

## **eXact Impact XM1006**

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*Part of the ['Use of Force'](#) chapter*

**IMPORTANT NOTE:** The Tactical Response Model trial is currently in progress. In reference to the members who can deploy with the eXact Impact XM1006 tactical option, for the duration of this trial, the description "Armed Offender Squads (AOS)" includes **ALL AOS qualified members** whilst operating as part of an Armed Offender Squad team, a Tactical Dog Team (TDT) or a Tactical Prevention Team (TPT).

## Policy statement and principles

### What

The New Zealand Police's mid-range less lethal tactical option is a 40mm sponge round projectile deployed by a 40mm launcher, the eXact iMPact XM1006. It is one of a number of tactical options available for use by Police under the [Tactical Options Framework](#).

The eXact iMPact 40mm sponge round (XM1006) is a point of aim, point of impact, direct fire less lethal round. It is only used by Armed Offenders Squads (AOS) and the Special Tactics Group (STG) in situations where maximum deliverable energy is desired for the incapacitation of an assaultive non-compliant subject.

### Why

A key function of Police is to maintain public safety. At times this requires Police to use force, the degree of which is determined depending on the circumstances, from a wide range of tactical options available to them.

Police use of the eXact iMPact XM1006 is governed by sections [39](#), [40](#), [41](#), [42](#), [48](#), and [62](#) Crime Act 1961 - they set out the circumstances in which this tactical option or any use of force may be used.

During current tactical operations (STG and AOS), Police deploy with eXact iMPact XM1006, more commonly referred to as a 40mm launcher. These are used in situations where it is too dangerous for Police to get close to a violent and assaultive individual using other tactical options.

A less lethal sponge round is a mid-range tactical option that is beyond the range of a Taser. [s.6\(c\) OIA](#)

### How

- The only sponge round approved for use by New Zealand Police is the eXact iMPact XM1006 40mm sponge round. [s.6\(c\) OIA](#)
- Under no circumstances must the device be applied to an uncooperative but otherwise non-assaultive person to induce compliance.
- An overriding principle guiding the employment of XM1006 is that it can only be applied in situations within and beyond the assaultive range, as outlined in the [Tactical Options Framework](#).
- AOS/STG operators have a variety of tactical options available to them during callouts. The XM1006 round provides a mid-range less lethal option and supplements other options such as the use of dogs, OC Spray and TASER.
- No single less lethal option is always fully effective. These options when combined or used in a tiered response are more likely to be successful so when time and circumstances permit Police should ensure all tactical options are available to them including lethal force.

## Overview

### Introduction

This chapter details:

- the devices approved for use by Police
- groups authorised to use the device
- in what circumstances they can be used
- under what conditions and rules, and
- what aftercare must be provided to the subject.

### Approved device

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The only sponge round approved for use by New Zealand Police is the eXact iImpact XM1006 40mm sponge round.

The projectile is made up of a high density sponge nose that is aerodynamic in flight. The nose provides the largest impact surface available from a standard bore munition assuring non penetrating impact. In addition, the nose acts as a dampening material which allows the XM1006 to be shot at extremely close range with no greater risk of injury to the subject. This is what an XM1006 round looks like:



eXact iImpact 40mm sponge round (XM1006)

### Application

s.6(c) OIA

### Effects

XM1006 is intended to incapacitate an assaultive, non-compliant person and will commonly cause bruising rather than significant or long-lasting injury. There are no known long-term after effects to exposure.

## Possession and legal implications

### Possession

s.6(c) OIA

Both are firearms as

defined in the Arms Act 1983.

Police have a statutory authority to carry firearms and restricted weapons pursuant to section 3 of the Arms Act 1983. This power exempts Police from liability against prosecution and use of firearms provided such carriage and use is reasonable, necessary and proportionate.

### Use of firearms by Police s.6(c) OIA

Police employees must be aware of their personal responsibilities when using firearms regardless of whether a lethal or less lethal projectile is being deployed.

Under section 62 of the Crimes Act 1961 an employee is criminally liable for any excess force used. An overriding requirement in law is that minimum force must be applied to effect the purpose.

Where practical, Police should not use a firearm unless it can be done without endangering other persons.

In addition to legal provisions, the deployment of the eXact iImpact 40mm less lethal sponge round must be in accordance with the Less Lethal 40mm eXact iImpact XM1006 Manual of Operating Procedures (MOPs), Tactical Options Framework and training.

When considering the use of an eXact iImpact 40mm less lethal sponge round, you must have an honest belief that the subject, by age, size, apparent physical ability, threats made, or a combination of these, is capable of carrying out the threat posed (perceived cumulative assessment).

Purpose	Police may use a less lethal munition to ...
Defend themselves or others	defend yourself or others if you fear physical injury to yourself or others, and you cannot reasonably protect yourself or others less forcefully.
Arresting an offender	arrest an offender if you believe on reasonable grounds that the offender poses a threat of physical injury and the arrest cannot be effected less forcefully.
Preventing escape	prevent the escape of an offender if you believe on reasonable grounds that the offender poses a threat of physical injury to any person, and the escape cannot be prevented less forcefully.
Resolve an incident	resolve an incident where a person is acting in a manner likely to physically injure themselves and the incident cannot be resolved less forcefully
Deter animal attacks	deter attacking animals to defend yourself or others.

### Conditions to be satisfied before firing

The XM1006 must not be deployed until **all** these conditions have been satisfied:

- They have first been asked to surrender unless it is impractical and unsafe to do so.
- It is clear they cannot be arrested without first deploying the XM1006.
- Further delay in apprehending the offender would be dangerous or impractical.

### Legal implications (use of force)

The deployment of the XM1006 is a use of force and as such, must be reasonable, proportionate, and necessary in the circumstances. The relevant sections of the Crimes Act 1961 relating to Police use of force are:

- s39 (force used in executing process or arrest)
- s40 (preventing escape or rescue)
- s41 (prevention of suicide in certain cases)
- s48 (self-defence and defence of another)
- s62 (excess of force).

See: '[Use of force overview](#)' chapter.

## **Accountability**

Police employees are personally and criminally responsible, by virtue of section [62](#) of the Crimes Act 1961, for the use of any excess force during the course of their duties. They may also be subject to internal disciplinary action for any excess use of force.

# Deployment of eXact iMPact XM1006

## Tactical Options Framework

The XM1006 is an intermediate option in relation to the [Tactical Options Framework](#). As such, the XM1006 is one of a number of tactical options available when your 'perceived cumulative assessment' (defined below) of a situation is that the subject's behaviour is within or beyond the assaultive range or has the potential to escalate to within or beyond the assaultive range.

**Caution: Under no circumstances must the XM1006 be deployed on an uncooperative but otherwise non-assaultive person to induce compliance.**

## Definitions

In accordance with the Tactical Options Framework, this table defines terms that relate to XM1006 round.

Term	Definition
To prepare	'To prepare' means carriage.
To show	'To show' means deployment in the form of presentation of the loaded <a href="#">s.6(c) OIA</a>
To use	'To use' means deployment in the form of application through discharge.

**Important:** You must only deploy the XM1006 in accordance with:

- the Tactical Options Framework
- these instructions
- approved training.

## General guidelines

These principles underpin the use of less lethal eXact iMPact rounds:

- The safety of the public and Police is paramount.
- eXact iMPact munitions should only be used by qualified operators.

[s.6\(c\) OIA](#)

- Correct ammunition selection is critical, and operators must ensure only XM1006 rounds are used against persons.

**Note:** [s.6\(c\) OIA](#)





s.6(c) OIA

XM1006 s.6(c) OIA

s.6(c) OIA

- The Tactical Options Framework must be applied to all incidents and operations.
- Any use of force must be reasonable, proportionate, and necessary. In determining the extent of the threat members should be guided by the principles of **TENR** and consider intent, capability, opportunity and the physical environment.
- AOS/STG operators have a variety of tactical options available to them during callouts. The XM1006 round provides a mid-range less lethal option and supplements other options such as the use of dogs, OC Spray and TASER.
- No single less lethal option is always fully effective. These options when combined or used in a tiered response are more likely to be successful so when time and circumstances permit members should ensure all tactical options are available to them including lethal force.
- The actions and behaviour of the offender may dictate that this less lethal option is not appropriate and there is a need to escalate the response to a higher tactical option.

## Restrictions on deploying XM1006

**Caution:** under no circumstances must the device be applied to an uncooperative but otherwise non-assaultive person to induce compliance.

### Passive resistance

Always deploy the XM1006 in a manner consistent with the [Tactical Options Framework](#) and **never** against people offering only passive resistance.

### Demonstrations

The XM1006 must **not** be carried by constables rostered for duty at demonstrations unless authorised by AOS/STG Commanders.

### Crowd situations

As a single shot weapon, the XM1006 is best suited to application against individuals. This means that in crowd situations, you must consider the potential to inflame the situation before you deploy the XM1006.

### Pregnant females

Except as a last resort, you must **not** use a XM1006 on females who are known to be, or believed to be, pregnant.

## Target zones

### General Warning

When challenging the subject, they should be advised that they may be shot with a sponge round and that it will hurt.

This warning will be relative to the circumstances and should be delivered unless impractical or unsafe in the circumstances.

s.6(c) OIA

s.6(c) OIA

## Post incident procedures

### Operator actions

Whenever a XM1006 round is used against a person the operator must follow these steps.

Step	Action
1	<p>Arrest or ensure the safe custody of the person if circumstances allow.</p> <p>Rights caution should be delivered to the subject immediately following arrest and repeated once the subject has recovered from the effects of the sponge round.</p>
2	<p>Once the suspect has been arrested or detained and controlled. When it is safe to do so, first aid should be performed where appropriate, as per your training.</p> <p>Look for injuries and assess and deal with them appropriately.</p> <p><b>Caution:</b> Seek immediate medical assistance if the subject's safety appears to be at risk at any stage.</p> <p>Ensure that the suspect is provided with an appropriate level of aftercare and is constantly monitored by a qualified AOS/STG medic, until examined by a registered Medical Practitioner.</p>
3	<p>Whenever an eXact iMPact 40mm less lethal sponge round is deployed at another person you must ensure your supervisor is notified as soon as possible.</p>
4	<p>If it is necessary to hand the suspect over to a non AOS/STG member (e.g. enquiry officer) it is the operator's responsibility to ensure that the officer now responsible is fully briefed on the circumstances to ensure appropriate after care is provided and that the offender is seen by a doctor.</p>

### Supervisor's actions

When notified of an operational deployment of the XM1006 round, the AOS/STG supervisor or team leader must follow these steps once the area is safe and secure.

Step	Action
1	<p>Attend the scene as soon as possible and ensure proper aftercare and any appropriate medical attention has been provided. The responsibility of post incident supervisor may be handed to another supervisor, AOS/STG or non AOS/STG, if circumstances dictate. In these circumstances the sergeant / senior sergeant now responsible must be fully briefed and the handover formally noted.</p>
2	<p>If serious bodily harm or death is caused, follow procedures outlined in the <a href="#">'Investigation of Critical Incidents'</a> chapter of the Police Manual.</p>
3	<p>Preserve and photograph the scene when it is believed that this may be necessary or relevant for subsequent enquiries.</p>
4	<p>Determine whether the use of the XM1006 round was in accordance with this chapter and the 'XM1006 Manual of Operating Procedures'.</p>
5	<p>Ensure that the operator completes a Tactical Options Report.</p>
6	<p>Ensure the AOS callout report is linked to the TOR report.</p>

### Medical after-care and reporting

[Operator actions](#), step 2 above refers.

Medical attention must be provided immediately if:

- the subject asks for medical attention
- in your opinion, the subject appears to be suffering from a medical condition pre-existing or otherwise (e.g. exhibiting symptoms associated with excited delirium, or symptoms associated with a mental health issue).

A medical report (eXact iMPact XM1006 Medical Examination) and photos of the injuries must be obtained and copies forwarded to the STG National Training and Development Officer, PNHQ.

## Monitoring whilst in Police custody

Where a person is detained in custody after being shot with XM1006 the arresting officer must endorse the charge sheet to indicate that the prisoner must be:

- subject to a Health and Safety Management Plan for a Person in Custody (POL705)
- constantly monitored until examined by a Registered Medical Doctor
- monitored according to the Registered Medical Doctor's advice.

## Notification to Independent Police Complaints Authority

Consideration must be given to notifying the [IPCA](#) pursuant to section [13](#) of the Independent Police Conduct Act 1988.

## Reporting and investigating unintentional discharges of firearms

See the Police Manual chapter '[Police firearms](#)' (Reporting and investigating unintentional discharge of firearm).

## Tactical Options Report and AOS Deployment Report

A tactical options report must be completed by the Operator before they finish duty in all cases where the XM1006 round has been used.

(See '[Reporting use of force/tactical options use](#)' in the 'Use of force overview' chapter)

## Privacy Act and Official Information Act requests

If a request is made for exact impact data under the Privacy Act 2020 or Official Information Act, forward the request to the Commander National Tactical Groups [PNHQ](#) to action.

## Death or serious injury

If death or serious injury occurs following the use of XM1006, an investigation must be commenced in compliance with the '[Investigation of Critical Incidents](#)' chapter.

In the case of a death after the deployment of the XM1006, the investigation must include a forensic pathologist capable of carrying out a post mortem according to the latest edition of the Complex Cases Section of the Code of Practice and Performance Standards for Forensic and Coronial Pathologists.