

## **SUMMARY REPORT**

**Thursday 14 March 2013**

### **Use of Taser justified**

An independent investigation has found that a Police officer was justified in using a Taser to arrest a man during an incident in Hornby, Christchurch, on 13 May 2010.

The Independent Police Conduct Authority has issued this summary report of its detailed investigation into the arrest of Bruce Robert Roulston.

Mr Roulston laid a formal complaint with the Authority in June 2012, after footage from the camera in the Taser (the TaserCam footage) was screened on TVNZ's "Sunday" programme on 27 May 2012. The TaserCam footage begins about 12 seconds before the Taser is discharged and shows that Mr Roulston was backing away from Police during that time.

### *Background*

At the time of this incident, Mr Roulston was taking medication for a head injury he had sustained a few years earlier. He had been advised that he should not drink alcohol while taking the medication.

On Thursday 13 May 2010, Mr Roulston arrived home at around 9pm and drank some bourbon whiskey with his cousin. After about an hour and a half, a fight broke out between the two men during which Mr Roulston was pushed into a fridge and a wall. Mr Roulston's cousin ran outside and Mr Roulston followed him. Mr Roulston's wife later said that Mr Roulston appeared confused at this point, as if he did not know what he was doing.

Mr Roulston then ran to a neighbouring house and smashed a bedroom window, badly cutting his arm. He was confronted by one of the occupants of the house. Mr Roulston's wife has said that this person began hitting her husband with a rake.

The Police Southern Communications Centre (SouthComms) received two 111 calls at around 10.53pm from neighbours reporting that a window had been smashed and that people were fighting in the street. When notifying local officers of the incident, the

SouthComms dispatcher advised that one of the people fighting was armed with a “pole”; a woman could be heard screaming; and the man who broke the window was drunk and had cut himself.

Two nearby officers (Officers A and B) notified SouthComms that they would attend. Officer A believed that a very serious incident could be occurring and so decided to arm himself with a Taser. He is a trained Taser operator and, in accordance with Police policy, he requested and was granted authorisation from his supervisor to use the Taser if necessary.

Officers A and B arrived at the scene within two minutes and were directed by people on the street to Mr Roulston’s address. By this time Mr Roulston and his wife were standing on their driveway, behind a gate with a row of loose bricks along the bottom to block the gap underneath.

The officers said that as they walked up the driveway, Mr Roulston swore at them, telling them to go away. Mr Roulston then picked up a brick from underneath the gate and threw it towards the officers; the brick bounced in front of Officer A and hit him in the shin. Mr Roulston then threw another brick (or a piece of concrete, as recalled by the officers), which landed near Officer B.

At this point Officer A decided to arrest Mr Roulston for assault with a weapon. He drew his Taser, turned it on and aimed it at Mr Roulston (this is where the TaserCam footage begins). Mr Roulston and his wife began backing away. The officers ordered Mrs Roulston to move away and she did so. The officers then ordered Mr Roulston to get down on the ground four times but he did not comply.

At the time Officer A decided to use the Taser, he considered the following:

- Mr Roulston was a large man who was covered in blood, appeared to be extremely intoxicated by alcohol and/or drugs, and was not responding to orders to get down on the ground.
- Mr Roulston was capable of assaulting him and Officer B, and willing to use weapons (such as the bricks he had just thrown). Officer A also believed that Mr Roulston was the man who had been reported as using a pole as a weapon.
- Mr Roulston had been displaying violent and aggressive behaviour, and the officer believed that any attempt to get closer to him would inevitably result in a fight.
- Officer A did not know the relationship between Mr Roulston and his wife and was concerned for her safety.
- Officer A did not know whether Mr Roulston had weapons on him, and believed he had access to weapons in the area (such as bricks).

- Officer A thought that tactical options other than the Taser (such as empty-handed tactics, OC spray, or a baton) were not appropriate because they would require the officers to get closer to Mr Roulston and expose themselves to the risk of being further assaulted by him.
- Officer A did not think he had time to wait for other Police to arrive and assist him with the arrest. He wanted to prevent Mr Roulston from escaping and potentially accessing more weapons or assaulting other people.

After his efforts to communicate with Mr Roulston had failed, Officer A discharged his Taser once. Mr Roulston fell backwards, hitting his head on the driveway. The officers put Mr Roulston in the recovery position and called an ambulance to attend to his injuries. They also removed the Taser barbs and monitored him until the paramedics arrived.

Mr Roulston later pleaded guilty to charges of assault with a weapon and wilful damage, and was sentenced to 300 hours' community work.

### *Findings*

The Authority's investigation considered the following issues:

1. Was the use of the Taser justified and within Police policy?
2. Did Police give Mr Roulston appropriate medical care after he was tasered?

Police use of Tasers is regulated by policy, which states that officers may only use a Taser to arrest an offender if they believe on reasonable grounds that (i) the offender poses a threat of physical injury and (ii) the arrest cannot be effected less forcefully. Officers must have an honest belief that the offender is capable of carrying out the threat posed. Tasers should only be used against someone who is assaultive, and must not be used against a person offering passive resistance.

The Authority finds that Officer A's decision to use the Taser was justified in the circumstances. He believed on reasonable grounds that Mr Roulston was assaultive, posed a real threat of physical injury and could not be arrested using less force.

It has been suggested that Police should not have used the Taser because Mr Roulston was backing away in the 12 seconds leading up to the discharge of the Taser, and therefore was offering only "*passive resistance*".

The Authority's view is that Mr Roulston's behaviour towards the officers, including throwing bricks at them, cannot be described as passive resistance. Officers A and B (and members of the public) believed that Mr Roulston was behaving aggressively and posed a genuine threat of violence.

The TaserCam footage only provides a brief snapshot of the incident and does not fully portray the situation that the officers were facing. The preceding circumstances and Mr Roulston's aggressive behaviour immediately before the TaserCam was activated are relevant to Officer A's state of mind at the time he decided to use the Taser.

The Authority is satisfied that Officer A complied with policy in his use of the Taser to arrest Mr Roulston.

The Authority also finds that Police provided Mr Roulston with appropriate medical care after he was tasered.

### *Section 27 opinion*

Section 27(1) of the Independent Police Conduct Authority Act 1988 requires the Authority to form an opinion as to whether or not any act, omission, conduct, policy, practice or procedure was contrary to law, unreasonable, unjustified, unfair or undesirable. Section 27(2) enables the Authority to make recommendations.

Pursuant to section 27 the Authority has formed the opinion that the actions of Officer A were justified and no Police actions were contrary to Police policy.

The Authority makes no recommendations.

ENDS

NOTE: In light of its conclusions, the Authority has chosen to produce a summary report rather than a full public report. Police conduct in this case did not raise issues that require a full report in the public interest. This summary report serves as a statement of the facts and of the Authority's findings.