

SIGNIFICANT EVENT REVIEW PANELS

Significant Event Review Panels are to be established in each region, command and the Human Resources Division (The Operations Support Command panel will also address all other areas of the Service not referred to above).

The purpose of these panels is to examine significant event review matters with a view to:

- (i) identifying good and/or inappropriate practices;
- (ii) identifying issues, causal factors and potential trends in behaviour and practice;
- (iii) recommending action to address the cause of inappropriate practice or reduce its effect; and
- (iv) promoting good practice and a culture of continual improvement.

Significant event reviews are to be conducted independently of any criminal, coronial, discipline or workplace health and safety investigation(s) which are being conducted in relation to the particular incident, but the findings of such investigations may be used by Significant Event Review Panels as a source of information.

The purpose of a significant event review is to critically analyse the appropriateness of the police actions so that opportunities for learning and improvements may be identified at the individual, work unit and whole-of-Service levels (e.g. improved practices, changes to equipment, more effective policies and procedures). It is not intended for panels to apportion blame to individuals and it is not part of the disciplinary process. However, in the case of camera detected and other offences involving a Service vehicle or vessels, as part of their overviewing role, Significant Event Review Panels may provide recommendations as to whether enforcement action should be taken.

It is intended that the establishment of Significant Event Review Panels will replace other incident review panels (e.g. Driving Review Panels, Taser Review Panels, and the Police Dog Review Committee) which exist within the Service.

The contents of this Commissioner's Circular are set out in the format that will be used when the contents are included into the Operational Procedures Manual in due course.

Contents

The contents of this Circular are as follows:

1.18 Significant Event Review Panels

- 1.18.1 Definitions
- 1.18.2 The establishment of Significant Event Review Panels
- 1.18.3 Selection of members for Significant Event Review Panels
- 1.18.4 Jurisdiction of Significant Event Review Panels
- 1.18.5 Conducting significant event reviews
- 1.18.6 Issues to be considered by Significant Event Review Panels
- 1.18.7 Debriefings
- 1.18.8 Feedback to members involved in a significant event review matter

1.18.9 Significant Event Review Panel findings and recommendations

1.18 Significant Event Review Panels

1.18.1 Definitions

For the purpose of this policy, the following definitions apply:

Critical incident - means an incident resulting in death or serious injury which involves:

- (i) an officer acting in the course of that officer's duty or while on duty;
- (ii) staff members or police recruits, whilst performing duty; or
- (iii) Service property, e.g. Service firearms, conducted energy devices (Tasers), OC spray, vehicles, watchhouses, stations or establishments.

District officer - means the officer in charge of a district, a command manager or equivalent (e.g. a Detective Superintendent, State Crime Operations Command).

Matters involving police dogs – means:

- (i) any category 1 or category 2 incidents as defined in Chapter 9: 'Incident Reporting Procedures' of the Police Dog Squad Handbook;
- (ii) complaints from the public relating to incidents involving police dogs;
- (iii) issues involving the operational functions of police dogs, as defined in s. 2.23.1: 'Role of the Police Dog Squad' of the Operational Procedures Manual; and
- (iv) any training needs related to police dogs.

Serious injury - means:

- (i) grievous bodily harm (see s. 1: 'Definitions' of the *Criminal Code Act 1899*); or
- (ii) an injury caused by the discharge of a firearm.

Significant event review matter - means:

- (i) a critical incident;
- (ii) a vehicle pursuit;
- (iii) a collision involving a Service vehicle or vessel;
- (iv) camera detected and other offences involving a Service vehicle or vessel;
- (v) complaints from the public involving Service vehicles and vessels;
- (vi) urgent duty driving in response to priority code 1 and 2 tasks;
- (vii) the use of a conducted energy device (Taser);
- (viii) the use of oleoresin capsicum (OC) spray; and
- (ix) matters involving police dogs.

Use of a conducted energy device - means:

- (i) deploying or firing the probes against a person or animal, or in the direction of a person or animal;
- (ii) pointing a conducted energy device in the direction of a person without deploying or firing the probes;
- (iii) using the drive stun mode against a person or animal; or
- (iv) holding/pressing a conducted energy device against a person without activating it.

It does not include the removal alone of the conducted energy device from the holster or the use of a conducted energy device for routine training purposes.

Use of oleoresin capsicum (OC) spray – means

- (i) spraying a person, or in the direction of a person with OC spray;
- (ii) pointing the OC spray canister in the direction of a person without discharging the spray;
- (iii) spraying an animal, or in the direction of an animal with OC spray.

It does not include the removal alone of the OC spray canister from the protective pouch or the use of OC spray for routine training purposes.

1.18.2 The establishment of Significant Event Review Panels

POLICY

Officers in charge of each region, command and the Human Resources Division, are to ensure a Significant Event Review Panel is established in their area of responsibility.

Significant event review panels should meet monthly to review significant event review matters and any other matters the officer in charge of the region, command or division deems appropriate.

However, for critical incidents, the significant event review panel is to commence a review within 14 days of the incident. It is acknowledged that finalisation of the review of a critical incident may take some time, however monthly interim reports should be supplied to the relevant Deputy Commissioner concerning the status of such reviews. See s. 1.18.9: 'Significant Event Review Panel findings and recommendations' of this Circular.

1.18.3 Selection of members for Significant Event Review Panels

POLICY

The core membership of each Significant Event Review Panel should include the:

- (i) chief superintendent (operations coordinator) as chair. Although in the case of critical incidents, the panel must be chaired by a police officer of at least the rank of Assistant Commissioner;
- (ii) professional practice manager;
- (iii) regional education and training coordinator; and

- (iv) if practicable, the district officer(s) responsible for the area(s) in which the significant event review matter(s) occurred.

The chair of a Significant Event Review Panel may also call on other members with specialist knowledge to assist the panel in its deliberations. For example in the case of critical incidents, a request may be made to the Assistant Commissioner, Ethical Standards Command for a member of Ethical Standards Command to provide advice or assistance to the panel in the review of the incident.

Depending on the nature of the incident, advice or assistance may also be sought from members such as the:

- (i) the regional traffic coordinator and/or officer in charge of the local communications centre, for incidents involving the driving of service vehicles;
- (ii) the officer in charge of the relevant Water Police Unit, or the Water Police State Training Coordinator, for incidents involving the driving of Service vessels;
- (iii) a suitably qualified OST instructor from the relevant region, command or division, for incidents involving the use of force or police accoutrements;
- (iv) the Chief OST Instructor, Policing Skills Program, in the case of critical incidents involving the use of force or police accoutrements;
- (v) the Officer in Charge, Brisbane Dog Squad and/or the State Coordinator (Training), for matters involving police dogs;
- (vi) the Officer in Charge, Operational Research and Advisory Unit for incidents involving Service equipment or accoutrements; and
- (vii) the officer in charge of the officer(s) involved in the particular incident.

Nevertheless, while various officers may be requested to become panel members for the review of particular significant event review matters, it is not necessary for these officers to remain as panel members and to take part in the review of other incidents outside their area of expertise. For example, once any incidents involving the driving of Service vessels have been reviewed, it is not necessary for the officer in charge of the relevant Water Police Unit to remain and take part as a panel member in any subsequent reviews of other matters.

A Significant Event Review Panel may also include representatives of the Queensland Police Commissioned Officers Union of Employees and the Queensland Police Union of Employees if this is considered appropriate by the officer chairing the panel. However, it should be noted that some significant event review matters will be subject to a criminal and/or disciplinary investigation and panel members will be privy to investigative information.

1.18.4 Jurisdiction of Significant Event Review Panels

POLICY

Significant event review matters involving police dogs are to be reviewed by the Operations Support Command Significant Event Review Panel. In addition, the Operations Support Command Significant Event Review Panel is responsible for addressing any significant event review matters occurring in areas which do not have a Significant Event Review Panel (e.g. Administration Division, Finance Division, Public Safety Network Management Centre, Office of the Commissioner and Media and Public Affairs).

All other significant event review matters will be reviewed by the Significant Event Review Panel of the region, command or division to which the officers involved in the significant event review matter are attached.

Where a significant event review matter involves members of more than one region, command or division, the Significant Event Review Panel of the region in which the event occurred should complete the review.

1.18.5 Conducting significant event reviews

POLICY

Generally Significant Event Review Panels may inform themselves of the circumstances of any significant event review matter as they see fit, subject to the direction of the Commissioner or a Deputy Commissioner.

In many instances reviews may be completed 'on the papers', in so far as that the review will only need to consider information that is already documented. Sources of information may include reports generated from an incident debriefing, shift and occurrence logs, significant event messages, Taser usage reports, OC spray reports, dog bite reports, and any other documents produced from the subsequent criminal, coronial, disciplinary and/or workplace health and safety investigation.

Nothing in this policy limits the Significant Event Review Panel from conducting inquiries in relation to a significant event review matter. However, where the panel requires additional information from an officer(s) subject of a formal investigation into the incident, the panel should firstly communicate with the investigating officer.

For matters being investigated by Ethical Standards Command or the Crime and Misconduct Commission (CMC), the chair of the Significant Event Review Panel should make a request to the Assistant Commissioner, Ethical Standards Command for relevant information. Where the Assistant Commissioner, Ethical Standards Command, in consultation with the CMC where necessary, considers the provision of such information is appropriate in the circumstances, such investigative information may be provided to the Significant Event Review Panel.

It is recognised that some criminal, coronial, discipline and/or workplace investigations of significant event review matters will be protracted and the results of such investigations may not be finalised or available for some time, however, commencement of a significant event review should not be delayed for this reason alone.

1.18.6 Issues to be considered by Significant Event Review Panels

POLICY

Significant Event Review Panels should consider any issues arising from an incident which highlight deficiencies or which necessitate a need to develop or improve systems, practices, policies, equipment or infrastructure at the individual, work unit and whole-of-Service level. Examples of good practice should also be identified.

The level of analysis or review conducted for each significant event review matter should be commensurate with the seriousness of the incident. For example, the review of a protracted pursuit should be more comprehensive than the review of a short pursuit which was subsequently abandoned in accordance with Service policy.

PROCEDURE

As outlined at the start of this circular, Significant Event Review Panels should examine all significant event review matters with a view to:

- (i) identifying good and/or inappropriate practices;

- (ii) identifying issues, causal factors and potential trends in behaviour and practice;
- (iii) recommending action to address the cause of inappropriate practice or reduce its effect; and
- (iv) promoting good practice and a culture of continual improvement.

However, in addition to these general points, when examining significant event review matters, the following guidelines should be considered:

Critical incidents

A comprehensive review should be undertaken by the Significant Event Review Panel of any critical incidents occurring within their area of responsibility. The factors to be considered for critical incidents will vary depending on the nature or circumstances of the incident. However, in completing a review of a critical incident a Significant Event Review Panel should:

- (i) if available, consider the findings of any investigation made into the incident;
- (ii) assess the outcomes of the formal debriefing of the incident;
- (iii) when considering the causal factors of the police actions, pay particular attention to issues associated with:
 - (a) training;
 - (b) equipment
 - (c) existing policies and procedures;
 - (d) situational awareness;
 - (e) command and communication; and
 - (f) access to support; and
- (iv) develop and make recommendations for improvements to systems, policies, processes, practices and training if appropriate.

Pursuits

When reviewing pursuits, Significant Event Review Panels should consider:

- (i) any relevant history concerning the drivers of the Service vehicles involved in the pursuit (e.g. driver training courses attended and any previous traffic crashes, or camera detected offences recorded);
- (ii) the type of Service vehicle involved and the capabilities of the vehicle;
- (iii) whether or not the pursuit was conducted in accordance with Service policy (see Commissioner's Circular 24/2007: 'Safe Driving Policy: State Wide Implementation'). In particular:
 - (a) did the reason for the pursuit fall within a pursuit category 1, 2, or 3;
 - (b) was an appropriate risk assessment conducted. What factors were considered;
 - (c) were the reasons for and the risks involved continually reassessed during the pursuit;

- (d) did the pursuit expose the police, public or occupants of the pursued vehicle to unjustifiable risk;
 - (e) if appropriate, was the pursuit abandoned in accordance with Service policy (see s.14.34.9: 'Abandoning a pursuit' of Commissioner's Circular 24/2007);
 - (f) was a debrief of the officers involved in the pursuit conducted in accordance with s. 14.34.12: 'Conclusion of a pursuit' of Commissioner's Circular 24/2007); and
 - (g) in the case of a high performance police vehicle involved in a pursuit, was the driver authorised to drive such a vehicle in urgent duty driving situations (see s. 14.32.5: 'Use of high performance vehicles for urgent duty driving' of Commissioner's Circular 14/2007);
- (iv) any fluctuations or trends associated with pursuits (e.g. significant increases or decreases in number and type) and the underlying causes of such fluctuations or trends; and
 - (v) any areas of concern involving particular officers and/or work units.

Collisions involving Service vehicles or vessels

When reviewing collisions involving Service vehicles or vessels, Significant Event Review Panels should consider:

- (i) any relevant history concerning the drivers of Service vehicles or vessels involved in the incident (e.g. driver training courses attended and any previous accidents, or camera detected offences recorded);
- (ii) the findings of any investigation conducted in relation to the incident. See s. 5.16: 'Investigation of traffic crashes involving members of Service vehicles' of the Traffic Manual;
- (iii) any fluctuations or trends associated with collisions involving Service vehicles or vessels (e.g. significant increases or decreases in number and type) and the underlying causes of such fluctuations or trends; and
- (iv) any areas of concern involving particular officers and/or work units.

Camera detected and other offences involving a Service vehicle or vessel

Significant Event Review Panels are not required to examine in detail every investigation conducted in accordance with s. 14.30: 'Traffic breaches committed by drivers of police vehicles' of the Operational Procedures Manual. It is sufficient for Significant Event Review Panels to receive an overview of the traffic breaches involving officers so that:

- (i) areas of concern involving particular officers and/or work units; and
- (ii) trends which may identify an underlying cause for these occurrences;

can be identified and addressed.

Nevertheless, at the discretion of the relevant officer in charge of the region, command or division, Significant Event Review Panels as part of their overseeing role, may examine investigations conducted in accordance with s. 14.30 of the OPM and may provide recommendations as to whether enforcement action should be taken.

Complaints from the public involving Service vehicles and vessels

Significant Event Review Panels are not required to examine in detail every investigation conducted in accordance with Chapter 18: 'Complaint Management' of the Human Resource Management Manual. It is sufficient for Significant Event Review Panels to receive an overview of the complaints received from members of the public relating to the driving of police vehicles so that:

- (i) areas of concern involving particular officers and/or work units; and
- (ii) trends which may identify an underlying cause for these occurrences;

can be identified and addressed.

Urgent duty driving in response to priority code 1 and 2 tasks

While it is acknowledged that statistics relating to priority code 1 and 2 tasks are considered during the Operational Performance Review process, Significant Event Review Panels should examine on a bi-annual basis issues and trends relating to priority code 1 and 2 tasks within their area of responsibility. This review should include consideration of any concerns about the inappropriate allocation of priority codes.

The use of a conducted energy device (Taser) or OC spray

In the review of incidents involving the use of Tasers or OC spray, Significant Event Review Panels should give consideration to the following issues:

- (i) the threat assessment conducted (i.e. the POP - 'person', 'object', 'place' process);
- (ii) the use of force options available and employed (bearing in mind the Situational Use of Force Model 2009 and the QPS philosophy – COPS: consider all options and practice safety);
- (iii) how the Taser or OC spray was used (i.e. presented only, deployed etc);
- (iv) whether each Taser or OC spray use was:
 - (a) authorised (i.e. was the use in accordance with Service policy);
 - (b) justified;
 - (c) reasonable/proportionate/appropriate;
 - (d) legally defensible; and
 - (e) tactically sound and effective;
- (v) was the officer qualified to use the Taser or OC spray (i.e. completed the initial training course and is currently OST qualified to use a Taser or OC spray see s. 14.23.1: 'Operational Skills and Tactics Training' of the Operational Procedures Manual); and
- (vi) was an overview of the incident conducted by the officer in charge of the station or establishment in accordance with s. 14.21.4: 'Reporting the use of OC spray' of the Operational Procedures Manual or s. 14.23.6: 'Reporting the use of a Taser' of Commissioner's Circular 33/2008: 'Conducted Energy Devices (Tasers)', and if so was any action taken (i.e. breaches of discipline or misconduct reported).

Matters involving police dogs

Significant event review matters involving police dogs within the Service should only be reviewed by the Operations Support Command Significant Event Review Panel. Where significant event review matters involving police dogs occur outside of

Operations Support Command, these matters are to be referred to the Operations Support Command Significant Event Review Panel for review.

When examining matters involving police dogs, the Operations Support Command Significant Event Review Panel should consider any relevant provisions of the Dog Squad Handbook including:

- (i) Chapter 7: 'Training';
- (ii) Chapter 8: 'Guidelines on use of force';
- (iii) Chapter 9: 'Incident reporting procedures'; and
- (iv) Chapter 18: 'Reviews of matters involving police dogs'; and

any relevant provisions contained in section 2.23: 'Police Dog Squad' of the Operational Procedures Manual.

1.18.7 Debriefings

POLICY

Where an officer makes recommendations in relation to any facet of the police response as a result of a debriefing as per s. 1.4.8: 'Briefing/debriefing' of the Operational Procedures Manual in relation to a significant event review matter, a copy of that report should be forwarded to the relevant Chief Superintendent for the information of the Significant Event Review Panel.

1.18.8 Feedback to members involved in a significant event review matter

POLICY

Where appropriate, the chair of a Significant Event Review Panel should attempt to provide constructive comments to the police involved in significant event review matters relating to both good practices and areas of practice that could be improved as identified in the review. This feedback may be provided formally or informally.

1.18.9 Significant Event Review Panel findings and recommendations

POLICY

Any remedial action identified by the Significant Event Review Panel in response to an incident should be initiated as soon as practicable. If the remedial action relates to an individual or work unit, the recommendation(s) of the panel should be referred to the assistant commissioner of the region or command for consideration and implementation if appropriate. If a recommendation has application on a whole-of-Service level, it is to be forwarded to the relevant Deputy Commissioner for consideration. Where appropriate Significant Event Review Panels should also make recommendations to acknowledge and have formally recognised good police work and professional practice.

Significant Event Review Panels are to submit a copy of the minutes of each meeting, and where appropriate a report to the relevant Deputy Commissioner. This report is to outline the matters considered by the panel, the status of matters under consideration by the panel and recommendations arising from matters reviewed.

Where an investigation is underway the panel's report should make no conclusive finding as to the cause of a critical incident or factors contributing it or the culpability of any member, so as not to prejudice such investigation.

A copy of the panel's minutes and/or report should also be forwarded to the Assistant Commissioner, Ethical Standards Command for information.

The relevant Deputy Commissioner is to, where appropriate, take action in response to the panel's findings consistent with the Service's continual improvement philosophy and advise the Commissioner of any action taken.

Administration

ORDER

The following policies and procedures are cancelled on 1 January 2009 on the commencement of this Circular:

- (i) s. 14.36: 'Review of police driving' of Commissioner's Circular 24/2007;
- (ii) s. 2.23.12: 'Police Dog Review Committee' of the Operational Procedures Manual; and
- (iii) Chapter 18: 'Police Dog Review Committee' of the Police Dog Squad Handbook.

Officers in charge are to note the contents of this Circular and bring them to the notice of all members under their control.

POLICY

Prior to being included in the Operational Procedures Manual, the contents of this Circular will be reviewed after 12 months to assess its suitability.

K RYNDERS
DEPUTY COMMISSIONER
(REGIONAL OPERATIONS)