



**Commissioner**

**Through DCNS  
NMIDG**

**Operational Response Group (ORG) Less Lethal Use of Force (UOF) Options - Background and Op RIDLEY (Christmas Island)**

**Action required**

Note contents.

**Reasons for proposed actions**

This report and the attached supporting documents are furnished as per your request of 29 March 2011. (*Refer to Annexure 1*)

**Summary of Christmas Island (CI) event**

Between 13 March 2011 and 20 March 2011, ORG operators situated on Christmas Island as part of the AFP response to Operation Ridley, deployed a range of AFP approved less lethal weapons and munitions, including drag stabilized impact rounds (beanbag rounds) and CS gas in response to significant emergency and public order incidents.



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*NB: It should be noted that prior to the ORG's deployment of its less lethal capabilities, Christmas Island Police (CIP) utilized OC spray in dealing with DIAC clients on 12 March 2011.*

*Unless otherwise stated all timings in this document are Christmas Island Time.*

## **1. Philosophy:**

### **a. Use of Force**

The primary object of an efficient Police force is the prevention of crime; the next being the detection of crime when it is committed.

To these ends all efforts of Police must be coordinated. This includes the protection of life and property and the preservation of public tranquillity. In the course of fulfilling these responsibilities AFP appointees may be presented with situations where the use of reasonable force is necessary.

The use of reasonable force underpins all AFP conflict management strategies and the AFP's use of force model. Reasonable force is the minimum force reasonably necessary in the circumstances of any particular case. The principles of negotiation and conflict de-escalation are always emphasised as alternatives to the use of physical force, as the safety of AFP appointees and members of the public is of paramount importance.

Equipment and munitions are issued to AFP appointees for their personal protection, and for the protection of others who are faced with an immediate threat of the application of physical violence. In responding to a threat of serious physical injury or the loss of life, an AFP appointee must not use more force than is reasonably necessary in order to remove the threat.

It is a mandatory requirement for all AFP appointees working operationally, to undertake appropriate training to ensure the use of the minimum amount of force necessary in the performance of their duty.

AFP appointees must, at all times, only use the minimum amount of force necessary in the performance of their duty and must draw on the range of use of force and negotiation options, as well as the decision making skills developed through AFP training.

### **b. Less Lethal**

AFP appointees are provided a suite of less lethal force capabilities that can be deployed in the exercise of their duties and where the circumstances

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encountered warrant their deployment.

The AFP ORG, established in 2007, provides the AFP with a standing national Tactical and Public Order Management (POM) capability relating to high risk, and civil disorder incidents. The ORG, as a specialist group, carries out this risk inherent work by utilising specialist skills & techniques, including the deployment of less lethal weapons and munitions such as Extended Range Impact Weapons (ERIW) and Chemical Munitions (CS gas).

### **c. Lethal**

The use of lethal force is an option of last resort for AFP appointees, only to be used when reasonably necessary in order to protect life.

Where an AFP appointee considers the use of lethal force to be reasonably necessary, they must act in proportion to the seriousness of the circumstances; and minimise damage or injury to other people with a view to the preservation of human life.

## **2. Governance**

### **a. Approval of munitions etc**

Under the provisions of AFP Commissioner's Order 3 (CO3) on Use of Force, the mandate for approval of munitions etc rests with the AFP Operational Safety Committee (OSC). The Committee is chaired by the National Manager Human Resources.

The Committee is the governing body for all operational safety training, administration and related policy issues.

### **b. Use of Force**

Commissioners Order 3 (CO3) on Use of Force is the AFP policy on the use of reasonable force and its implementation.

### **c. Reporting**

In all cases where an AFP appointee uses force, they must, as soon as practicable, submit an AFP Operational Safety Use of Force Report, setting out full details of the force used and circumstances in which the force was applied.

This Operational Safety Use of Force report must be submitted to their Office Manager and/or relevant National Manager, Manager Professional Standards and the Chair of the OSC.

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In addition, where an AFP appointee or special member discharges a firearm in circumstances consistent with certain provisions of CO3, they are required to immediately report the incident to their supervisor.

The supervisor who receives this report must immediately inform the Manager Professional Standards who will determine if a drug and alcohol test is required.

The supervisor must then notify their relevant Office Manager and/or the National Manager for whom the operation was being conducted; and Chair of the OSC of the incident.

### **d. Reviews**

CO3 also sets out applicable review mechanisms in the context of the use of force by AFP appointees, including the procedures for dealing with the discharge of firearms, and unauthorised discharges.

Following the submission of an AFP Operational Safety Use of Force Report, it is submitted through the supervisor and Functional Manager for review, and then the chain of command for reporting purposes, and is provided to the Operational Safety Training Team for organisational recording purposes and improved learning outcomes, and to Professional Standards (PRS) to determine if a 'code of conduct' issue is identified as a result of the report.

The supervisor and Functional Manager review is a quality assurance process to ensure compliance with the mandatory reporting provisions of CO3. It reviews the adequacy of reporting, and allows for early detection, of any code of conduct issues including appropriateness of the use of force used and timely reporting of same to PRS for relevant action; including drug and alcohol testing and investigation.

In respect to the discharge of firearms, CO3 provides for the investigation of such instances, either by PRS in the first instance or as determined by PRS, the responsible Functional Manager.

In such circumstances, an investigation officer or team is appointed to thoroughly investigate the incident, and at the conclusion of the investigation, submit a detailed report to the relevant Functional Manager and provide a copy of that report to the MPRS and Chair of the Committee.

The Team Leader, School of Operational Safety in consultation with the National Coordinator Health, Safety & Rehabilitation, analyse AFP Operational Safety Use of Force Reports and report, at least every six months, to the

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Committee and the OH&S National Committee on trends in the use of force in the AFP.

These review processes are complemented by post activity operational debriefing and/or the Post Operations Assessment (POA) processes.

*Part V of the AFP Act 1979* provides for appointees of the public to make a complaint regarding the actions of AFP appointees. This includes complaints regarding excessive use of force. All complaints relating to the use of force are subject to investigation and adjudication by PRS.

The Commonwealth Ombudsman has a role in providing oversight to AFP PRS investigations.

### **e. Training required**

CO3 stipulates the establishment and maintenance of appropriate competency standards, the accreditation of trainers, the qualification and re-qualification of AFP appointees in the use of force, applicable reporting mechanisms and management structures for training and monitoring use of force in the AFP.

The AFP provides its appointees required to work operationally with appropriate training to ensure the use of the minimum amount of force necessary in the performance of their duty. These requirements are stipulated in CO3.

The AFP subsequently provides all ORG operators with appropriate training, to ensure they are proficient in the deployment of all specialist weapons and munitions and in using the minimum amount of force necessary in the performance of their duties.

ORG operators maintain a high level of specialist skills and knowledge in the use of less lethal weapons and munitions, via ongoing skills maintenance and annual requalification assessments.

ORG operators are exposed to numerous training scenarios during their basic and advanced training course and during revalidation training where AFP approved less lethal munitions are used. These scenario's are conducted in a manner to replicate operational incidents that may occur overseas or in Australia. Each member meets a high standard of proficiency with the use of less lethal munitions every 12 months in accordance with CO3.

AFP ORG training is constantly reviewed and developed to reflect international best practice. The ORG's own experiences in dealing with significant public disorder incidents RAMSI (2006) and Timor Leste (2006 & 2008) have

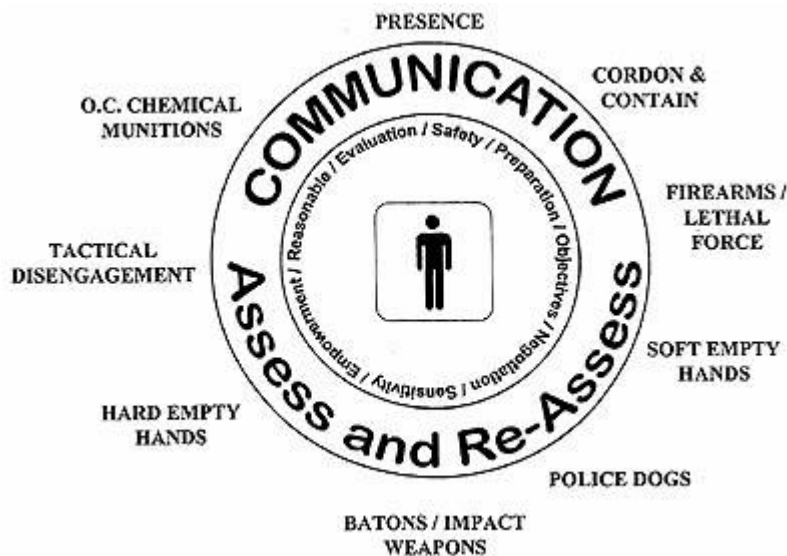
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contributed to its development of effective and efficient less lethal tactics with emphasis at all times on:

- de-escalating conflict situations without immediately resorting to use of lethal force options;
- ensuring safety of its appointees and the broader public;
- using minimal amount of force to resolve incidents; and
- ensuring minimal harm to those subjects of such force.
- ERIW / Chemical Munitions - all specialist operators of ORG are qualified to deliver extended range impact strikes and use of chemical agents through AFP approved training curriculums which are consistent with all other Australian policing services.

### 3. UOF Options

#### a. AFP Safety Principles Model



The AFP Use of Force model, which must be applied in all instances where force is considered, is based on fundamental principles of communication, assessment and reassessment of the circumstances with which AFP appointees maybe confronted.

Similarly, AFP UOF methodology is based upon a Safety Principles Model - (depicted above) which reinforces the need for officers to consider all use of force options during operational deployment. Importantly, the Model emphasises effective communication is not to be applied in isolation, but is an essential aspect in all policing situations and underpins the minimum force axiom.

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Within the Safety Principles Model (see below) are the AFPs standard UOF capabilities which include defensive skills, batons, handcuffs, Oleoresin Capsicum (OC) Spray and firearms.

In addition to these standard UOF capabilities, the ORG has a variety of authorised less lethal Extended Range Impact Weapons (ERIW) and Chemical munitions in the form of smoke, sound/flash, gas and direct impact weapons.

[REDACTED]

[REDACTED]

The rationale behind the adoption of the Bean Bag Rounds was the fact that at the time (2006) of its approval by the AFP OSC, the only approved less lethal munition in the AFP's UOF capabilities was the electrical incapacitant (Taser).

The [REDACTED] munitions – also approved by the AFP OSC in 2006 – were obtained based on the need to have a capability that would allow the overt marking of instigators of violence in a public order scenario, thus enhancing their identification as well facilitating less forceful management of their activities.

In the context of Chemical Munitions the ORG is specifically equipped with:

[REDACTED]

[REDACTED]

### **b. ERIW**

Extended Range Impact Weapons combine the less lethal characteristics of traditional impact weapons such as batons, with the capacity of reducing the risk of injury to the Police officer and appointees of the public. The reason for utilising ERIW's is to provide a similar effect to that of a baton strike, while providing the officer with a larger reactionary gap.

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When deploying ERIW, if the subject moves within the minimum safe engagement distance, the point of aim is either major muscle groups or the legs to help minimize potential injuries. At no time is the head to be targeted. Most common injuries resulting would be blunt trauma injuries including grazing, bruising and bleeding.

[REDACTED]

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**c. Chemical Munitions**

The following chemical munitions utilise a chemical agent Orthochlorobenzylmalanonitrile (known as CS or CS gas) commonly referred to as CS gas. It is widely used by Police and military organisations worldwide. It may be dispersed in numerous mediums and configurations. It is delivered by the following means.

[REDACTED]

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All configurations and delivery means are a proven effective non lethal means of controlling riotous crowds, or the control or distraction of armed subjects in hostage rescue type scenarios.

CS was first developed in 1928, and was used by British in operations in Korea and Cyprus, and is still a widely used chemical agent in law enforcement today. CS was developed by Carson and Stoughton hence the name 'CS'.

CS is commonly identified as part of the tear gas family. CS gas is used in crowd control/civil disorder situations to disperse hostile crowds, providing officers with larger reactionary gaps. Chemical munitions may be used to temporarily distract, confuse, disorientate, visually impair and incapacitate violent subjects.

CS is classified as an irritant and the agent has a peppery odour. The effects of this agent include copious tearing, burning sensation on eyes and moist skin, sneezing and nasal discharge. The full effects of CS are felt after 20 – 60 seconds. The majority if not all of the immediate effects begin to wear off in a matter of minutes after being exposed. Decontamination takes between 5 and 20 minutes.

It should be noted that CS gas and the OC fogger are different as CS gas is a tear gas, whilst the OC fogger is a pepper spray. CS is an irritant whilst OC is an inflammatory agent. A person affected by CS gas can decontaminate themselves by exposing themselves to fresh air. OC however may require Police assistance to undertake more robust decontamination with water.

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**4. Approval for Less Lethal**

The deployment of ERIW and Less Lethal Munitions by the AFP/ORG is determined by Commissioner's Order 3 (CO3) on Use of Force, specific Manuals and Standard Operating Procedures (SOP's) within the ORG. [REDACTED]

[REDACTED]

The exact date ERIW and Less Lethal capabilities were originally introduced into the AFP is not readily available to the OSC; nevertheless, these

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capabilities pre-date the establishment of ORG and have been with AFP tactical/ specialist teams since the inception of the OSC (circa 2000).

It is known that ACT Policing, Special Operations Team (SOT) had access to CS gas in the early 1980's and "Bean Bag" circa 1996/7.

These munitions were approved for use by the ORG and other AFP tactical/specialist teams in 2006, by the AFP Operational Safety Committee (OSC); on 29 May 2006 (Bean Bag) and 6 June 2006 (CS gas etc), respectively.

### **a. ERIW**

The use of specific ERIWs by AFP specialist Police appointees (ORG and SRS) was scheduled and approved under the provisions of section 10.3(1) of CO3.

### **b. Chemical Munitions**

The use of specific chemical munitions by AFP specialist Police appointees (ORG and SRS) was scheduled and approved under the provisions of section 10.3(1) of CO3.

According to CO3, these munitions are incorporated into the definition of "**Chemical Agents**" which means any irritant or inflammatory spray, or device, of a type which has been approved by the Commissioner for use by an AFP employee or special member in the course of his or her duty.

These approvals occurred due to the AFP's increasing role off-shore where it was at the forefront of responding to serious civil disorder and large scale incidents where security and law and order had deteriorated and followed the ORG own experiences during the RAMSI - Honiara (2006) and Op Serene (East Timor 2006) riots. From these occasions it became obvious that the Operational Response Team (ORT) – the predecessor to the ORG – had an insufficient range of suitable less lethal capabilities available to enable an effective and efficient conduct of its mandate. This included responses to incidents of extreme and violent public disorder, where a more comprehensive range of less lethal options could enable a more appropriate response consistent with CO3.

## **5. Command and Control on CI**

Overall functional command of the AFP response to the incidents on CI rested with Assistant Commissioner Frank Prendergast, NMIDG.

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The Operation Commanders were Superintendent [REDACTED] (12 March 2011) Commander [REDACTED] (MOS) (12 to 13 March 2011, 25 March to 13 April 2011) and Commander [REDACTED] (MIDG) (13 to 25 March 2011)

On Island key appointments consisted of:

Incident Commander - Superintendent [REDACTED]  
Police Forward Commanders - Superintendent [REDACTED] and  
A/Superintendent [REDACTED]  
Police Tactical Commander - A/Superintendent [REDACTED]  
Officer in Charge, CI Police - Sergeant [REDACTED]

In the context of Tactical Operations the PTG Commander had reporting lines to the CI based Police Forward Commanders and Incident Commander (Superintendent [REDACTED]) and IDG HQ based Operation Commander.

In context of the incidents on CI the PTG Commander had a clear direction from Commander [REDACTED] in his capacity as the Operation Commander in relation to the authority to utilise all AFP approved UOF options as per the requirements of AFP CO3.

The PTG Commander had overall command and control of all the tactical assets on CI and accordingly had the authority to implement and authorise all Police tactical activities on the ground.

Where possible, the PTG Commander consulted with the Police Forward Commander and Incident Commander, including the Operations Commander prior to undertaking any tactical resolution strategies. This engagement strategy with senior AFP officers is the PTG Commander's standard practice and directly aimed at utilising the experience of all senior police involved.

The command and control structure utilised in CI also accorded with the PTG Operations Manual which is produced under the auspices of the NCTC. This is the Standard PTG Doctrine which is utilised as a template for command and control of all incidents in which Australian PTGs are involved in.

Notwithstanding the individual Police officer's capacity to apply a UOF option in accordance with CO3 when faced with imminent danger to themselves or others, there was a clear chain of command for the application of ORG UOF on CI.

The chain of command which was utilised on all occasions involved the PTG Commander handing control of a resolution phase to the Tactical Commander, who then directed the Team Leaders to perform specific tasks. All ORG operators on the ground had clear roles and responsibilities and were under the direction of the Tactical Commander. No Emergency Action or Deliberate

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Action planning or authorisation to implement any resolution strategy was commenced or implemented without the PTG Commander's approval.

All operators in the ORG have a clear understanding of the command and control structure. This understanding is developed during a very specific selection and assessment process which all ORG operational staff undertake as their basic training.

The command and control structure in the standard PTG Doctrine which forms the basis of tactical resolution considerations is constantly practiced in all ORG training scenarios. The end result is an ORG operator who understands their position, role in the team, and their level of individual decision making.

During the incidents on CI, the PTG Commander was based either directly with the Tactical Commander on the front line or in the Detention Centre's Close Circuit Television Monitoring room. Accordingly, the PTG Commander had a complete visual understanding and appreciation of the situations as they unfolded. The PTG Commander was in a position to directly see the risks to all AFP appointees and other personnel in the Detention Centre, and this situational awareness was reflected in his decision making processes particularly in the context of the responding to the unfolding threats and risks posed by the DIAC clients and their riotous behaviour.

The PTG Commander was also in a position to speak directly to the Senior DIAC and SERCO Management at the Detention Centre while the incidents were occurring. He was involved in all the initial teleconference meetings with Australian based Senior DIAC and SERCO Management and therefore had an informed operational and strategic understanding of the environment.

*(See attached Operation Ridley Command Structure at Annexure 2)*

## **6. Use of Force Events on CI**

[REDACTED]

[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]



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[REDACTED]

### **c. Approval for use**

On the 13 of March 2011, the IDG Manager Operations Support (MOS) provided direction to PTG Commander (A/ Supt. [REDACTED]) re Commander's Intent and UOF options (Chemical Munitions, ERIW and applicable munitions, Taser, Batons and Overwatch).

[REDACTED]

Accordingly the PTG [REDACTED] on the ground in CI had a clear direction from MOS (Commander [REDACTED]) in relation to the authority to utilise all AFP approved UOF options as per the requirements of AFP CO3. This was detailed in a Critical Incident case note entry on PROMIS.

[REDACTED]

**7. Reviews conducted to date:**

**a. Supervisor and Functional Manager**

Supervisor review and MOS review conducted as UOF reports were submitted.

On 25 March 2011, an initial desk-top "*Internal Review of UOF Reports – Operation Ridley*" - submitted by MOS, Commander [REDACTED], as per NMIDG's requirement, concluded, that based on the review of the applicable UOF reporting, all AFP appointees involved had acted in accordance with CO3.

The PTG Commander at the time of incidents on CI has been requested to arrange supplementary UOF reporting and alerted to the requirement for a POA in due course.

**b. OSC**

On 11 April 2011, NMIDG submitted correspondence to the COO requesting that PRS and the OSC consider issues relating to the UOF on CI; namely the sufficiency of CO3 in the context of ERIW and munitions and the continued appropriateness of the current tactical less lethal capabilities articulated in CO3.

**c. PRS**

On 11 April 2011, PRS advised that based on their review of UOF reports arising from Op Ridley and recent ORG actions on CI, that no AFP Code of Conduct issues were identified from the reports; all of which were submitted as per CO3 requirement.

The review further noted that in terms of practice:

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- More detail should be captured in the UOF reports in terms of detailing some of the decisions made during the events covered by the reports, etc, (*N.B. Supplementary reporting has been requested.*) and
- CO3 should be updated to include explicit guidance in regard to public order management of events such as the ones on CI considering that while there already exists significant specialist training provided to the ORG in terms of this type of operation, it would be prudent to capture the already developed best practice within CO3.

Furthermore PRS advised of their intent to take these matters as recommendations to the OSC for consideration and that in the absence of a complaint or having a code of conduct breach identified by PRS, PRS would take no further action.

### **d. Executive Review by NMIDG for DCNS and Commissioner.**

This document refers.

### **8. History of Previous Use (Offshore and Onshore)**

The AFP has previously deployed bean bag rounds operationally in East Timor and Solomon Islands, as well as once domestically (ACT 1999).

Further, there is nil use recorded for CS gas by the AFP except for IDG - from 2006 in the overseas arena.



Less lethal weapons and munitions are carried and considered for most tactical tasks within most jurisdictions; including NTPOL, VICPOL, QPOL, SAPOL, WAPOL, TASPOL, NSWPOL and NZPOL.

### **9. Commissioners Questions**

#### **a. Original rationale for inclusion of current ERIW and less lethal munitions in the AFP UOF Continuum.**

Traditional law enforcement impact weapons, such as batons, are a valuable use of force option available to all operational appointees of the AFP. Traditional impact weapons provide appointees with a less lethal option for de-escalating situations involving violent subjects.

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ERIW and Munitions combine the less lethal characteristics of traditional impact weapons with the tactical advantages of firearms.

They provide officers with the capacity to deliver a similar amount of force to that delivered by traditional impact weapons, from a safer distance and arguably with greater accuracy.

Police in the USA have been using ERIW in one form or another since the early 1980s.

Chemical munitions are a less lethal force option available to operators of AFP Tactical/Specialist groups and provide operators with a less lethal option for de-escalating situations involving violent subjects, and can be used to temporarily distract, confuse, disorientate, visually impair and incapacitate violent offenders.

They are now widely used within law enforcement for a variety of incident types including:

- General Patrol: To subdue violent offenders when affecting an arrest.
- Riot Control / Civil Disturbance:
- Crowd dispersal
- Area denial
- Room clearing operations
- Barricaded Subjects:
- Hostage Rescue
- High Risk Warrants / Entries
- Corrections / Detention

All Australian PTGs have developed some form of ERIW and chemical munitions capability in accordance with their NCTC role and requirement to respond to high risk domestic operations.

Noting the requirements of the ORG to respond to serious incidents of public disorder and the AFP's preference that incidents are resolved by all other means without resorting to use of force, its current suite of less lethal capabilities is what enables the the ORG to accomplish its task with minimal risk and injury to both sides and de-escalation of situations without resorting to greater levels of force including the use of lethal force.

In the context of the AFP use of such capabilities, the approval for their use occurred due to the AFP's increasing role off-shore where it was at the forefront of responding to serious civil disorder and large scale incidents where security and law and order had deteriorated.

These experiences included the RAMSI - Honiara (2006) and Op Serene (East Timor 2006) riots, during which time it became obvious that the Operational

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Response Team (ORT) – the predecessor to the ORG – had an insufficient array of suitable, and approved less lethal capabilities available to enable an effective and efficient conduct of its mandate, including responses to incidents of extreme and violent public disorder which when committed appropriately, could enable a more appropriate response consistent with CO3.

### **b. Australian Use**

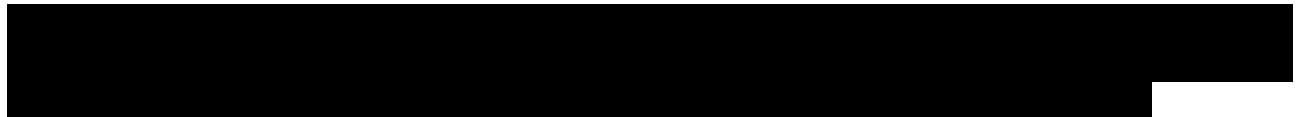
The exact date ERIW and less lethal capabilities were originally introduced into the AFP is not readily available to the OSC; nevertheless, these capabilities pre-date the establishment of ORG and have been with AFP tactical/specialist teams since the inception of the OSC (circa 2000).

It is known that ACT Policing, Special Operations Team (SOT) had access to CS gas in the early 1980's and "Bean Bag" circa 1996/7.

These munitions were approved for use by the ORG and other AFP tactical/specialist teams in 2006, by the AFP Operational Safety Committee (OSC); on 29 May 2006 (Bean Bag) and 6 June 2006 (CS gas etc), respectively.

The AFP has previously deployed bean bag rounds operationally in East Timor and Solomon Islands, as well as once domestically (ACT 1999).

Further, there is nil use recorded for CS gas by the AFP except for IDG - from 2006 in the overseas arena.



### **c. AFP training and qualification**

CO3 stipulates the establishment and maintenance of appropriate competency standards, the accreditation of trainers, the qualification and re-qualification of AFP appointees in the use of force, applicable reporting mechanisms and management structures for training and monitoring use of force in the AFP.

The AFP provides its appointees required to work operationally with appropriate training to ensure the use of the minimum amount of force necessary in the performance of their duty. These requirements are stipulated in CO3.

The AFP provides all ORG operators with appropriate training, to ensure they are proficient in the deployment of all specialist weapons, and munitions and in



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using the minimum amount of force necessary in the performance of their duties.

ORG operators maintain a high level of specialist skills and knowledge in the use of less lethal weapons and munitions, via ongoing skills maintenance and annual requalification assessments.

ORG operators are exposed to numerous training scenarios during their basic and advanced training course and during revalidation training where AFP approved less lethal munitions are used. These scenarios are conducted in a manner to replicate operational incidents that may occur overseas or in Australia. Each member is to meet a high standard of proficiency with the use of less lethal munitions every 12 months in accordance with CO3.

AFP ORG training is constantly reviewed and developed to reflect international best practice. The ORG's own experiences in dealing with significant public disorder incidents Regional Assistance Mission to Solomon Islands (RAMSI) (2006) and Timor Leste (2006 & 2008) have contributed to its development of effective and efficient less lethal tactics with emphasis at all times on:

- de-escalating conflict situations without immediate resort to use of lethal force options;
- ensuring safety of its appointees and broader public;
- using minimal amount of force to resolve incidents; and
- ensuring minimal harm to those subject of such force;
- ERIW / Chemical Munitions - all specialist operators of ORG are qualified to deliver extended range impact strikes and use of chemical agents through AFP approved training curriculums which are consistent with all other Australian policing services.

### **d. Authorisation Process for deployment**

The underlying principle in the utilisation of less lethal force is based on the principal of utilising the minimal amount of force required to resolve an incident in accordance with CO3. The safety of AFP appointees and other personnel is paramount in all decisions where an incident calls for a Tactical Resolution/POM.

The ORG's PTG Commander has overall command and control of all tactical/POM assets. Accordingly, they have the authority to implement and authorise all Police tactical/POM activities.

The command and control structure utilised by PTG Commanders accords with the PTG Operations Manual [REDACTED]  
[REDACTED] This is the standard PTG Doctrine which is utilised as a template for command and control of all incidents in which Australian PTGs are involved.

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Notwithstanding the individual Police officer's right to apply a UOF option in accordance with CO3, when faced with imminent danger to themselves or others, when considered in the context of a POM situation, there is always a clear chain of command for the application of ORG UOF.

In a response to a situation requiring the tactical/POM capabilities of the ORG, the PTG Commander will hand control of a resolution phase to the TC who then directs the Team Leaders to perform specific tasks. All ORG operators deployed in a tactical/POM situation have clear roles and responsibilities and operate under the direction of the TC.

All operators in the ORG have a clear understanding of this command and control structure. This understanding is developed during a very specific selection and assessment process which all ORG tactical/specialist staff undertake during their basic training and is re-enforced during on-going skills maintenance training.

The ORG command and control structure emulates the Standard PTG Doctrine which is constantly practiced in all ORG training scenarios. This provides for a well-informed, and trained ORG operator who understands their position, role in the team, and their level of individual decision making authority.

### **10. Conclusion**

The current OSC endorsed range of less lethal weapons and munitions (including chemical agents) provided to the ORG, equips its operators with a greater range of less lethal options for de-escalating civil disorder situations involving violent subjects.

ERIW/munitions combine the less lethal characteristics of traditional impact weapons such as batons with the capacity of reducing the risk of injury to the Police officer and members of the public. The rationale for utilising ERIW's is to provide a similar effect to that of a baton strike, while providing the officer with a larger reactionary gap.

They provide for small tactical group tactics as adopted by the ORG, whereby a small and suitably supported team of appropriately trained and equipped operators can effectively respond to a large and greater number of rioters etc by delivering concentrated levels of less lethal force, similar to that delivered by traditional impact weapons, but arguably with greater accuracy and at safer and extended distance.

This then precludes the risks inherent to the application of close-in traditional less lethal force mediums such as the operators being overwhelmed by sheer force of numbers and their use of force options being turned on them or indeed innocent bystanders. These tactics and matching capabilities, coupled with

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suitable POM support personnel, also allow for multiple simultaneous operator responses at differing locations and precludes the need and maintenance of a large standing POM capacity. It also facilitates a greater degree of sustainability of the POM capacity.

These tactics and less lethal force capabilities also accord with the AFP organisational imperative of duty of care to its appointees.

Chemical munitions are a less lethal force option available to appointees of AFP Tactical/Specialist groups and provide appointees with a less lethal option for de-escalating situations involving violent subjects, and can be used to

They are now widely used within law enforcement for a variety of incident types including Riot Control, Civil Disturbance and Crowd dispersal.

As is the case with ERIW/munitions, the ability to deploy chemical agents accords with the ORG's tactics and organisational framework.

The current suite of less lethal capabilities enables the ORG to accomplish its tasks with minimal risk and injury to all parties, along with de-escalation of incidents. This suite also enables greater options, without resorting to heightened levels of force, including lethal force.

Less lethal capabilities, along with the ORG's position as the AFP's public order response capability are predicated on the ORG's operational experience of similar incidents within the Asia Pacific Region. Further, such capabilities have been tried and tested in past AFP incident resolution strategies, as again has been the case of the CI experience. Such significant experience led to the adoption and approval of the current less lethal options, including ERIW/munitions and chemical agents.

The evident minimal harm to ORG operators, and the persons engaging in these riotous and violent public order incidents, indicates the competence and high skill level encompassed by all public order response trained personnel. Further, the rapid de-escalation of past incidents and the semblance of rule of law in the nations that played host to these incidents is sound evidence of the practicality of ORG's use of less lethal capabilities.

It is worth noting that prior to the AFP's current less lethal capability, AFP responses to incidents of violent public disorder offshore, during which the AFP had an insufficient range of suitable and approved less lethal force capabilities available to enable an effective and efficient conduct of its mandate, including ERIW/munitions and chemical agents, resulted in significant harm and injury to a number of responding AFP appointees (RAMSI/Timor Leste 2006).

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The most recent risk inherent incidents on CI which the AFP resolved [REDACTED] [REDACTED] with nil injury to its operators and minimal harm to rioting clients is further evidence of the suitability of the ORG less lethal force and tactical capabilities. It is also testament to the adequacy of its C3, interface with other AFP elements, tactics, training, skills sets, operational experience and logistical wherewithal.

The underlying principle in all the tactical resolution strategies either instigated or authorised on CI revolved around the principle of utilising the minimal amount of force required to resolve the incident. The safety of AFP appointees and other people in the IDC was a primary concern in all decision making. Negotiated resolution prefaced where possible all tactical actions and intelligence collection, collation and assessment guided AFP decision making processes.

Accordingly, and based on the review of available documentation, in the context of the incidents on CI, without its less lethal force capabilities and associated tactics, there is little doubt that the ORG would not have been able to affect a timely restoration of law and order at the DIAC IDC without resulting in serious injury and casualties on both sides [REDACTED]

Furthermore in the context of the CI incidents covered by this report and from the available documentation, it is concluded that:

- The AFP had to restore order and normalcy of operations as DIAC and SERCO had lost control.
- The safe operational integrity of the IDC had been compromised prior to the AFP having to respond. This increased the risks to responding AFP.
- The AFP had to ensure the safety and protection of the CI community.
- All incidents covered in this report and requiring AFP UOF were instigated in the first instance by the violent and threatening actions and behavior of the IDC clients.
- AFP appointees on Island had to face violent and aggressive behavior that included clients brandishing improvised weapons, throwing missiles and rocks, arson, threats to harm and kill, willful damage, and wearing protective covering over their faces, likely worn so as to afford their protection from AFP use of chemical agents and prevention of their identification.

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- At all times AFP responses including tactical/POM were tempered where possible and reasonable with active and consistent attempts at negotiation and incident de-escalation.
- AFP activities on Island, including the UOF responses were intelligence led.
- Significant AFP and DIAC negotiator resources were committed to resolving the situation on CI.
- All AFP UOF responses were appropriate and reasonable and were consistent with the applicable provisions of CO3.
- While, all AFP UOF responses were reported in accord with the applicable provisions of CO3; more detailed reporting is warranted.
- No breaches of the AFP's Code of Conduct were identified.
- ORG operations accorded with established ORG POM tactics and methods.
- All less lethal force capabilities deployed on CI were approved per the applicable provisions of CO3.
- All ORG operators operating on CI had currency of training qualifications in the UOF capabilities deployed.
- Appointees of the ORG C3 element were all seasoned and experienced operators.
- CO3 should be reviewed as to its sufficiency in relation to use of force options deployed in a POM context.
- Without a capacity to use - in appropriate circumstances - ERIW and chemical munitions, the AFP's ability to successfully accomplish its task on CI would have been compromised.

Superintendent [REDACTED]  
C-OP&S  
IDG ORG

2 May 2011