommon for supervisors to informally follow up with the officers involved with questions or clarifications about circumstances and decision-making. However, if satisfied with the information provided through informal follow-up, the supervisor will generally endorse the report without documenting what additional information formed part of their considerations.

We also understand supervisors may hold informal debriefs with an individual or team where significant uses of force occurred to explore if things could have been done differently. These are not routinely documented, depend entirely on the initiative of the supervisor and learnings are generally only shared at an individual or immediate team level. Only when a supervisor chooses to discuss the incident with a colleague of equivalent rank and/or raise it with a senior officer or the operational safety trainers will there be a chance for other wider awareness and learning. We understand it is fairly common for supervisors within a station to share insights or concerns with other station supervisors. It appears less common for a supervisor to directly refer a matter to professional standards without first engaging with a senior officer, although this is not a requirement.

In some teams, it is standard practice for use of force reports to be referred to an officer in charge once signed off by the supervisor. However, this is not a consistent or documented process across ACT Policing and it was unclear what, if any, role or responsibilities an officer in charge has in relation to reviewing the force used, other than to be aware of it.

When asked whether supervisors review body-worn camera footage to inform their determination that a report is complete and accurate, supervisors indicated this would be only when they had concerns. We did note a small percentage of supervisor's comments referred to having reviewed footage as part of their assessment of whether force was reasonable and appropriate.

In our reviews of the use of force reports against the body-worn footage for the incidents, we observed a number of reports (approximately 40% of those reviewed) included inaccuracies, particularly when characterising the extent of aggression displayed by the person subject to force prior to the force being applied, and in failing to describe the sometimes unprofessional and inflammatory conduct of officers in their

interactions with the subject. We consider the supervisor's review should more regularly incorporate review of body-worn camera footage to ensure the accuracy of reports and early identification of any potential officer misconduct issues.

Consistency in supervisor oversight

While ultimately the decision to use force resides with each individual officer and each officer is accountable for their decisions, the supervisor's review is an important oversight mechanism to ensure force is being used in accordance with CO3 and reported accurately.

We reviewed use of force reports submitted by ACT Policing officers from 1 January 2019 to 31 December 2023. In 15% of these, there was no supervisor listed on the report (see Table 12). It is therefore unclear from the use of force report whether a supervisor review was completed for 946 of these reports. After reviewing a draft of this report, ACT Policing advised that a supervisor's review and comments may also be completed in a separate task in the case log. However, there is no easy way to extract this data for review and analysis as it would need to be done manually for each individual use of force report. We were therefore unable to determine the completeness of supervisor reviews.

Table 12 Number of use of force reports with supervisors listed

Supervisor listed?	2019	2020	2021	2022	2023	Total
Yes	1,156	956	995	1,100	1,102	5,309
No	184	153	179	210	220	946
Total	1,340	1,109	1,174	1,310	1,322	6,255
% No supervisor listed	13.7%	13.8%	15.2%	16.0%	16.6%	15.1%

In only 394 (7.4%) of the 5,309 reports for which a supervisor was listed did the supervisor enter a comment into the use of force report. Of these comments, 216 (54.8%) documented the supervisor's assessment of the use of force and/or actions taken in response, 112 simply noted whether or not the supervisor was present, and the remainder included comments about having been briefed (but with no assessment of the use of force), listed their title or role at the time of the incident (including in some cases that they were a user of force at the incident), or says 'N/A'.

Given the inaccuracies and incompleteness of the data fields in use of force reports, it would appear that supervisors reviewing reports are not reviewing whether the data



captured in a report's data fields accurately reflects the narrative of the incident as reported. Supervisors we spoke to have never received training or documented guidance (beyond the dot-points in CO3) about what is expected of them in reviewing the reports.

Supervisors 'marking their own homework'?

We were concerned to learn that, when a supervisor was present at the use of force event (at least 35% of the time – see [Table 13](#)), they may still be the person who endorses the use of force report. ACT Policing advised it is standard practice for such reports to be sent to another supervisor or an Officer in Charge. However, there is no established procedure for referring such reports to a senior officer for endorsement, and we understand this did not occur in the case described in [Case study: Repeated taser use described as "inexplicable"](#). As these reviews are done outside of the use of force reports, in separate case log entries, we were unable to review the extent of secondary review.

Table 13 Number of use of force reports where the listed supervisor was present at the incident

Supervisor present during incident	2019	2020	2021	2022	2023	Total
Yes	480	421	412	445	456	2,214 (35%)
No	599	479	509	556	530	2,673 (43%)
Blank	261	208	253	309	336	1,367 (22%)
Total	1,340	1,109	1,174	1,310	1,322	6,255

Given the clear conflict of interest a supervisor has in reviewing their own use of force or the force used at an incident where they were a senior attending officer, we consider it better practice for supervisors to refer to a senior officer for review any use of force reports that relate to an incident they were involved in.



Recommendation 11

Learning from use of force incidents

The AFP implement a framework to facilitate the wider sharing of learnings and insights of use of force incidents between supervisors, senior management and officers. The AFP establish guidelines and provide training for supervisors in how to review use of force reports, including

ensuring a supervisor is not responsible for reviewing use of force reports relating to an incident they were involved in. Supervisors should be encouraged to review body-worn camera footage more regularly and to consider and discuss with their teams:

- any opportunities for earlier negotiation and de-escalation strategies that may have reduced or avoided the need for force to be used
- the reasons for the chosen response and force options used, and whether lesser force options may have been more reasonable
- the proportionality of force used to the threats faced
- good practice in both the management of an incident and in use of force reporting
- any issues that may warrant further management action or referral to professional standards.

Such considerations and feedback provided should be documented in the use of force 'supervisor's comments' field.

Operational Safety Committee

The Operational Safety Committee (OSC) is the AFP's primary advisory and decision-making body for operational safety and use of force policy. It is chaired by an Assistant Commissioner, and according to its terms of reference, fulfils its responsibilities by providing advice and recommendations on:

- Operational safety and use of force training
- Operational safety use of force practices
- Operational safety and use of force equipment
- Operational safety and use of force policy including the AFP's Commissioner's Order on Operational Safety (CO3), and
- Administration of operational safety and use of force issues.

Section 7.10 of CO3 requires the AFP Commander of professional standards to 'cause a report to be generated and presented to the quarterly AFP OSC meetings regarding use of force by AFP appointees in the course of AFP duties'. The report presents the statistics surrounding alleged use of force conduct issues referred to professional standards,



including categories of conduct, the types of complaints received, and the status of the investigation. Privacy considerations mean the OSC does not review details of individual cases.

The Terms of Reference for the OSC, specify additional responsibilities for the OSC, including:

- Provide advice and recommendations to the OSC Chair and other AFP stakeholders regarding AFP use of force and operational safety issues as detailed in these terms of reference.
- Monitor operational safety and use of force in the AFP to ensure organisational compliance with legislation and policy including CO3.
- Monitor operational safety and use of force trends, including complaints and workplace injuries (operational and training), to ensure AFP policy, training, equipment and practice are effective and appropriate for the operational environment.
- Provide the AFP's primary point of contact for all issues related to CO3 and perform the roles, functions and responsibilities mandated within CO3.

In response to our inquiries about the oversight of the OSC, its former chair informed us that the OSC does not monitor 'actual' use of force cases nor issues arising in the media, nor raised through external scrutiny including the courts. The OSC also does not review any UOF statistics, nor does it maintain oversight of trends identifiable through use of force reporting. The focus of the OSC, despite its Terms of Reference, is limited to training, practices, equipment, and policy relevant to use of force, but its considerations and decisions are not informed by any analysis of data available in use of force reports.

The OSC does not therefore have any visibility on whether the AFP's use of force is compliant with legislation and policy. When we inquired about this, we were advised that compliance is the responsibility of operational commands.

Our understanding is that, although pockets of review exist (professional standards may investigate a use of force complaint, and the Operational Safety Training team will review use of force issues in certain contexts), there is no individual role, team or committee strategically reviewing use of force trends at the organisation-wide level ensuring lessons can be identified, shared and learned by all users of force. We consider the lack of AFP-wide oversight of use of force problematic and strongly encourage the AFP to revisit the OSC's terms of reference and determine if it or some



other mechanism is needed to provide effective use of force oversight across the organisation.



Recommendation 12

Organisational oversight

The AFP should implement a mechanism to provide regular and effective oversight of the AFP's use of force, including analysis of:

- relevant statistical information about reportable use of force across the AFP
- any feedback from external scrutiny including the courts
- identifiable trends through use of force reporting
- particularly concerning incidents of use of force
- workers' compensation claims, staff leave/absenteeism and staff departures.

to inform insights into the wider impacts of using force, including on staff wellbeing, and enable identification and implementation of protective strategies.

Operational Safety Practices Committee

Following the initiation of our investigation, ACT Policing advised in September 2024 it had established an Operations Safety Practices Committee (OSPC), to 'further enhance rigor around the use of force by members'. We were advised the objectives of the OSPC will be to:

- Provide a strategic focus and ensure best practice and consistency in responding to issues arising from the application of force by ACT Policing members.
- Examine compliance with CO3 (including in the reporting and review of UOF), related AFP guidelines and relevant legislation, to determine if managerial action is warranted.
- Provide advice and identify relevant educational/training issues for ACT Policing in the application of force by its members.
- Recommend to the [Chief Police Officer] amendments to AFP governance relating to the use of force as appropriate.



The OSPC will maintain oversight of complaints, and instances of misconduct within ACT Policing, conducting an initial review for policy and training issues, before potentially being referred to professional standards. Analysis and review undertaken by the OSPC is not intended to usurp any formal investigation of a matter by ACT Policing or professional standards.

We commend ACT Policing on this new initiative to increase oversight of its safety practices, including use of force outcomes. If it operates as intended, it has the potential to enhance ACT Policing's capacity to identify trends or systemic issues relating to ACT Policing's use of force sooner, with lessons learnt fed into training and communicated to relevant business areas and officers, where appropriate. However, we still consider the AFP needs to take a similar approach to ensuring organisational compliance with legislation and policy (including CO3) and to enable continuous improvement across all areas that use force.

We also consider there is an opportunity for the OSPC to develop a proactive and risk-based approach to ACT Policing's review of use of force incidents with a view to identifying issues early. For example, regularly reviewing a sample of use of force reports with related body-worn camera footage would allow for constructive and contemporaneous feedback to officers. Samples could be targeted on higher-risk incidents, such as those involving use of force on children and young people, or where a taser or firearm is deployed.

The OSPC should also be actively monitoring media sources to identify and address use of force issues. During this investigation, we sought information from the AFP about 8 cases reported in the media since 1 July 2023 that involved ACT Policing being criticised by a judicial officer due to unreasonable or unlawful use of force. A professional standards review had only been initiated in one of these cases prior to the public reporting on the case. In one case, professional standards was unable to locate a complaint in its system, despite ACT Policing's public assurances that the matter would be subject to review:

The spokesperson said the police officers' response and the circumstances surrounding [the subject's] arrest would be subject to an independent review.⁴²

⁴² 15 January 2024, The Canberra Times, [*'Don't touch me': Video shows Tasering of man accused of public drinking*](#), by Hannah Neale

In the remaining 6 cases, professional standards only received the case after media reporting had drawn attention to them – despite the number of AFP appointees who might have been aware of or even reviewed the material prior to it having been tendered as evidence in court.



Recommendation 13

Review of use of force incidents

ACT Policing develop and implement clear processes for the risk-based review of use of force incidents to enable effective early identification of issues, appropriate internal reporting and, if necessary, referral to professional standards.

This should be supported by targeted training and practical guidance for officers, supervisors, and other staff as appropriate to ensure effective adoption of new processes.

Other review mechanisms

Professional standards

As per the Commonwealth Ombudsman's [Annual Report on the AFP's handling of complaints against its officers](#)⁴³, the AFP has demonstrated a concerning propensity to dismiss allegations under s 40TF of the AFP Act and/or to fail to categorise some allegations. Where it does so, it risks missing learning opportunities and destines the AFP and ACT Policing to repeating mistakes and causing further harms. For example, when the professional standards Operational Committee (OC) reviewed the matter described in our [Case study: Intoxicated man's treatment described as "deplorable"](#), it chose not to include an allegation of unprofessional conduct for investigation in relation to the officer's swearing at the alleged offender, noting in the 'OC Decision' record that:

⁴³ Under s 40XA of the [Australian Federal Police Act 1979](#) (Cth) (AFP Act), the Commonwealth Ombudsman is required to review the AFP's handling of complaints about AFP officers, through inspection of professional standards records. This includes reviewing the handling of complaints about ACT Policing. The Ombudsman reports annually to the Australian Parliament.



OC agrees whilst profanities were conveyed in this situation, they were reasonable and not excessive when considered in the totality of the circumstances.

Despite the OC not listing it for investigation, the Investigating Officer who looked into the other allegations that were categorised by the OC (excessive use of force and failure to lodge a use of force report) identified the conduct issue and recommended in the investigation report:

[The officer] be counselled over his language and demeanour in dealing with offenders/persons in custody. Regardless of the circumstances, the language utilised by [the officer] was unprofessional and completely unnecessary.

The other allegations were found 'not established', but the officer was counselled about his language. In our view, as in the Magistrate's, the officers' immediate aggression towards Mr I and the force used were both unnecessary, as was the offensive language of one of the officers.

As per [Recommendation 11 – Learning from use of force incidents](#) and [Recommendation 13 – Review use of force incidents](#), ACT Policing needs to develop and implement clearer processes that enable effective and early identification of issues. However, having identified the issues, it is imperative that professional standards review processes are thorough and undertaken with a mind to delivering learnings and identifying opportunities to improve.

Civil claims

For the five years from 1 January 2019 to 31 December 2023, the AFP advised it had responded to a number of claims brought against ACT Policing, either alleging unreasonable use of force or unlawful arrest. We understand that not all of these matters were referred to professional standards for consideration under the AFP's complaints process. AFP Legal advised its view is that not all matters that raised potential liability issues necessarily involved conduct requiring a professional standards review.

Given each of these cases related to alleged unreasonable use of force or unlawful arrest, this position is difficult to reconcile with the AFP Commissioner's Order on Professional Standards (CO2), under which a potential contravention of the AFP professional standards is an AFP conduct issue pursuant to section 40RH of the AFP Act and should be reported accordingly:



An AFP appointee who learns that another AFP appointee has contravened the AFP professional standards must report it according to Part A of the *AFP National Guideline on complaint management and resolution of grievances*.⁴⁴

The National Guideline states:

Pursuant to sections 10 and 17 of CO2, an AFP appointee who becomes aware of a potential breach of the AFP professional standards or an AFP practices issue must deal with the matter as set out below without unreasonable delay; this includes self-reporting.⁴⁵

There is no distinction in approach depending on who receives the information or how. Where AFP Legal is in receipt of information alleging unreasonable use of force or unlawful arrest, it is required to deal with the matter through the AFP's complaint management process.

Not having some information that raises a conduct or practices issue entered into the national complaint management system results in an incomplete picture of issues the AFP is facing and flows through to an under-reporting of such issues to the OSC and executives. This in turn makes it harder for the AFP and ACT Policing to identify emerging issues and trends, learn lessons and make necessary adjustments to improve.

To ensure AFP appointees across the organisation are complying with their obligations to record and deal with information that raises a potential conduct or practices issue, the AFP should provide additional targeted guidance for areas as necessary (see [Recommendation 6 – Code of conduct and reporting](#)).

The AFP Legal team indicated it advised ACT Policing of the risks each of the claims gave rise to. However, it is not clear what, if any, action ACT Policing took in response to the advice or whether the individual(s) involved received any direct feedback about their actions. An allegation that has been entered into the formal professional standards complaint process should be tracked until resolved, with any agreed actions and/or sanctions also followed up.

⁴⁴ Para 10.2 of AFP Commissioner's Order on Professional Standards (CO2), signed 24 February 2023

⁴⁵ Section 5.1 AFP National Guideline on complaint management and resolution of grievances, 10 October 2023



Working with the DPP

The AFP and the ACT's Office of the Director of Public Prosecutions (DPP) each play a key role in supporting criminal justice in the ACT. In September 2019, they signed a collaborative agreement to set out general principles and agreed terms for cooperation, collaborative work and mutual assistance.

We understand a new collaborative agreement is being drafted that will include a new section for 'Communication and notification in prosecution matters'. If agreed, it will provide for the DPP to advise the AFP as soon as reasonably practicable after the DPP becomes aware of an adverse finding, criticism and/or commentary from the court and/or trier of fact against the AFP.

This is a positive step to assist ACT Policing in identifying instances of potential misconduct that it may otherwise not have identified (unless the issue was picked up by the media). How ACT Policing responds to the feedback will ultimately determine if it learns the lessons.

Minerva

In November 2024, ACT Policing launched its new lessons management system, 'Minerva'. Minerva has been designed to provide ACT Policing with a centralised database for monitoring and tracking the implementation of lessons, recommendations and findings relevant to ACT Policing. The intent is for this tool to provide a central knowledge repository to facilitate accountability for identified issues and agreed actions to address them, and to support a learning culture within ACT Policing.

Minerva includes findings and recommendations from:

Ombudsman reports	Critical incident debriefs	Internal policy or procedure reviews
Coronial reports	Exercise findings/ recommendations / lessons	Government reports, and reports from other jurisdictions



ACT Policing advised it will use Minerva for ad-hoc data extractions to support reviews, reports, projects, and budgetary planning. It plans to provide reports and updates to Executives every 2 months. Over time, it may also allow for the identification of themes and systemic issues that cut across the organisation. Continuous improvement of Minerva and consideration of how the data can better be used will remain an ongoing project for the Minerva team.

Without a centralised system, lessons, recommendations and findings can go unrecorded or remain known only to a particular team or business area. Minerva will provide for lessons to be shared across ACT Policing and we commend the initiative. To realise the full benefits of its Minerva system, ACT Policing should ensure its maintenance and support is properly resourced and undertake a structured evaluation after a set period of use (e.g. 12 months) to determine if it is working as intended and so any enhancements required can be pursued.

Conclusion

ACT Policing officers have a critical role in our community. They are on the frontline and attend tens of thousands of incidents each year with varying complexity, challenges and difficulties. While only a small percentage of these incidents result in force being used, there are a range of opportunities for ACT Policing to reduce and improve its use of force. Several of our recommendations and suggestions are not new, having been made previously in other Ombudsman investigations or raised by judicial officers.

We recognise that ACT Policing has started making important efforts to improve, but there is more to do. Without effective systems and supports in place, ACT Policing—and the AFP as a whole—cannot fully capture the lessons that could, and need to, be learned to improve its timely implementation of lasting solutions to reduce repeated mistakes and avoid unnecessary harms. An improved learning culture will enable ACT Policing to proactively identify, review and share experiences and embed improved practice around use of force, which will help keep ACT Policing officers and our Canberra community safer.

Appendix A



AFP

COMMISSIONER

Friday, 2 May 2025

Iain Anderson
ACT Ombudsman
By email: [REDACTED]

Dear Mr Anderson, *Iain,*

Thank you again for meeting with me on 10 April 2025, and for your agreement to provide the AFP with additional time to consider and respond to your draft Report *Use of force by ACT Policing: more to do to lessen harm* (the Report).

As detailed in your letter to me on 2 April 2024, the objective of this Own Motion Investigation was to assess whether:

- ACT Policing's use of force is properly administered
- ACT Policing is appropriately responsive to complaints and findings from internal investigations and external scrutiny with respect to use of force, and
- There are opportunities to improve outcomes for the ACT community in relation to use of force, especially for vulnerable people.

AFP holds concerns that a number of recommendations within the report go beyond the scope of the review and impact the broader AFP. This should be addressed, prior to publication, to ensure AFP concerns are understood and a thorough report delivered, particularly regarding how the AFP's governance framework supports frontline members.

As Police we are expected to hold ourselves to account and welcome the oversight the ACT Ombudsman provides. While the Report notes examples of excellent community policing, the broad generalisations and characterisations within the Report of a very small sample size of interactions that involved a reportable use of force (1.32%) unreasonably contributes to an erosion of community trust and confidence in law enforcement. It is also important to note that reviewing use of force reports does not provide a holistic understanding of an incident or a defensible basis for generalisations about how a police force responds to the community's safety and protection.

Deputy Commissioner, Scott Lee APM, in his capacity as Chief Police Officer for the ACT, will write to you separately to arrange a meeting to work through the AFP's concerns, and will provide a summary of the AFP's response to the recommendations within the Report.

Yours sincerely,

[REDACTED]

Reece P Kershaw APM
Commissioner

/ Address: GPO Box 401 Canberra ACT 2601 Australia

/ Telephone [REDACTED]

/ Email: [REDACTED]

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POLICING FOR A SAFER AUSTRALIA

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ACT
Policing

Friday, 2 May 2025

Mr Iain Anderson
ACT Ombudsman

Dear Mr. Anderson,

Iain

Response to your report on Use of force by ACT Policing

Thank you for your letter of 28 February 2025, providing ACT Policing with an opportunity to review and respond to your Report "Use of force by ACT Policing: more to do to lessen harm" (the Report). While I understand that the Report refers to matters related to both ACT Policing and the broader AFP, I am responding in my capacity as Chief Police Officer of the ACT, and on behalf of the members of ACT Policing.

I appreciate the effort that went into drafting the Report, and I also acknowledge from our discussions that your office is seeking to balance the report, highlighting both the positive performance by members of ACT Policing, in addition to the incidents where the ACT Policing response did not meet community expectation. However, I have concerns that the generalisations and assertions made within the Report could lead readers to believe there are systemic issues within ACT Policing. Our response also queries the scope of several recommendations within the Report as they do not appear to be appropriately weighted, or sufficiently evidence based given the small sample size of case studies reviewed.

ACT Policing's response to the recommendations identified within the Report is provided at **Attachment A**. A summary of our concerns with the Report is provided at **Attachment B**. Although we have articulated some disagreements with parts of the Report, our response to the recommendations reflects ACT Policing's genuine commitment to improve our practices where needed, strengthen our ability to serve and protect the community, and meet the community's expectations that ACT Policing members are accountable and performing our duties in line with our obligations.

Chief Police Officer for the ACT
/ GPO Box 401 Canberra ACT 2601

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Your investigation focused on cases where ACT Policing members administered their use of force powers. However, it did not demonstrate the many times ACT Policing members are able to de-escalate a situation without the need for force, or the majority of incidents where force is reasonably and proportionately utilised by our dedicated members. This does not provide a complete representation of how use of force powers are administered by our members. This is particularly relevant in the context of police responses to mental health incidents, as our data shows that almost 90 percent of these incidents are responded to without any use of force.

While the use of force for police may be necessary at times, ACT Policing members recognize that de-escalation, without the need for force, should always be our first option when responding to an incident. This is ingrained in ACT Policing recruits during their initial training and reinforced to members when responding to incidents on the job. Annual recertification, which involves scenario-based training, also reflects this approach.

Overall, ACT Policing's Professional Standards data demonstrates our members' ability and commitment to upholding our organisation's values and expectations in line with the AFP's Code of Conduct. In relation to the case studies where you identified officer conduct lacking and not appropriately dealt with, I would like to assure you that ACT Policing members are held to account. Sanctions for ACT Policing members who are found to have engaged in misconduct range from verbal counselling to the laying of criminal charges. I will review your observations in relation to officer conduct and take further action where required, noting several cases examined within the Report have already been referred to Professional Standards. Once I have completed the review of these instances, I will write to your office to provide an update on these matters.

As you are aware, a number of the featured case studies are still subject to ongoing civil proceedings. In these circumstances, I respectfully request you keep all identifying information confidential and consult with me before you consider disclosing this information.

It is important to acknowledge the Report identifies opportunities for greater investment in initiatives by the ACT Government, as well as areas of ACT Policing that could benefit from additional training and/or resources. We are, of course, unable to comment on the ACT Government's position on these parts of the Report and have identified where resourcing or funding limitations may impact delivery of a proposed action within our response to the relevant recommendations.

ACT Policing has considered the welfare implications for members who may be involved in the case studies reviewed through the Report. Affected members have been contacted through their supervisor cohort and welfare has been made available. ACT Policing takes the health, safety, and wellbeing of our members extremely seriously. I will continue to encourage members to reach out

Chief Police Officer for the ACT
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to welfare or our SHIELD network for support as this Report is released.

Should your office require any additional information, your staff can contact [REDACTED]
[REDACTED] or via email at [REDACTED]

I am also happy to meet to discuss ACT Policing's response with you directly. Please have your office reach out to organise a suitable time to [REDACTED]

Yours sincerely [REDACTED]

Deputy Commissioner Scott Lee APM
Chief Police Officer for the ACT

Chief Police Officer for the ACT
/ GPO Box 401 Canberra ACT 2601

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Attachment A – Recommendation response

ACT Policing's response to the ACT Ombudsman's report

Recommendation 1	Partially accepted	Recommendation 8	Partially accepted
Recommendation 2	Not accepted	Recommendation 9	Partially accepted
Recommendation 3	Partially accepted	Recommendation 10	Partially accepted
Recommendation 4	Accepted	Recommendation 11	Accepted
Recommendation 5	Not accepted	Recommendation 12	Partially accepted
Recommendation 6	Not accepted	Recommendation 13	Partially accepted
Recommendation 7	Partially accepted		

ACTP response	Total
Accepted	2
Partially accepted	8
Not accepted	3



Recommendation 1 – Dealing with intoxicated persons

To ensure officers are equipped to engage effectively with intoxicated people and minimise the need for use of force, ACT Policing review and roll-out refreshed staff training and guidance on their obligations under the *Intoxicated People (Care and Protection) Act 1994* (IPCP Act) when dealing with intoxicated persons, in particular:

- how to identify and assess reasonable alternatives to custody for the person's care and protection
- when it is reasonable and necessary to assess an intoxicated person as needing to be taken into custody for care and protection
- how to communicate sensitively, patiently and effectively with an intoxicated person about how they can cooperate with police, why they may be taken into custody, and what it means for them.

ACT Policing amend the Watch House Manual to ensure people who are detained under the IPCP Act and who seek to contact a lawyer are allowed to do so.

Partially accepted

ACT Policing partially accepts this recommendation because it believes it has appropriate procedures in place to respond to instances of intoxicated people. In noting there may be the potential to refine processes, ACT Policing will take steps to review our relevant obligations and training to ensure our members are appropriately equipped to engage effectively with intoxicated people and minimise the need for use of force.

Current practice:

ACT Policing regularly responds to, and engages with, members of the public who are impacted by the effects of alcohol. Often these interactions are peaceful and do not result in an escalation of behaviour. As outlined in the report, intoxication may result in cognitive and motor impairment, including increased aggression and hostility, and at times may require intervention by police to ensure the safety of the individual, the community and the officers responding to the incident.

Sworn members of ACT Policing undertake training in negotiation and de-escalation tactics, both in their initial training through the AFP Recruit Program, and as part of their yearly re-qualification accreditation.

Proposed action:

ACT Policing will review the current training packages to ensure scenarios involving intoxicated persons are delivered with a focus on alternatives to custody, communication strategies, and decision-making. ACT Policing will further review our obligations under the *Intoxicated People (Care and Protection) Act 1994* (IPCP Act) and other legislation and update the Watch House Manual if necessary. This may include provisions for people detained in the Watch House under the IPCP Act to contact a lawyer if they wish to do so, however, this Act does not provide an intoxicated person in custody with a right to legal advice. Further, the full reference in the current Watch House Manual (page 64) is more comprehensive than the excerpt included in the draft Report and is part of clear advice around all the rights of contact persons in custody have:

Persons lodged into protective custody solely due to their level of intoxication (i.e. they have no criminal charges pending) are not to be given the opportunity to seek legal advice from the Watch House by telephone at the charge counter. Such detainees are not being charged with a criminal offence and legal advice is unnecessary. However, persons in protective custody should be given an opportunity to contact a responsible friend and/or relative who may be able to attend the ACT Watch House to collect that person and take them into their own protective custody.

ACT Policing will continue to work collaboratively with our ACT Government partners on programs that offer alternative options to police custody for intoxicated persons including the Safer Youth Response Service Pilot and the Sobering up Shelter.

Expected timeframes: 31 December 2025.

This timeframe reflects our expectation that parts of our proposed action can be achieved in the short term (for example: updating the Watch House manual and internal guidance to ACT Policing members), while delivery of additional capacity for reasonable alternatives to custody will be a matter for ACT Government and updated training through the AFP Recruit Program will require greater consideration and engagement across the organisation.

Recommendation 2 – Dealing with persons experiencing a mental health crisis

ACT Policing identify and implement measures to better equip its officers with a greater understanding of:

- mental illness and how it affects a person's behaviour and ability to comply with directions

- strategies to de-escalate and engage sensitively and effectively with a person experiencing a mental health crisis.

Not accepted

Police are not mental health practitioners, and while our members do at times need to respond to persons experiencing a mental health crisis, we should not be considered the default provider of front-line mental health services in the ACT.

ACT Policing are concerned with the framing of this recommendation, as it suggests that our members do not engage sensitively with persons experiencing a mental health crisis.

ACT Policing members regularly demonstrate their ability to engage with persons experiencing crisis in an empathetic and sensitive manner, de-escalate situations where a person may be of risk to themselves or others as a result of their mental health condition, and conduct their duties in a professional and considerate manner.

An internal review of ACT Policing's data indicates that the reported use of force in mental health-related incidents has decreased by approximately 25 per cent between the periods 2019–2020 and 2023–2024 respectively. This suggests that ACT Policing members are improving their engagement with persons experiencing a mental health crisis and reflects that ACT Policing members recognise the importance of incorporating the learnings from their training into practice.

Current practice:

ACT Policing has been working with relevant agencies to review responses to health-related calls and will be implementing a model in 2025, following continued engagement with our ACT Government partners, that will help ensure the correct agency engages with the most appropriate response.

This model, known as the Correct Agency, Right Engagement (CARE) Model, puts the care of the person at the centre of the response and will ensure that persons experiencing health-related incidents receive the help they need from the agency that has the most appropriate training and skills.

The application of the CARE Model has the potential to reduce the total use of force incidents used by ACT Policing for mental health-related incidents. It is anticipated that the CARE Model will improve health outcomes in the community and enable police to return to core police functions, improving community safety, and avoiding the inadvertent criminalisation of health-related incidents.

This engagement with other relevant agencies is especially crucial, noting the suggestion in the Ombudsman's report that it "is inevitable that ACT Policing will continue to serve as the de facto mental health first responders outside of (and sometimes between) these hours". The report notes that "in recognition of the practical realities...ACT Policing should also explore options to better equip its officers to de-escalate and negotiate in high stress mental health incidents".

While ACT Policing accepts the need to appropriately equip its officers, it maintains the position that in most cases, a person's needs would be best met by other frontline services who have the appropriate experience, training and skills to assist the person. ACT Policing is concerned that police involvement in the majority of health-related matters is counterproductive, and may cause individuals to feel threatened and exacerbate the potential for the person to engage in difficult behaviours to manage.

ACT Policing recruits receive a tailored training package delivered through the AFP Recruit Program designed to equip recruits with tools and strategies for dealing with persons who may be experiencing a mental health crisis. This package includes training in verbal and non-verbal communication, de-escalation and engagement strategies, analysis of threats (perceived or actual) and training to provide awareness to members on mental health conditions. Members are also provided training on their obligations in relation to professional standards, human rights and cultural awareness, and recognising implicit bias.

Police officers are not health clinicians and therefore ACT Policing does not expect its members to be able to diagnose, treat or respond to the nuanced symptoms of a mental health condition.

Proposed action:

ACT Policing is having continued engagement with its ACT Government partners to review police involvement in mental health-related incidents and determine whether additional training or governance is required.

Expected timeframes: 30 April 2026.

This timeframe has been proposed based on the planned implementation of the CARE model and allows for a considered approach to analysing and addressing training gaps in relation to mental health awareness.

Recommendation 3 – Taking young people into custody

The AFP amend Commissioner's Order on Operational Safety (CO3) to:

- ensure any handcuffing of young people, compliant or non-compliant, is deemed a reportable use of force
- where a decision is made to leave handcuffs on a young person after intake at the Watch House, a separate use of force report is required
- require reasons to be documented in use of force reports for why handcuffing of a young person was reasonable, necessary and proportionate, including why it was necessary for handcuffs to remain on during transport
- ensure supervisors review the use of handcuffs on a young person and record their assessment of whether it was reasonable, necessary and proportionate in all the circumstances.

Partially accepted

The AFP partially accepts this recommendation, noting the intent to reduce harm to young people wherever possible. ACT Policing recognises there is value for strengthened reporting of officer engagement with young people for our community, particularly given the implementation of minimum age of criminal responsibility (MACR) reforms in the ACT.

Current practice:

ACT Policing is undertaking a significant amount of work to support the ACT Government's implementation of MACR reforms. The MACR reforms aim to divert children and young people who engage in harmful behaviour away from the criminal justice system and provide them with therapeutic supports to address the underlying causes of the conduct. Once ACT Policing officers ensure the safety of all present at an incident, establish the events having taken place and determine whether an offence has occurred, police will then consider the appropriate pathway for any young offenders involved (taking the MACR into account). Under this framework, police involvement/engagement with persons under the MACR will only be utilised for limited circumstances and this will reduce their lodgement in the Watchhouse.

Proposed action:



The AFP will consider the required amendments to Commissioner's Order on Operational Safety (CO3) for the majority of this recommendation, however does not agree with the proposal to complete a separate use of force report for the same incident where handcuffs remain on a young person in the watchhouse.

The AFP believes that implementation of this element of the recommendation would cause issues in relation to the data used in reporting and oversight mechanisms (including reporting by the Ombudsman), as well as issues in treating the Watch House differently from an operational policing perspective. The AFP is of the view that a single use of force report which captures the extent of handcuffing for the duration of an incident remains the most appropriate course of action.

To progress work on addressing the other aspects of this recommendation, the AFP Operational Safety Committee will consider amending CO3 to include;

- Updates to reportable use of force in relation to compliant handcuffing of young people (noting that non-compliant handcuffing is already a reportable use of force), and
- Amended guidelines on the required documentation and oversight of use of force in relation to young people.

Pending any amendments to CO3 in response to this recommendation, ACT Policing will review and update relevant Better Practice Guide/s to reflect these changes and communicate changes to ACT Policing members.

Expected timeframes: 31 December 2025.

This expected timeframe reflects the ability to issue guidance in the short term to address aspects of this recommendation, with the requirement for the AFP to amend CO3, as well as allowing sufficient time for the impacts of MACR reforms (stage 2 implementation in July 2025) to be fully realised from an ACT Policing operational perspective.

Recommendation 4 – Trauma-informed approach

ACT Policing identify and implement measures to better equip officers to take a trauma-informed approach when engaging with members of the public and applying the AFP's Operational Safety Principles and Use of Force Model, to ensure appropriate compassion and sensitivity is exercised, particularly where a young person, intoxicated person or person experiencing a mental health crisis is involved.

Accepted

ACT Policing acknowledges the benefits to trauma-informed policing methodologies are increasingly well documented. The importance of a trauma-informed approach in policing has also been documented through the *Sexual Assault (Police) Review Report*, released in 2023.

Current practice:

ACT Policing is currently undertaking a research project to capture the current understanding of trauma-informed policing practices by our members. The purpose of this research is to highlight the importance of trauma-informed policing and undertake a survey to capture and assess ACT Policing members' current understanding and application of trauma-informed policing principles. This project will assess organisational culture, current training, policy gaps, and attitudes toward trauma-informed practices. The findings will inform the development of a tailored trauma-informed policing framework to guide future training, policies, and practices within the AFP, with potential broader application across Australian law enforcement.

Proposed action:

To better equip our members in this area, and with regard to the research project mentioned above, ACT Policing will seek a suitably qualified provider to develop a specialised training package that can be delivered to existing ACT Policing members. This package will be designed to complement our existing mental health training program outlined in our response to Recommendation 2. Key themes and learnings from this training will also be shared with the Learning and Development Command for incorporation in the AFP Recruit Program.

Trauma-informed policing training equips officers with the basic knowledge and skills to recognise trauma, understand its impact on behaviour, and respond in a way that is compassionate, respectful, and non-threatening, ultimately aiming to reduce re-traumatisation and improve interactions with the public.

While the timing and delivery of this training is reliant on funding, and must be considered with regard to the broader fiscal environment in which ACT Policing operates (including our existing funding agreements with the ACT Government), ACT Policing recognises its importance and supports the intent of this recommendation.

Expected timeframes: 30 April 2026.

This timeframe reflects the need for ACT Policing to seek an external provider to develop a specialised training package and subsequently seek funding to deliver this package to ACT Policing members.

Recommendation 5 – Breaching the peace

ACT Policing identify and implement measures to better equip its officers with a greater understanding of their obligations in relation to taking a person into custody for breach of the peace, including:

- what constitutes a breach of the peace
- the requirement to provide a person deemed to be breaching the peace with an opportunity to provide an undertaking and avoid being taken into custody.

Not accepted

AFP has an established Better Practice Guide that details principles and procedures that ACT Policing officers apply in the course of their duties. Further, ACT Policing has robust mechanisms in place to refer any matters that require further review to the Operational Practices Committee, if necessary.

This recommendation implies that current AFP procedures are deficient in equipping members with a full understanding of their obligations, which ACT Policing rejects.

Current practice:

ACT Policing's Judicial Operations team regularly shares advice to existing ACT Policing members to remind them of their obligations in relation to taking a person into custody for breach of the peace.

Proposed action:



ACT Policing members have access to a digital repository of 'Pocket Guides' on their AFP issued mobile devices to assist them in real-life frontline policing scenarios. ACT Policing will develop a 'Pocket Guide' on breach of the peace, including what constitutes a breach, and the requirement to provide a person deemed to be breaching the peace with an opportunity to provide an undertaking and avoid being taken into custody.

ACT Policing will also review the Better Practice Guide on Breach of the Peace and promulgate the updated version, ensuring members are made aware of any changes.

Expected timeframes: 01 October 2025.

This timeframe has been identified as ACT Policing anticipate our proposed actions to be achievable through existing resources and business practices.

Recommendation 6 – Code of conduct and reporting

ACT Policing regularly remind all officers and provide guidance of their obligations under:

- the AFP code of conduct to:
 - act with due care and diligence in the course of AFP duties
 - act with fairness, reasonableness, courtesy and respect, and without discrimination or harassment, in the course of AFP duties
 - behave in a way that upholds the AFP Core Values, and the integrity and good reputation of the AFP
- the Commissioner's Order on Professional Standards (CO2): "AFP appointees and supervisors must record any non-compliance and consider formally reporting the matter pursuant to the *AFP National Guideline on complaint management and resolution of grievances*."

Not accepted

ACT Policing has extensive referral options and frameworks to address any code of conduct matters. All ACT Policing members are reminded of their obligations via multiple channels and engagements from all levels of management, which may be part of routine communication or



in an ad hoc/as needed basis. AFP's Professional Standards Unit also regularly shares information to remind members of their obligations as employees of the AFP and Commonwealth Government.

This recommendation implies that there may be systemic code of conduct issues, which ACT Policing rejects.

Current practice:

ACT Policing operates within a robust AFP wide integrity framework and adopts a values-based set of professional standards. ACT Policing promotes compliance and oversight of the conduct of our members at all levels.

ACT Policing will continue to reinforce and remind members of their obligations in terms of adherence to professional standards and reporting requirements through existing mechanisms, including at Station Musters, Operational Safety Training and through Professional Development discussions. ACT Policing will review our internal processes for identifying and mitigating instances of non-compliance, and update these processes where required to reflect the intent of this recommendation.

It is important to recognise ACT Policing supervisors take an active role in providing on-the-job leadership to members and address behavioural/conduct matters managerially in real time as they occur, which is not always captured in a formal mechanism (as evidenced in the Case Study 'Take a big breath').

Expected timeframes: In progress/Ongoing

This timeframe reflects the ongoing nature of the requirements identified within the recommendation.

Recommendation 7 – Operational safety training

ACT Policing work with the AFP's Operational Safety Training team to:

- identify and implement more regular refresher training on operational safety obligations and how to enact these in practice (incorporating training to develop officers' confidence and competence in negotiation and de-escalation)
- ensure training includes new techniques but also advises if any techniques are no longer approved, and supplement this with other methods of regular awareness raising
- ensure its officers can more regularly access relevant and appropriate training and development opportunities during their allocated monthly in-service training days.

Partially accepted

This recommendation implies that training to members about operational safety obligations is inadequate, which ACT Policing rejects.

Given budgetary and operational constraints, ACT Policing is not in a position implement additional operational safety training outside of existing our annual recertification program.

Current practice:

ACT Policing offers regular training to its members, and training courses are routinely reviewed to ensure current and best-practice methods and information is incorporated, including implementation of new techniques and the discontinuation of techniques which are no longer approved for use. A number of training and recertification courses are mandatory for ACT Policing members to complete on a yearly basis, including the Operational Safety Accreditation which incorporates conflict de-escalation and negotiation as central components.

Proposed action:

In line with this recommendation, ACT Policing will work with the AFP's Operational Safety Training team to support innovation that may assist with training needs for operational members. The Operational Safety Accreditation training package which is currently conducted over three days will be reviewed to ensure sufficient emphasis is placed on developing members' skills in de-escalation and verbalisation.

ACT Policing will also work with AFP's Operational Safety Team to incorporate use of force elements into existing training offered to the Sergeants and Inspectors cohort.

While ACT Policing acknowledges that access to training and development opportunities is important for members, implementation of this recommendation must be considered with regard to operational priorities, whole-of-AFP training requirements, and the ability to increase access to appropriately qualified trainers as well as facilities for training.

Expected timeframes: 30 April 2026.

This expected timeframe has been identified as discussions on modernising training packages are already underway internally.

Recommendation 8 – Recording use of force

The AFP update its use of force report template, train officers and provide guidance to ensure all relevant data about a use of force can be captured to ensure greater transparency and accountability, including:

- type(s) of force used, ensuring this captures the type(s) of use by each officer
- subject name(s), date(s) of birth (or if not known, whether they were under the age of 18), gender and if the person identifies as Aboriginal and Torres Strait Islander (where appropriate)
- the availability of body-worn cameras, CCTV or other footage
- considerations and actions of supervisors, including:
 - clarifying information, obtained through discussion with team members, which is not apparent in the use of force report
 - identified opportunities for negotiation and de-escalation strategies that may have reduced or avoided the need for force to be used at any points during the incident
 - any other identified concerns with the use of force
 - actions taken by the supervisor (e.g. feedback provided to team members, matter escalated to an officer in charge, professional standards, etc)
 - what (if any) body-worn camera or other footage has been viewed by supervisors in reviewing the use of force report.

ACT Policing establish a reliable capability to easily extract, analyse and report on use of force data to inform better oversight by internal oversight mechanisms and improvements in operational safety training.

Partially Accepted



ACT Policing supports the intent of this recommendation but notes the complexity in incorporating all elements as described until further analysis can be undertaken. There may be impractical or unforeseen consequences, which may impact an individual's engagement with ACT Policing.

Current practice:

All commands within the AFP (including ACT Policing) record uses of force within the relevant case log in PROMIS via a case note entry. The use of force report is an intuitive form and includes drop down menus and prompts to guide members through the process of completing a report. Certain fields within the form are mandatory, and reports are reviewed by the reporting member's Supervisor.

Proposed action:

The AFP will conduct a review of the current use of force report template to ensure it is fit for purpose, does not contain any unnecessary information, and meets the expectations outlined in this recommendation. ACT Policing notes that the use of force report template is also used by broader AFP members and Commands, and as such, any changes will require consultation and endorsement by the Operational Safety Committee. There may also need to be further engagement with the community to understand the impact of elements of the recommendations on individuals. In the ACT Policing Strategy for Engagement with *First Nations People and Communities 2023-28*, it notes that, following consultation with our community, First Nations people and community members were not in support of efforts by ACT Policing to identify First Nations people among members of the public out of fear that it would negatively affect how police officers engage or interact with them.

ACT Policing will also work with the AFP's Chief Information Officer Command and Operational Safety Training team to refine current use of force reporting captured through SAS Firefly (AFP's central business intelligence tool) to improve our capability to easily extract, analyse and report on use of force data.

Training on supervisor analysis of use of force reports (including providing feedback to members, reviewing body worn footage, and referring to Professional Standards if required) will form part of the updated training course on use of force management to the Sergeants and Inspectors cohort as referenced in response to Recommendation 7.

Expected timeframes: 30 April 2026.

This timeframe reflects the multi-faceted approach required to implement our proposed actions, including internal consultation, progression to AFP for endorsement of any changes, and provision of training to a large cohort of ACT Policing supervisors.

Recommendation 9 – Body worn camera compliance oversight

ACT Policing immediately establish mechanisms to enable effective internal oversight of its compliance with its obligations under the *Crimes (Surveillance Devices) Act 2010*, Guidelines and relevant instruments that form part of the AFP's professional standards framework.

Partially Accepted

ACT Policing acknowledges the intent of this recommendation and accepts the need for established mechanisms for internal oversight of body worn camera compliance. ACT Policing also acknowledges that there is an important distinction between deliberate non-compliance with obligations, and incidental or accidental non-compliance that may occur in the course of a member's duties, and these should be documented and reported on in a way that appropriately reflects the type of non-compliance.

Current practice:

Body Worn Camera (BWC) technology provides members with enhanced video and audio recording capability.

Body Worn Cameras must be worn overtly whenever a member is wearing their issued firearm or CEW. Aviation members have the discretion as to when to start or stop a recording if they believe it is appropriate to do so, in accordance with the Better Practice Guide – ACT Policing Body Worn Cameras. As a general rule any situation which may involve the likelihood for the exercise of Police Powers or Investigation of offences should be recorded utilising the BWC.

ACT Policing members have access to training courses, fact sheets and several national guidelines which further assist in their application and use of body worn cameras.

Proposed action:

ACT Policing will review the mandatory entry fields within a PROMIS case note to identify opportunities to include availability of body worn camera footage as a required entry and include a text box for explanations where body worn footage was not captured. The introduction of this mandatory field would enable supervisors to extract data on non-compliance for the purposes of reporting or further investigation.

ACT Policing will explore implementing a self-reporting mechanism for members who identify their own non-compliance (incidental, accidental or otherwise), with reported cases referred to the ACT Policing Body Worn Camera team for review and feedback. It is intended that this mechanism would provide members with a sense of support and an opportunity to report and discuss matters of non-compliance

(particularly in instances where a member may be concerned about a referral to Professional Standards or implications on court proceedings), while also contributing to the positive culture of accountability within ACT Policing.

ACT Policing will explore options for delivery of a training module to assist sworn members in understanding what compliance and non-compliance looks like under the *Crimes (Surveillance Devices) Act 2010*, and on the benefits of self-reporting non-compliance. ACT Policing will work with the Learning and Development Command Curriculum Working Group to ensure consistency in training to all recruits in line with the proposed training module on compliance and the reporting mechanisms.

ACT Policing will also review the current process on how we report on non-compliance, both internally and externally, to ensure non-compliance is represented as accurately as possible.

Expected timeframes: 01 October 2025.

This timeframe reflects the significant amount of work required in both the development of a new mechanism and amending and reviewing current business practices.

Recommendation 10 – Guidance on body-worn camera obligations

ACT Policing immediately review and update its *Better Practice Guide on Body worn cameras* (BPG) to ensure it is practical, provides clear definitions and examples, and promotes compliance with the *Crimes (Surveillance Devices) Act 2010* (SD Act) and Guidelines.

The BPG should clearly set out the requirements for officers, including:

- when body-worn cameras must be on in full audio and visual recording mode (and remove guidance about switching cameras to mute)
- when and where to document the circumstances and reasons why their body-worn camera was not properly used in compliance with the SD Act, Guidelines and relevant instruments that form part of the AFP's professional standards framework, and who to report this to
- what steps a supervisor should take to review instances where body-worn cameras have not been used properly by their staff, including how to assess compliance and when a report to professional standards is required to be made.

The updated BPG should be widely communicated to all officers, with key changes to their obligations emphasised.

Partially Accepted

ACT Policing acknowledges an increasing number of police services worldwide are using BWC systems. New technology provides significantly improved recording and systems functionality, which requires all police services to be acutely aware of updating its governance in accordance with new updates and/or potential impacts. This is also why ACT Policing regularly communicates new updates and practices to its members.

Current practice:

ACT Policing has already been reviewing its Better Practice Guide (BPG) on body worn cameras to ensure the BPG is reflective of lessons identified, current best practice, and adherence to our obligations under the *Crimes (Surveillance Devices) Act 2010*.

Proposed action:

ACT Policing will ensure that where possible, the BPG is updated to reflect the requirements outlined in this recommendation, noting there may be operational consequences which limit our ability to achieve full implementation, in particular with the view expressed in the report and this recommendation around muting BWCs. ACT Policing will be guided by the relevant legislation

The final version of the updated BPG will be communicated to AFP members and published on the internal ACT Policing governance repository.

Expected timeframes: 01 October 2025.

This timeframe has been identified as ACT Policing anticipate our proposed actions to be achievable through existing resources and business practices.

Recommendation 11 – Learning from use of force incidents

The AFP implement a framework to facilitate the wider sharing of learnings and insights of use of force incidents between supervisors, senior management and officers. The AFP establish guidelines and provide training for supervisors in how to review use of force reports, including

ensuring a supervisor is not responsible for reviewing use of force reports relating to an incident they were involved in. Supervisors should be encouraged to review body-worn camera footage more regularly and to consider and discuss with their teams:

- any opportunities for earlier negotiation and de-escalation strategies that may have reduced or avoided the need for force to be used
- the reasons for the chosen response and force options used, and whether lesser force options may have been more reasonable
- the proportionality of force used to the threats faced
- good practice in both the management of an incident and in use of force reporting
- any issues that may warrant further management action or referral to professional standards.

Such considerations and feedback provided should be documented in the use of force 'supervisor's comments' field.

Accepted

ACT Policing has regular and ongoing opportunities to engage with members about best practice of use of force, at multiple levels. The Operational Safety Review Committee and Professional Standards Unit provides robust oversight and further feedback channels for any matters which may need to be further addressed.

Current practice:

ACT Policing Supervisors share lessons identified through review of use of force incidents with the Operational Practices Safety Committee for strategic oversight and consideration. Thematic issues identified through the Operational Practices Safety Committee are reported to the Operational Practices Committee for attention. Lessons identified are disseminated to ACT Policing members, and to the Regional Training team and AFP Learning and Development Command (School of Recruit Training and School of Operational Safety and Driver Training) for incorporation in training curriculum where appropriate, and with the AFP Operational Safety Committee where a change in policy is required. The Operational Practices Committee also reports into the Corporate Governance Committee for executive visibility and strategic oversight of ongoing issues.



Lessons are also identified through Professional Standards reviews into ACT Policing incidents, which can result in feedback being provided to the impacted members and/or more broadly across ACT Policing. Supervisors also take an active role in providing on-the-job feedback as part of their daily engagement with members.

Proposed action:

As referenced in our response to Recommendations 7 and 8, ACT Policing will work with AFP's Operational Safety Team to incorporate use of force elements into existing training offered to the Sergeants and Inspectors cohort (to include changes to best practice and techniques that are no longer endorsed). This will include training on the importance of supervisor analysis of use of force reports including providing feedback to members, reviewing body worn footage, and referring to Professional Standards if required.

ACT Policing will continue to encourage supervisors to share lessons identified through review of use of force incidents with the Operational Practices Safety Committee for strategic oversight and consideration.

ACT Policing will also continue to develop our internal repository for lessons management (Minerva) and promote use of this tool throughout the organisation.

Expected timeframes: 30 April 2026.

This timeframe reflects the need to develop and provide training to a large cohort of ACT Policing supervisors, in addition to establishing a new process for lessons management (which may also result in amending training curriculum in the long term).

Recommendation 12 – Organisational oversight

The AFP should implement a mechanism to provide regular and effective oversight of the AFP's use of force, including analysis of:

- relevant statistical information about reportable use of force across the AFP
- any feedback from external scrutiny including the courts
- identifiable trends through use of force reporting
- particularly concerning incidents of use of force
- workers' compensation claims, staff leave/absenteeism and staff departures

to inform insights into the wider impacts of using force, including on staff wellbeing, and enable identification and implementation of protective strategies.

Partially accepted

ACT Policing partially accepts this recommendation, noting it has already implemented a mechanism to provide regular and effective oversight of ACT Policing's use of force. Following the 1 January 2019–31 December 2023 sample period analysed within this Report, ACT Policing has worked hard to implement positive and effective governance mechanisms to ensure appropriate oversight across the organisation.

Current practice:

In August 2024, the Chief Police Officer for the ACT established the Operational Practices Committee (OPC). The OPC is responsible for oversight of ACT Policing's operational practices (including reporting and review of use of force incidents), with a focus on reviewing current practices, training programs, and the monitoring of performance and risk against ACT Policing's governance and referrals under the professional standards framework. The OPC ensures ACT Policing is continually learning from operational experiences and that learnings are addressed and shared across the broader ACT Policing workforce including with the AFP Operational Safety Committee to ensure learnings are informing policy at a strategic level.

The Operational Practices Safety Committee (referred to in our response to Recommendation 12) was established as a subcommittee of the OPC to operate in conjunction with the Prosecution Review Committee and the Operational Driving Committee, to provide holistic oversight and review of referrable ACT Policing use of force matters. When reviewing a use of force matter, the Operational Practices Safety Committee can choose to instruct the supervisor responsible to refer the matter to Professional Standards.

These committees also streamline reporting mechanisms for external stakeholders.

Proposed action:

ACT Policing will closely monitor the Operational Practices Safety Committee to determine if any further enhancements are required for appropriate oversight to meet the intent of the committee and this recommendation.

Expected timeframes: 01 October 2025.

This timeframe reflects the work undertaken by ACT Policing to establish organisational oversight mechanisms following the 1 January 2019–31 December 2023 sample period analysed within this Report, and provides time for ACT Policing to work with our AFP partners to consider the broader implications of this recommendation across the organisation.

Recommendation 13 – Review of use of force incidents

ACT Policing develop and implement clear processes for the risk-based review of use of force incidents to enable effective early identification of issues, appropriate internal reporting and, if necessary, referral to professional standards.

This should be supported by targeted training and practical guidance for officers, supervisors, and other staff as appropriate to ensure effective adoption of new processes.

Partially accepted

ACT Policing partially accepts this recommendation, noting processes for reviewing ACT Policing's use of force have been enhanced recently to support existing use of force review frameworks. ACT Policing members are acutely aware of their responsibilities of use of force and supervisors are highly engaged to ensure members act in line with their obligations.

Current practice:



ACT Policing is working with the AFP's Chief Information Officer Command on a records management capability that will automatically categorise body worn footage when a member uploads footage of a use of force incident to Evidence.com.

The introduction of this capability will enable effective risk-based review of body worn camera footage related to use of force incidents as it will allow a supervisor or auditor to search for all footage related to a specific type of use of force (for example: all footage related to use of a taser). ACT Policing notes that full realisation of this capability would require specific project funding and endorsement by the AFP Investment Board given that the capability would be available across the wider AFP and would require training for members who will use and/or review body worn camera footage for this purpose.

Proposed action:

In addition to the actions identified in our response to Recommendations 8, 9 and 12, ACT Policing will be actively identifying opportunities for early identification of potential issues, and how processes may be streamlined to support supervisors reviewing incidents and use of force.

Expected timeframes: 30 April 2026.

This timeframe reflects the need to engage a digital architect to develop the proposed records management capability (including a request for funding and endorsement of the project) and provide training to members and supervisors on the use of this both operationally and for review purposes.

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