

## Operational safety and equipment

### Context

Police members are expected to protect themselves and the public while fulfilling their duties and, to do this effectively, they may need to use force. However, any force used by a member must be in line with legal requirements and the principles of s.462A, *Crimes Act 1958*, which states:

*A person may use such force not disproportionate to the objective as he believes on reasonable grounds to be necessary to prevent the commission, continuance or completion of an indictable offence or to effect or assist in effecting the lawful arrest of a person committing or suspected of committing any offence.*

As a result, Victoria Police has adopted the following philosophy, which includes occupational health and safety considerations, for the planning, implementation and evaluation of police operations. The Operational Safety Principles support this philosophy:

***The success of an operation will be primarily judged by the extent to which the use of force is avoided or minimised.***

To enable members to respond to situations requiring the use of force, they must possess a range of skills which will enable them to resolve the situation safely, efficiently and effectively. For this reason members are provided with and trained in the use of operational safety equipment.

Members are required to carry operational safety equipment that is appropriate for the duties they are performing and for which they have received relevant training. The equipment to be carried must:

- be proportionate to the threat likely to be encountered
- have regard to the safety of the member and the public.

Separate from these parameters, members can use operational safety equipment, specifically firearms, for the lawful destruction of animals. Refer to section 2.4, **VPMG Recording use of force** for recording requirements.

## Application

Policy Rules are mandatory and provide the minimum standards that employees must apply. Non-compliance with or a departure from a Policy Rule may be subject to management or disciplinary action. Employees must use the **Professional and ethical standards** to inform the decisions they make to support compliance with Policy Rules.

This Policy applies to:

- Operational members
- Work Unit Managers
- Local Area Commanders

## Rules and Responsibilities

### 1. Use of force

- The use of force, including the use of operational safety equipment, must be in accordance with s.462A, *Crimes Act*, as stated above or other specific legal requirements (e.g. legislative provisions or common law).
- The level of force required to bring an incident under control may need to increase or decrease depending on the situation. Members are trained in a range of techniques and a variety of equipment to enable them to have options when responding to an incident. Refer to **VPMG Operational safety and equipment** for a representation of the Tactical Options Model.
- Operational safety equipment must only be used for operational duties, authorised training exercises (for example OTST) and authorised demonstrations. Refer to section 1, **VPMG Management of Victoria Police issue firearms** for the specific requirements for firearm training and demonstrations.
- Operational safety equipment must be used in line with the principles or techniques taught in the relevant operational tactics and safety training (OTST). Refer to **VPMG Operational safety and equipment** for additional guidance on the use of specific operational safety equipment.
- Where use of force is used by or against a member, Use of Force Forms must be completed. Have regard to **VPMG Recording use of force** for the specific reporting criteria.

### 2. Operational safety principles

In addition to complying with s.462A, *Crimes Act*, when responding to incidents or planning operations that may involve any potential use of force, members

must apply the following principles:

- **Safety first** – the safety of police, the public and offenders or suspects is paramount
- **Risk assessment** – is to be applied to all incidents and operations
- **Take charge** – exercise effective command and control
- **Planned response** – take every opportunity to convert an unplanned response into a planned operation
- **Cordon and manage** – unless impractical, adopt a ‘cordon and containment’ approach
- **Avoid confrontation** – a violent confrontation is to be avoided
- **Avoid force** – the use of force is to be avoided
- **Minimum force** – where use of force cannot be avoided, only use the minimum amount reasonably necessary
- **Forced entry searches** – are to be used only as a last resort
- **Resources** – it is accepted that the ‘safety first’ principle may require the deployment of more resources, more complex planning and more time to complete.

### 3. Operational tactics and safety training (OTST)

- Members are required to carry operational safety equipment that is appropriate for the duties they are performing and for which they have received relevant OTST.
- The Centre for Operational Safety is responsible for providing members training in operational safety tactics and equipment, and issuing OTST qualifications. Refer to **VPMG Operational safety tactics and training** for qualification information.
- Local Area Commander are responsible for ensuring that relevant members hold a current OTST qualification. Refer to **VPMG Operational safety tactics and training** for the applicable process where a member’s qualification must be renewed, suspended or reinstated.

## 4. Carriage of Operational safety equipment

### 4.1 General carriage requirements

- Supervisors must ensure that members carry operational safety equipment that is applicable to the duties they have been assigned. See below for further details.

- To be issued with or to carry any operational safety equipment, members must have a current OTST qualification.

#### **4.2 Minimum equipment carriage requirements**

- Members undertaking general operational duties must carry the following operational safety equipment as a minimum:
  - firearm – carried at the waist or thigh when in uniform
  - OC aerosols
  - extendable baton
  - handcuffs
  - mini torch
  - equipment belt or IOEV as an equipment belt, and relevant equipment holders. Irrespective of whether the IOEV is being worn, members must carry their, magazine pouch and small torch pouch on their equipment belt
  - tri rig and belt where it is a specific Work Unit requirement.
- To ensure that members have the complete range of tactical options available to them when responding to an incident, members must only carry their firearm loaded when they are fully OTST equipped.
- A ballistic vest or IOEV may be worn at the member's discretion except in the following circumstances where a vest must be worn:
  - there is a high risk of encountering an armed offender
  - specifically directed by a supervisor or Police Commander.
- High visibility vests must be worn by members when performing patrol duties, road policing duties or when being in close proximity to moving vehicles. The only exceptions to this are as follows:
  - where, in the assessment of the member, wearing the vest represents a serious risk to their health and safety (such as responding to an armed offender or siege situation)
  - when authorised by a supervisor on a specific occasion, for specific duties or planned operations.
- Refer to **VPMG Operational safety and equipment** for:
  - specific circumstances where the minimum requirements do not apply, such as when attending court or conducting an interview
  - other equipment, in addition to operational safety equipment, which may be carried by members.

#### **4.3 Carriage of firearms**

- Members must successfully complete the authorised Semi-Automatic Pistol Training Course to be qualified to carry a firearm as part of their OTST equipment. See the Centre for Operational Safety intranet site for the current training requirements.

- Qualified members may carry a personal firearm or access station firearms as required. To be assigned a personal issue firearm, members must be both:
  - appointed to a position that requires OTST qualification
  - required to regularly perform duties requiring the carriage of a firearm.

Have regard to section 2, **VPMG Management of Victoria Police issue firearms** for the circumstances where a member may be issued a station firearm.
- When not carrying the firearm as part of the equipment belt, IOEV, or equivalent carriage system, members must use an approved portable gun safe or gun carry case (Pelican Case) to:
  - transport their firearm, see section 5, **VPMG Management of Victoria Police issue firearms**
  - to temporarily store firearms at training venues or other locations as directed by a supervisor.
- VPS employees, who are not prohibited persons under s.3, Firearms Act, may possess or carry firearms for the purposes of their duties and as directed by a Work Unit Manager.

#### **4.4 Planned operations**

- Police Commanders must determine what operational safety equipment or other protective equipment is to be carried by members taking part in a planned operation and include this information on the Operation Order.
- Police Commanders must have regard to the general carriage requirements and **VPMG Operational safety and equipment**.

## **5. Operational safety equipment responsibilities**

### **5.1 Work Unit Manager's responsibilities**

- Work Unit Managers are responsible for ensuring that their unit has:
  - sufficiently trained and qualified staff to meet the Work Unit's operational requirements
  - current issue operational safety equipment, refer to the Centre for Operational Safety intranet for a list of currently approved items.
- Work Unit Managers must develop processes to ensure that:
  - operational safety equipment is maintained and stored securely, have regard to section 5.4, **VPMG Management of Victoria Police issue firearms** for specific requirements for firearms
  - comprehensive records are kept of the operational safety equipment allocated to each station, including sufficient detail for audit purposes as required by **VPMP Firearms governance and audit**.

- an Equipment Register is kept recording the details of equipment issued to members
  - records are kept of faults to the equipment or required maintenance in a Maintenance Register.
- Work Unit Managers are responsible for ensuring firearms are only issued to or remain on issue to members who are qualified or authorised; have regard to section 2.2, **VPMG Management of Victoria Police issue firearms** for when consideration must be given to returning firearms to the Armoury.
  - Refer to **VPMG Operational safety and equipment** for further information on the allocation of operational safety equipment.

## **5.2 Members' responsibilities**

- Once issued with operational safety equipment, members are responsible for the proper custody, care and use of these items and are accountable for any loss or damage. Members must not:
  - privately purchase equipment to replace any that is lost or damaged
  - attempt to fix faults with operational equipment, refer to section 3.2, **VPMG Management of Victoria Police issue firearms** for the specific process to follow when a firearm is faulty
  - modify any operational equipment without the approval of the Manager, Centre for Operational Safety (see section 2.2, **VPMG Management of Victoria Police issue firearms** for further specific detail applicable to firearms)
- Once issued, operational safety equipment is not transferable and remains the employee's responsibility until withdrawn, replaced or returned to the place of issue. The Work Unit Manager must arrange for operational safety equipment that is no longer required or current to be returned to the Logistical Support Branch.
- Where a Victoria Police issue firearm is discovered lost, the employee who identifies the loss must immediately notify Police Communications and submit reports as required by section 3.1, **VPMG Management of Victoria Police issue firearms**.

## **5.3 Local Area Commanders**

Local Area Commanders must:

- ensure appropriate records are kept by Work Unit Managers in accordance with section 4.5 (above)
- ensure that the Firearm Transfer Form [Forms 1415] is used when station issue firearms (including longarms) are transferred to a new location

- comply with firearm audits as required by the Manager, Logistical Services Branch (refer to **VPMP Firearm governance and auditing**)

## 6. Carriage of operational safety equipment while off duty or on availability

### 6.1 *Storage and security*

Members must ensure that any operational safety equipment in their possession while off duty or on availability is kept secure. Firearms must be stored as required by ss. 126 and 129A, *Firearms Act 1996*. The authorising member may impose additional, specific conditions.

### 6.2 *Authority*

- Authority is not required for members to carry operational safety equipment while on availability, however the Department Head may impose conditions to ensure suitable security is provided.
- The following authority is required for a member to carry operational safety equipment while off duty:
  - Officer - to conduct a specific operation
  - Department Head - for self-protection or protection of member's family.

## 7. After care and medical attention

- After care and medical attention must be provided where the use of operational safety equipment has caused injury.
- Specific action must be taken where:
  - there is a risk of positional asphyxia being caused by OC aerosols or handcuffs
  - OC aerosol has been deployed; or
  - a member wearing a ballistic vest/IOEV has been struck by a bullet or projectile.
- In these circumstances, members must have regard to the after care procedures detailed in **VPMG Operational safety and equipment**.
- Members involved in highly stressful incidents involving operational safety equipment must be offered counselling. Refer to **VPMP Death and serious injury incidents involving police** for further detail.

## 8. Reporting use of operational safety equipment

### 8.1 *Critical incidents*

- The Centre for Operational Safety must be notified where the use of operational safety equipment has resulted in the death or serious injury of any person, or where the investigating member believes expert evidence in the area of operational safety equipment, tactics or training is required.
- A Use of Force form [Form 237 and 237A] and an Incident Fact Sheet must be submitted where required.
- Refer to **VPMP Death and serious injury incidents involving police** for instructions relating to the management of any incidents where death or serious injury has resulted from one or more of the following:
  - the discharge of a firearm by the member
  - the use of force by the member.

### 8.2 *Notification*

- A Duty Officer or Divisional Patrol Supervisor must be notified where:
  - a member discharges a firearm
  - OC spray/foam is deployed
  - a person is injured by the use of a baton.
- Professional Standards Command must be notified:
  - through Police Communications where a member has discharged a firearm at another person
  - where a person has been injured by operational safety equipment.
- Where a firearm is discharged, other than for the destruction of an animal, the firearm must not be cleaned or altered. The firearm must be available to the investigating member.

### 8.3 *Duty Officer or Divisional Patrol Supervisor responsibilities*

Once notified, the Duty Officer or Divisional Patrol Supervisor must:

- assess the situation and, where practical, attend the scene
- ensure that proper after care and medical attention has been provided
- investigate the incident to determine whether the use of the equipment was in line with policy
- ensure the Use of Force form [Form 237 and 237A] and an Incident Fact Sheet are submitted where appropriate.



## 9. Governance arrangements

The Operational Equipment Evaluation Steering Committee must support the use of any equipment that is not current issue. Once supported by the Committee, the equipment must then be approved by a Deputy Commissioner. The Deputy Commissioner is responsible for ensuring that training is provided to approved members and operating procedures are developed and recorded by the Department using the equipment.

- Governance arrangements, including acquisition processes, for Victoria Police issue firearms are addressed in **VPMP Firearm governance and auditing**.

### Quick Links

- VPMG Operational safety and equipment
- VPMP Firearm governance and auditing

### Further Advice and Information

For further advice and assistance regarding these Procedures and Guidelines, contact your supervisor or the Centre for Operational Safety.

### Update history

Date of first issue	22/02/2010	
Date updated	Summary of change	Force File number
16/07/12	Inclusion of further detail on the management of firearms at section 4 and reference to additional governance arrangements, VPMP Firearm Governance and Auditing	072654/12
13/08/12	Inclusion of authorised uses of operational equipment (section 1)	062083/10
05/11/2012	Incorporation of CCI 17/11, inclusion of Police Commander and OTST qualification requirement.	065045/10
21/01/13	Updated to reflect organisational governance and structural changes.	FF-074790
29/04/2013	Inclusion of requirements for completing Use of Force forms and reference to new guidelines, VPMG Recording use of force.	FF-074738
19/08/14	Criteria to wear high visibility vest transferred from <b>VPMP Road policing</b> and expanded to include all patrol duties.	FF-072877/12