



5 August 2014

David Nicholas

fyi-request-1744-f1467c91@requests.fyi.org.nz

Dear Mr Nicholas

Thank you for your email dated 14 June 2014 seeking information about the recently publicised Taser use during the arrest of Whakatane man Mark Smillie.

Please visit the police website (<http://www.police.govt.nz>) to view Taser publications regarding a range of Taser related information.

Your request outlines that you are seeking:

- whether police can release Taser camera footage to the public;
- what re-training the police officer concerned received;
- whether 13 seconds of Taser use is within guidelines.

Your question about whether or not Police will release Taser footage to the public is regarded as a question, not a request for information. New Zealand police reviews requests for footage on a case by case basis, of which the protection of an individual's privacy, often during a crisis in their life, is utmost. We closely follow guidelines from the Ombudsman when determining each request for footage. Taser footage from the arrest of Mr Smillie has already been released by Mr Smillie himself and recently shown on TVNZ.

The officer involved in this incident was a qualified Taser operator at the time and is currently a qualified Taser operator.

Since this incident he has undergone, and successfully completed, four integrated tactical training sessions (training specific to frontline officers). This training includes OC spray, baton, defensive tactics, use of force (policy and law) and TENR (assessment of the threat, exposure, necessity and response) critical response training. This training consists of physical skills and tactics, equipment skills, communication skills and judgement and decision making skills. It also consists of scenario training and the use of the police simulator, both of which exercise the integration of judgement, decision making and equipment and communication skills (TENR). He has also successfully passed the Taser operator re-qualification training.

Additionally, he has also completed Taser evidence and camera training.

The New Zealand police Taser guidelines and training discourage the multiple and extended use of the Taser, recognising that, on a case by case basis, there may be a need to use a Taser multiple times or for an extended time in order to overcome violent behaviour.

The Taser delivers a 5 second cycle, and as every incident and every subject is different, some incidents can be resolved with that sole 5 second Taser cycle, while other more violent incidents may require multiple or extended cycles.

A feature of the Taser device is the ability to deliver repeat cycles as, unlike other police tactical options, at the end of a Taser cycle, subjects often immediately return to the violent state they were exhibiting before being tasered,

The extent of the Taser cycle, or repeat cycle, is a matter of the officer's subjective judgement relating to the nature of the incident, the behaviour of the subject, the subject's capability toward violence, the officers capability to prevent violent behaviour and available opportunities for an alternative resolution. This is of course considered sometimes in a matter of seconds.

The policy regarding multiple and extended cycles of Taser is highlighted below:


Multiple and/ or extended cycles

Multiple and/ or extended cycles of the TASER against a subject should be avoided. Each cycle must be reasonable, proportionate, and necessary in the circumstances. Every effort must be made, where practicable and safe to do so, to gain control of the subject whilst they are incapacitated by the initial cycle or cycles of the device.

Where a TASER has been applied to a subject and the initial cycle or cycles of the device fails to incapacitate the subject, operators must consider their alternative tactical options and considerations.

You have the right under section 28(3) of the Official Information Act 1982 to ask the Ombudsman to review my response if you are not satisfied with the way I have responded to your request.

Yours sincerely



Superintendent Barry Taylor
National Manager: Response & Operations
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Wellington