

Inquest into the death of Antonio Carmelo Galeano

Antonio Galeano died on 12 June 2009 in the custody of police while restrained after a protracted struggle and multiple applications of a Taser device.

The then Deputy State Coroner Christine Clements delivered her findings on 14 November 2012.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported. Further information relating the implementation of recommendations can be obtained from the responsible agency named in the response.

Recommendation 2- variation in Queensland Police time records

The Queensland Police Service should review the evidence on variation of timekeeping within their organisation, audit the various systems and consider standardisation and monitoring in accordance with a recognised international time keeping standard.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Police Service.

On 17 July 2015, the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

The Queensland Police Service (QPS) implemented the coroner's recommendation by reviewing the evidence on variation of timekeeping within the organisation, auditing the various systems and considering standardisation and monitoring in accordance with a recognised international time keeping standard.

A working group was established in early 2013 comprised of business and legal stakeholders within the QPS and other public safety agencies to determine the required level of variance for time synchronisation; the set of devices that require time synchronisation; the level of urgency (which dictates the implementation approach); and the ongoing auditing approach as well as required record keeping. In late 2013 the working group recommended that a single time synchronisation service be established. The Public Safety Business Agency and the QPS are considering suitable options for implementation to ensure standardisation and monitoring of time synchronisation using a recognised international time keeping standard.

Recommendation 3: Strategies for minimising mortality rate of persons displaying symptoms of excited delirium syndrome

A review should be conducted by the Queensland Ambulance Service and the Queensland Police Service to ensure that joint protocols and training of officers fully deal with the cooperation required to deal with and treat severely disturbed individuals involved in anti-social behaviour showing apparent agitation. This review should ensure:

- (i) The first response should be focused on safely providing urgent medical attention as a first priority.
- (ii) Police are trained and aware of the need to involve the Queensland Ambulance Service officers as early as possible in dealing with such individuals.

- (iii) Medical input should inform the police approach how best to achieve a rapid take down without escalation of the struggle.
- (iv) Adequate numbers of responding trained officers should be resourced in accordance with medical advice.
- (v) Training should address the need to transport restrained individuals to hospital as quickly as possible after restraint is achieved.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Police Service (lead) supported by Queensland Health.

The Queensland Police Service and Queensland Ambulance Service conducted an extensive review of the joint emergency response and management of severely agitated patients including those displaying symptoms of excited delirium.

The review encompassed the current memorandum of understanding between both departments in relation to mental health incidents; training conducted by both departments and associated policies.

The review concluded that no changes to the current memorandum of understanding were necessary.

The Department of Health and the Queensland Police Service support the memorandum of understanding, are familiar with their respective roles and responsibilities, and agree the joint protocols adequately deal with the need for minimal restraint time of the person combined with rapid transportation from the scene to a hospital for further medical assistance.

The operational skills section at the Oxley police academy has in place a training mechanism to address the issue of excited delirium, which was transferred into policy via the *Operational procedures manual*. Section 14.3.6: 'Acute psychostimulant- induced episode and excited delirium' followed by section 14.3.7: 'Post arrest collapse (medical risk factors)' address the matters raised in the recommendations (i) to (v) by the coroner.

This includes an order that police officers are to seek medical assistance for a person exhibiting signs of delirium and where required to transport the person by the ambulance service. This order is further supported by policy and provides that officers while waiting for medical assistance should seek medical advice from Queensland Ambulance Service, 13Health or a doctor.

The policy provides indicators of the person's health as warning signs for officers, provides effective communication strategies and provides guidance to quickly restrain the person if required. The post-arrest section provides a custody and risk evaluation guide with indicators of the person's health to be aware of, and stresses for police to continually assess (face to face) the health of any person exhibiting indicators listed in the custody and risk evaluation guide.

Further, the two *Operational procedures manual* sections form a mandatory assessment component of the Taser training and requalification for all qualified Taser users. All recruits receive training on arrest procedures through the operational skills section.

Bolstering a cooperative approach to the management of these cases, the Queensland Ambulance Service released a clinical practice guideline on the management of physically restrained patients. The Queensland Ambulance Service have also reassessed a clinical practice guideline on the management of Taser incidents. The Queensland Ambulance Service commenced a staged release of

the revised *Clinical practice manual* complemented by education sessions. The Queensland Ambulance provided medical advice and the Queensland Police Service (Operational Training Unit) provided assistance on rapid takedown procedures and assisted on the targeted revision of the Taser incidents and rapid take down procedures.

Recommendation 7: Safeguards by way of technological advance

I support the Queensland Police Service investigating options to acquire safer and more technologically advanced weapons including:

- Consideration of the X2 model Taser or other alternative conducted electricity weapons. The aim should be a device which is engineered to prevent the trigger/switch being held 'on' for longer than five seconds without a specific conscious re-activation of the switch/trigger.
- Consideration of upgrade of the Taser or other conducted electricity weapon which incorporate a camera which is activated on deployment.
- Consideration of other camera recording devices to be used by officers in accordance with particular guidelines.
- In the context of evidence that some officers supply and wear their own audible recording devices, consideration of this practice and review of whether the Queensland Police Service should supply standard devices to all officers and the guidelines for their use.

Response and action: implementation of the recommendation is in progress.

Responsible agency: Queensland Police Service.

On 17 July 2015, the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

The Queensland Police Service (QPS) established a steering committee and reference group to review all issues relating to the response by the QPS to violent issues including the current use of force model, training, equipment and associated policies. As conducted electricity weapons (CEWs) are part of the current use of force model, issues relating to their use are incorporated in this review. The QPS is also reviewing the type of CEW used to ensure the most effective device is available to operational personnel.

The steering committee consists of the deputy commissioner, Strategy, Policy and Performance (Chair), QPS; assistant commissioner, Operational Capability Command, QPS; chairperson, Crime and Corruption Commission; deputy chief executive officer, Public Safety Business Agency, and an academic from Griffith University.

A reference group consists of the assistant commissioners Northern Region and Community Contact Command; executive director, QPS Legal Division; representatives from the Queensland Police Union of Employees; the Queensland Police Commissioned Officers Union, and the chief psychologist from Mental Health Queensland.

The QPS is preparing a final report for consideration of the steering committee and the reference group.

The QPS has policy in place regarding the use of, and management of data obtained from, video and audio equipment. The QPS is also reviewing this policy to ensure it provides appropriate guidance to

operational personnel as well as suitable instruction on managing the data. While this work is being completed, the QPS will, at all times, comply with legislative requirements regarding the recording of evidence. This review will also consider the outcomes of a trial of body worn cameras by the New South Wales Police and a three month trial on the Gold Coast which commenced in April 2015.

The steering committee and reference group will be provided with the final report into the response by the QPS to violent incidents to determine the most appropriate policy for the QPS to manage these types of incidents.

The review into the type of CEW used will include consideration of the use of a mounted light source on the device.

The Queensland Government is providing \$6.03 million over three years commencing 2015-16 for the delivery of improved safety equipment for police including \$5 million for body worn cameras. This may negate the need to have a camera mounted on a CEW however, this consideration will be included when determining the best CEW to meet the requirements of the QPS into the future.

On 12 January 2016 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

The Queensland Police Service (QPS) finalised its report (Violent Confrontations Review) in relation to the use of force model, training, equipment and associated policies. In December 2015 this report was approved by the then Minister for Police, Fire and Emergency Services and Minister for Corrective Services and Commissioner, QPS and is awaiting ratification by the QPS Program Board to progress to stage 2 - implementation.

Trials of body worn cameras and the development of associated legislation and policy are ongoing. In October 2015, the QPS commenced deploying 300 body worn cameras on the Gold Coast.

The project to replace the current model conducted energy weapons (CEW) – Taser Brand X26E model is underway with a full audit of the QPS CEW fleet. The coroner's recommendations as well as those from the Violent Confrontations Review and the implementation of body worn cameras will be taken into consideration during the development of the business case for the replacement CEW.

The implementation of the recommendations of the Violent Confrontations Review is expected to commence in the near future.

The business case for the replacement CEW will be submitted to the commissioner, QPS for consideration when finalised.

On 12 July 2016 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

A project plan (previously referred to as business case) is being developed for consideration and funding by the QPS for the replacement conducted electricity weapons. It is anticipated the X26P Taser will be rolled out to qualified members of the QPS over four years commencing 2016-17. The staged roll out will be on a region-by-region basis. The X26P Taser is equipped with an automatic shutdown magazine meaning the device will not continue to cycle for longer than five seconds, even if the trigger remains pressed. Although the X26P Taser is not fitted with a camera, the roll out of body worn cameras within the QPS negates the need to have a camera mounted to the Taser.

Consistent with the 2015 election commitment, the government is providing \$6.03 million over three years from 2015-16 to deliver improved safety equipment for police, including body worn

cameras (with audio recording). Purchase arrangements are currently being finalised for a staged roll out of body worn cameras (on a region-by-region basis) to commence in July 2016. Some QPS officers already use personally-purchased body worn cameras.

Updated legislation and policy to support the roll out of the new X26P Taser and body worn cameras has been drafted. QPS policy for the use of body worn cameras applies to both service-issued and personally purchased cameras.

The implementation and roll out of the X26P Taser and body worn cameras and implementation of associated legislation and policy will address the coroner's recommendation. The Violent Confrontations Review recommendations do not directly link to the coroner's recommendation.

Approval by the commissioner, QPS of the project plan for the replacement conducted electricity weapons and approval and implementation of the legislation and updated policy associated with the use of Tasers and body worn cameras.

On 27 January 2017 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

The project plan for consideration and funding by the QPS for the replacement conducted electricity weapons continues to be developed.

In relation to body worn cameras, QPS has engaged Axon to provide 2,700 Axon Flex cameras which are now operational. The QPS purchased a capacity to licence 2,000 users of privately owned body worn cameras so data from those devices can be downloaded and managed securely with Evidence.com.

On 9 August 2017 the Minister for Police, Fire and Emergency Services and Minister for Corrective Services responded:

The QPS has commenced replacement of its existing X26E model Tasers with the new X26P model Tasers. The X26P model Tasers are fitted with the XAPPM battery. Once discharged, the XAPPM battery automatically shuts the weapon down after five seconds, even if the trigger/switch remains pressed. The QPS has purchased 800 new X26P model Tasers and battery bundles, with an additional 800 on order.

In relation to body worn cameras, the QPS will increase its operational fleet of body worn cameras from 2,700 to approximately 4,700 in the second half of 2017.

The QPS regions and commands will progressively receive the new X26P model Tasers to replace their existing stock over the next four years (commencing 2016-17).