Adult Custodial Rule 15
Use of Firearms


Definitions

In this rule:

| Relevant director means | • Assistant Commissioner Custodial Operations – for the purpose of this rule the “relevant director” for all public prisons as well as any associated work camps.
|                        | • The Director Custodial Contracts – for the purpose of this rule, the “relevant director” for Acacia Prison.
| Designated Superintendent in relation to Acacia Prison is to be read as a reference to | the Superintendent Wooroloo Prison
| Prison Officer means | A person engaged or deemed to have been engaged to be a Prison Officer under section 13 and a person appointed or deemed to be appointed under section 6 to an office designated by rules for the purposes only of this definition.

1. Principles

Subject to the Prisons Act 1981, Prison Regulations 1982, Criminal Code 1913 and Department of Corrective Services Firearms Manual, the basic principles involving the use of firearms are as follows.

1.1 The degree of force used shall be the minimum required to control the situation or behaviour.

1.2 A firearm should be used as a last resort and only after all other options have been considered.

1.3 The use of a firearm should be discontinued as soon as practicable after control has been established.

1.4 The use of firearms will be in accordance with current legislation, Department of Corrective Services – Rules of Engagement and training procedures.
2. **Strategies**

2.1 A firearm must only be used by a person

   a) who has qualified as a firearm user by successfully completing a training programme approved by the Superintendent, Emergency Support Group
   b) who has a current qualification as per the procedures in the Firearms Manual.

2.2 The carriage and operation of the firearm must be applied consistent with any manufacturer’s instructions and in accordance with the procedures set out in the approved training programme.

2.3 A superintendent, Prison Officer or a person lawfully charged by the Minister or Chief Executive Officer with the charge of a prisoner, may use a firearm (provided the officer has qualified as a firearm user as per 2.1) as he/she believes on reasonable grounds to be necessary (as per *Prisons Act 1981* s 47 and 48).

3. **Actions prior to the use of a firearm (Prison Regulations 1982, Rules of Engagement)**

A decision on whether the use a firearm is required will depend on the circumstances at the time. When it is considered reasonable to do so, a Prison Officer will carry out the procedures as per Prisons Regulations 1982 r 25 and the procedures included in the Rules of Engagement.

4. **Rules of Engagement**

These guidelines are for armed Prison Officers who are required to exercise their discretion when using and employing firearms.

4.1 Minimum Force includes, in increasing order:

   a) Open display of weapons
   b) Verbal warnings
   c) Pointing weapons
   d) Discharging weapons.

4.2 Minimum Firepower is to be employed to control the situation.

   In exercising discretion to use or to continue to use a firearm, a Prison Officer shall have regard to the risk, in the immediate circumstances, of injury, which the use of the firepower would impose upon any person other than the prisoner(s)/person(s).

4.3 Warning before engaging:

   Where it is practicable in the circumstances to do so a warning of intention to discharge a weapon should be given. The warning should be given in a loud clear voice, ordering the prisoner or person to **HALT**.

   If the prisoner or person so ordered refuses or neglects to halt, then the prisoner or person be ordered to **HALT OR I WILL FIRE! (or similar words).**
4.4 Using a firearm against a prisoner(s)

A Prison Officer may discharge a warning shot (where practicable) or use a firearm against a prisoner who:

a) is attempting to escape from lawful custody if it appears to the user of the firearm that the use of a firearm is necessary to prevent the escape of the prisoner, or

b) is assaulting or attempting to assault any person, if the assault or attempt appears to the user of the firearm to be of a character apparently dangerous to life or likely to cause serious injury.

**All other options must be considered before a firearm is used.**

4.5 Using a firearm against other persons.

A Prison Officer may discharge a warning shot (where practicable) or use a firearm against:

a) a person who is rescuing or attempting to rescue a prisoner from lawful custody

b) a person who is breaking into or otherwise entering, attempting to break into or otherwise enter, or who has broken into or otherwise entered a prison without lawful authority or

c) property in the apparent possession or under the control of a person referred to in paragraph (a) or (b).

A firearm may be used under these circumstances only if it appears that the use of the firearm is necessary to control the situation or prevent the rescue. Before the use of firearms against any prisoner or person steps shall be taken, where it is practicable in the circumstances to do so, to order the prisoner or other person to desist from his apparent course of conduct and to give warning that a firearm is about to be used. (This is not a discretionary power and **must** be performed if at all possible).

**All other options must be considered before a firearm is used.**

4.6 Armed riot control sections.

The Rules of Engagement are applicable to an individual Prison Officer and his responsibility when carrying firearms.

In the event of an Armed Riot Control Section being deployed during a prison disturbance the section leader in charge of the armed riot control section is responsible for ordering any change to the status of weapon readiness.

While the section leader is normally responsible for issuing the order for the armed riot control section to discharge firearms, Prison Officers still maintain the discretion to use appropriate force to protect themselves and those it is their duty to protect.
5. Responsibilities

5.1 The Emergency Support Group of the Department of Corrective Services is responsible for the coordination of firearms policy and training. This includes the following:


b) Use of firearms and ancillary equipment for operational and training purposes in accordance with the *Firearms Act 1973*, *Firearms Regulations 1974*, *Prisons Act 1981*, *Prisons Regulations 1982* and the Department of Corrective Services Firearms Manual, Manufacturer’s specifications of the firearms and any specification or procedural amendments relating to these firearms, as stated in the Corporate Licence named for the Department of Corrective Services.

5.2 Firearms used for stock control at farms will be used by staff in accordance with the relevant legislation.

5.3 The Emergency Support Group is responsible for:

5.3.1 The qualification of:

a) Firearms Range Staff, Safety Supervisors and coaches. These qualified staff will be able to conduct live fire practices on a live-firing range.

b) Firearms Instructors. These qualified staff will be able to deliver formal training of firearms and associated topics, such as legislation and rules of engagement.

c) Firearms Users. Those qualified staff will be able to carry and use a firearm in accordance with the conditions stipulated in this rule.

5.3.2 Assessment of the competence of Department Staff to use and employ firearms operationally by conducting assessment in accordance with the procedures as stated in the approved Department of Corrective Services Firearms Manual, Assessment Instruments.

6. Issue of, recording and use of firearms by officers

The issue and use of firearms by Prison Officers/persons is specified in *Policy Directive 5 – Use of Force*.

7. Use of firearms against an aircraft

The procedure for use of firearms against an aircraft is specified in *Policy Directive 5 – Use of Force*. 
8. **Action required in the event of a person being injured as a result of a firearm being used**

The procedures required in the event of a person being injured by a firearm is specified in [Policy Directive 5 – Use of Force](#).

9. **Storage and transfer of firearms**

9.1 The location(s) where firearms are held will be approved by the Commissioner from time to time.

9.2 The procedure for the transfer of firearms is specified in [Policy Directive 5 – Use of Force](#).

10. **Training and auditing requirements**

10.1 The Emergency Support Group is responsible for:

   a) Firearms training. The Branch ensures that the following key groups are qualified and that qualifications are recorded:

      i. Range appointments
      ii. Firearms instructors
      iii. Firearms users.

   b) The training component of the Firearms Manual. This document shall be current in accordance with training requirements and will include the following training details:

      i. All training modules associated with firearms
      ii. All firearms qualification tests and live fire applications.

10.2 The Emergency Support Group shall ensure that:

   a) Qualified firearms users receive ongoing training and complete competency assessments, in accordance with the Standing Orders.

   b) All training and assessments are conducted by qualified staff.

   c) Records are maintained detailing ongoing competency and assessment results by firearms users.

10.3 Emergency Support Group Standing Orders shall detail the requirements for:

   a) The issue and accounting of firearms located with the Emergency Support Group

   b) The responsibilities of staff in regards to the Hakea armoury, Hakea safekeep and Casuarina safekeep

   c) The procedures for operational deployment of firearms to external locations.
11. Restrictions (Violence Restraining Orders etc)

Any Prison Officer, who is required to be issued with firearms in the course of their duty will immediately report any reason(s) why they should not be in the possession of a firearm to the Superintendent Emergency Support Group or the Designated Superintendent of the Prison at which they are located.

12. Firearms maintenance and inspection

Policy Directive 5 – Use of Force – will include a maintenance program for all firearms held under the Corporate licence. The program will include the following:

   a) Frequency of inspection and maintenance for the Emergency Support Group

   b) Frequency of inspection and maintenance for the Albany Prison Security Unit

   c) Frequency of inspection and maintenance for firearms held at other locations.

13. Approved

Rule made pursuant to s 35 of the Prisons Act 1981 by the Chief Executive Officer of the Department of Corrective Services with the approval of the Minister.

Commissioner:

Minister:

Date: 10 December 2003