

Change to the Deployment of Taser by the States of Jersey Police Force

Children, Education and Home Affairs
Scrutiny Panel

Presented to the States on 29th October 2020

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1. Chair's Foreword



This piece of work was undertaken in response to public concerns over the extension of use of taser beyond current arrangements. It should be made clear that taser is already available to the States of Jersey Police in specific circumstances. This proposed change would extend the group of Officers to which taser is available and change the governance arrangements for authorising use.

The Panel undertook consultation with both the public as a whole and specific group with direct involvement or interest in this issue. I would like to thank all those who submitted responses on behalf of the Panel.

The views we gathered reflected the range of opinions and arguments around this issue. We have produced a report that reflects this range and with findings and recommendations we hope will add to the area in a constructive manner. To that end we hope our recommendations are seen in a positive light and accepted accordingly.

We hope our report reflects the reality of the challenges faced in policing along with the need to maintain the rights and safety of individuals.

Finally, I thank all members of the Panel and Officers for their work and for producing this report in the time scale provided.

A handwritten signature in black ink, appearing to read 'Rob Ward'.

Deputy Rob Ward
Chair,
Children, Education and Home Affairs Scrutiny Panel

2. Executive Summary

In 2017, a review of the States of Jersey Police (SOJP) firearms capability was conducted by the City of London Police Force and, as part of the review, observations were made regarding the deployment and authorisation of Taser by the SoJP in Jersey policing. As a result, the Minister for Home Affairs brought forward proposals which would amend the current rules surrounding the deployment and authorisation of Taser by the SoJP. The changes proposed in Proposition, P.97/2020, 'Deployment and Use of Energy Conductive Devices (Tasers) by the States of Jersey Police' are supported by the conclusions of the City of London Police Review.

Primarily, the Proposition seeks to change the way in which Tasers are deployed by SoJP Officers in Jersey. It would result in uniformed Police Officers, who have completed Taser training to a national standard to carry and deploy Taser without being subject to a specific firearms authority. At present Taser can only be deployed if a firearms authorised Officer is present at the scene and there is a firearms authority in place.

Following a briefing of the proposed changes from the Chief of Police on 19th June 2020, the Children, Education and Home Affairs Panel (hereafter 'the Panel') raised several concerns in relation to the proposed changes and agreed to undertake a review to investigate the concerns raised. The Panel focused its Terms of Reference for the review on these concerns, with particular emphasis on the rationale and evidence for the proposed changes in the deployment and authorisation of Taser by the SoJP. The Terms of Reference also focussed on the potential wider impact of the proposed changes on policing in Jersey and the public perception or expectation in that regard and, importantly, the potential impact of the proposed changes on children and young people.

The rationale for the change can be broken down into three key areas. Firstly, the recommendation for the change that was brought by the City of London Police Review. Secondly, the limitations that the current governance arrangement regarding Taser has on the SoJP operations and, thirdly, the use of Taser as a tactical option as part of an Officer's personal protective equipment to protect the public as well as Officers.

The Panel found that, although, Jersey is acknowledged as a safe place to live there is evidence to suggest that the Island is not without serious incidents and the States of Jersey Police have been required to deal with an increase in violent crime and people with mental health issues. The Panel found that a primary purpose of the proposed change is not in relation to extending the use of Taser but to address the current governance arrangement which could delay the use of Taser in situations where a timely response may be required. Evidence suggested that there is widespread agreement that Taser is both an adequate personal protective measure for Police Officers and a tool to increase public safety. It is felt that the proposed change would protect life and extend the range of options open to an (appropriately trained) Officer responding to an incident. Moreover, there is a general view that Police Officers should be equipped with equipment and training in order to perform their duties effectively.

The review also found that the current governance arrangement, whereby a Police Officer is required to gain a firearms authority before deploying Taser, is perceived to add in a level of bureaucracy that does not exist in other jurisdictions and ultimately does not keep the public safe. In contrast, the Panel also received a number of submissions which highlighted the requirement to gain a firearms authority as a necessary safeguard in Jersey that should be retained.

When considering the evidence for the proposed change to the deployment of Taser by the SoJP, the Panel gauged the statistics provided by the SoJP for Taser use since its inception in 2014. The Panel found that further clarity was required in relation to how the data on Taser use was demonstrated. Additionally, due to Taser currently being categorised as a firearm, any data is collected in relation to its deployment is included within overall firearm deployment data including conventional firearms. The Panel has recommended that the Minister for Home Affairs should ensure that any data relating to the use of Taser is recorded outside of conventional firearms use data, regardless of whether the Proposition is adopted or not. Any data collected in relation to the use of a Taser should include the age of the person on which it has been used, the justification of use, as well as further demographics (e.g. gender, age, ethnicity, cultural group etc.) of the person on which it is used. Additionally, The Minister for Home Affairs should ensure that the States of Jersey Police record and publish the data in relation to instances where a Taser was not used but would have provided a better tactical option. This should be published on an annual basis within the States of Jersey Police Force Annual Report.

The Panel received conflicting views in relation to the public perception and expectation of Taser in Jersey. It found that the current proposals would alter the manner in which Taser is utilised in Jersey and, therefore, further clarity is required as to the impact this will have on the Policing Model in Jersey. Concerns were raised regarding the current policing policies in respect of Police Officers attending incidents on their own. This led to further concerns as to whether the changes proposed would lead to an increase in instances of this occurring. The Panel found that there are currently 30 firearms trained Officers who have the ability to deploy Taser. It is intended that an additional 20 Police Officers (four from each operational team) would be trained if the Proposition is adopted. This would mean that 50 Police Officers out of approximately 200 would be eligible to deploy Taser. It is intended that there will only be 15 Taser units available and it is expected that on any given shift between four and six Officers would be in possession of a Taser. One finding of the Panel is that there are conflicting views over whether the proposed changes would lead to Taser being utilised more readily than as a tool of last resort.

The Panel noted a recurring theme regarding the paramount importance for appropriate training and safeguards to be in place if the changes to the deployment of Taser in Jersey were to be adopted. The Panel found that there is substantial information in relation to the training that is undertaken by Police Officers in order to be able to deploy a Taser. From the information provided to the Panel, the training appears to be highly adequate and appropriate. However, the Panel has recommended that the Minister for Home Affairs should make details of the training undertaken by Police Officers in respect of Taser publicly available and circulate them to all States Members prior to the debate on P.97/2020.

In relation to safeguards, body-worn cameras are seen as an important safeguard when an Officer deploys Taser. The Chief of Police explained that the use of body-worn cameras is built into policy and widely used by Officers prior to engaging in a situation. There is, however, no mention of their use or requirement to be used within the Proposition. The Panel has recommended that the Minister for Home Affairs should clarify the policy around the use of body-worn cameras by the States of Jersey Police Force. Use of body worn cameras should be clearly associated with the deployment of Taser and activated by all Officers involved in an incident. Following this, all footage should be submitted, retained and logged alongside the use form. The Panel has also brought an amendment to P.97/2020 that would place this recommendation as one of the guiding principles of the changes to the deployment of Taser.

The Panel observed that P.97/2020 makes only a single reference to vulnerable people. A consistent theme was highlighted in multiple submissions in relation to the potential negative consequences of Taser on vulnerable people, especially those individuals experiencing

mental health crises. The Panel found that deploying Taser on individuals dealing with mental health crises could have a disproportionately negative affect of their wellbeing. Further research and data are required in relation to the impact of Taser on vulnerable individuals in Jersey. The Panel recommended that, should the proposals be adopted by the States Assembly, the Minister for Home Affairs should undertake further research to identify the overall impact of Taser on vulnerable individuals in Jersey. This should be reported back to the States Assembly by the end of 2021. The Panel notes that not enough data is currently available regarding Taser and the impact on vulnerable people in Jersey.

In relation to the deployment of Taser on children and young people, a number of submissions have suggested that Taser use on children and young people should be prohibited entirely. However, the Panel found that whilst it is not desirable to use Taser on children or young people, it cannot be guaranteed that this would never be required in the event that there was a threat to the safety of the young person, the Police Officer or members of the public. Moreover, the Panel found that research across the United Kingdom has pointed towards an increase in use of Taser on children and young people, especially in situations where young people may be violent, threaten violence or are congregating in large groups. Further research is required as to whether this increase would also apply to Jersey should the Proposition be adopted. The Panel recommended that if the Proposition is adopted by the States Assembly, the Minister for Home Affairs should ensure that further research is undertaken to identify whether the changes have led to an increase in use against people under the age of 18. This should be reported in the States of Jersey Police Force Annual Report. Furthermore, the Panel has recommended that the Minister for Home Affairs brings forward a policy whereby any Taser use on a person under the age of 18 years is subject to a full investigation by the Children's Commissioner.

The Panel raised concern in relation to the potential of the change to the deployment of Taser on the public's perception of policing in Jersey, noting that it was established that Jersey is a safe place to live. The Panel found that it is the view of the Minister for Home Affairs and other key stakeholders that the changes proposed by P.97/2020 will not have a negative impact on the public perception of policing in Jersey. The Panel notes that this should, however, not be taken for granted and engagement with the community in respect of policing should be maintained. The Panel has recommended that the Minister for Home Affairs should ensure that a qualitative approach to assessing public perception of changes to policing is undertaken prior to any further proposals (especially regarding the deployment of Taser) being brought to the States Assembly.

Upon consideration of the evidence received, the Panel understands the rationale for changing the manner in which Taser is deployed by the States of Jersey Police. It has, however, identified the concerns above, especially that there appears to be a lack of data in respect of the impact that the changes will have on policing in Jersey. The Panel has therefore lodged two amendments to the Proposition (the first of which has already been discussed in respect of the principles of use of body worn cameras in incidents where Taser is used). The first amendment would time limit the changes to a year's trial during which time the SoJP would be required to collect further data in relation to the use of Taser, including; the number of times it is used on a person under the age of 18; the number of times it is used to resolve a situation where a person is undergoing a mental crisis or episode; a breakdown of the gender, age, cultural and ethnic group of the individuals whom Taser has been deployed during the trial. This should also include the nature of the use (e.g. drawn, red-dotted, fired etc.); the number of times Taser has been deployed by a Police Officer who was attending an incident on their own during the trial.

The Minister for Home Affairs would then be required to report back to the States Assembly with this information at the end of the year's trial, at which time the Assembly would be asked whether it wished for the new arrangement to continue or not.

3. Key Findings and Recommendations

NB: Each key finding, and recommendation contains reference to the section of the report where further information and explanation can be found.

3.1 Key Findings

Key Finding 1

The recommendation to change the manner in which Taser is deployed by the States of Jersey Police arose from a 2017 City of London Police Force Report into the States of Jersey Police Force's Firearms Capability. **[Section 5.1]**

Key Finding 2

Whilst Jersey is acknowledged as a safe place to live, the Island is not without serious incidents and the States of Jersey Police have been required to deal with an increase in violent crime and people with mental health issues. **[Section 5.1]**

Key Finding 3

The primary purpose of the proposed change is not in relation to extending the use of Tasers but in order to address the current governance arrangement which could delay the use of Taser in situations which may require a timely response. **[Section 5.2]**

Key Finding 4

It is perceived by the Chief of Police that the current governance arrangement, whereby a Police Officer is required to gain a firearms authority before deploying Taser, adds in a level of bureaucracy that does not exist in other jurisdictions and ultimately does not keep the public safe. However, a number of submissions to the Panel highlighted the requirement to gain an authority as a necessary safeguard in Jersey and should be retained. **[Section 5.2]**

Key Finding 5

There is widespread agreement that Tasers are both an adequate Personal Protective Measure for Police Officers and a tool to increase public safety. It is felt that the proposed change would protect life and extend the range of options open to an (appropriately trained) Officer responding to an incident. **[Section 5.3]**

Key Finding 6

The evidence also suggests that Police Officers should be equipped with equipment and training in order to perform their duties effectively. **[Section 5.3]**

Key Finding 7

Taser is currently categorised as a firearm, and therefore the data collected in relation to its deployment is included within overall firearm deployment data including conventional firearms. **[Section 5.4]**

Key Finding 8

Of the five instances where a Taser was fired prior to 2020 none of these have resulted in an official complaint. **[Section 5.4]**

Key Finding 9

The current proposals alter the manner in which Taser is utilised in Jersey and further clarity is required as to the impact this will have on the Policing Model in Jersey. **[Section 6.1]**

Key Finding 10

Further clarity is required over the policies relating to Police Officers attending incidents on their own. This also extends to whether the changes proposed would lead to an increase in instances of this occurring. **[Section 6.1]**

Key Finding 11

There are currently 30 firearms trained Officers who have the ability to deploy Taser. It is intended that an additional 20 Police Officers (four from each operational team) would be trained if the Proposition is adopted. This would mean that 50 Police Officers out of approximately 200 would be eligible to deploy Taser. It is intended that there will only be 15 Taser units available and it is expected that on any given shift between four and six Officers would be in possession of Taser. **[Section 6.1]**

Key Finding 12

There are conflicting views from the submissions received over whether the proposed changes would lead to Taser being utilised more readily than as a tool of last resort. **[Section 6.1]**

Key Finding 13

There is substantial information in relation to the training that is undertaken by Police Officers in order to be able to deploy Taser. From the information provided to the Panel, the training appears to be highly adequate and appropriate. **[Section 6.2]**

Key Finding 14

Body-worn cameras are seen as an important safeguard when an Officer deploys Taser. The Chief of Police explained that the use of body-worn cameras is built into policy and widely used by Officers prior to engaging in a situation. There is, however, no mention of their use or requirement to be used within the Proposition. **[Section 6.3]**

Key Finding 15

Deploying Taser on individuals dealing with mental health crises could have a disproportionately negative affect on their wellbeing. Further research and data is required in relation to the impact of Taser on vulnerable individuals in Jersey. **[Section 6.4]**

Key Finding 16

Whilst it is not desirable to use Taser on children or young people, it cannot be guaranteed that this would never be required in the event that there was a threat to the safety of the young person, the Police Officer or members of the public. **[Section 6.5]**

Key Finding 17

A number of submissions have suggested that Taser use on Children and Young People should be prohibited entirely. **[Section 6.5]**

Key Finding 18

Research across the United Kingdom has pointed towards an increase in use of Taser on children and young people, especially in situations where young people may be violent, threaten violence or are congregating in large groups. Further research is required as to whether this increase would also apply to Jersey should the Proposition be adopted. **[Section 6.6]**

Key Finding 19

It is the view of the Minister for Home Affairs and other key stakeholders that the changes proposed by P.97/2020 will not have a negative impact on the public perception of policing in Jersey. This should, however, not be taken for granted and engagement with the community in respect of policing should be maintained. **[Section 6.7]**

3.2 Recommendations

Recommendation 1

The Minister for Home Affairs should ensure that any data relating to the use of Taser is recorded outside of conventional firearms use data, regardless of whether the Proposition is adopted or not. Any data collected in relation to the use of a Taser should include:

- The age of the person on which it has been used (whether fired, red-dotted etc.)
- The justification for the use (e.g. violent behaviour or protection from self-harm etc.)
- Further demographics of the person involved (e.g. gender, age, ethnicity, cultural group etc.) **[Section 5.4]**

Recommendation 2

The Minister for Home Affairs should ensure that the States of Jersey Police record and publish the data in relation to instances where Taser was not used but would have provided a better tactical option. This should be published on an annual basis within the States of Jersey Police Force Annual Report. **[Section 5.4]**

Recommendation 3

The Minister for Home Affairs should ensure a review is undertaken to identify whether the changes, if adopted by the States Assembly, have resulted in more Officers being required to attend incidents on their own. This review should be undertaken by the end of 2021. **[Section 6.1]**

Recommendation 4

The Minister for Home Affairs should make details of the training undertaken by Police Officers in respect of Taser publicly available and circulate them to all States Members prior to the debate on P.97/2020. **[Section 6.2]**

Recommendation 5

The Minister for Home Affairs should clarify the policy around the use of body-worn cameras by the States of Jersey Police Force. Use of body worn cameras should be clearly associated with the deployment of Taser and activated by all Officers involved in an incident. Following this, all footage should be submitted, retained and logged alongside the use form. **[Section 6.3]**

Recommendation 6

Should the proposals be adopted by the States Assembly, the Minister for Home Affairs should undertake further research to identify their overall impact on vulnerable individuals in Jersey. This should be reported back to the States Assembly by the end of 2021. **[Section 6.4]**

Recommendation 7

If the Proposition is adopted by the States Assembly, the Minister for Home Affairs should ensure that further research is undertaken to identify whether the changes have led to an increase in use against people under the age of 18. This should be reported in the States of Jersey Police Force Annual Report. **[Section 6.6]**

Recommendation 8

On balance the Panel understands that in some exceptional circumstances Taser may be required to be used on people under the age of 18. However, the evidence received has also highlighted that Taser use on people under the age of 18 should be prohibited entirely and this has been linked to the United Nations Convention on the Rights of the Child. The Minister for Home Affairs should therefore identify and bring forward a policy whereby any Taser use on a person under the age of 18 years is subject to a full investigation by the Children's Commissioner. **[Section 6.6]**

Recommendation 9

The Minister for Home Affairs should ensure that a qualitative approach to assessing public perception of changes to policing is undertaken prior to any further proposals (especially in regards to the deployment of Taser) being brought to the States Assembly. **[Section 6.7]**

4. Introduction

4.1 Context of the Review

1. The States Assembly adopted the Proposition 'Tasers: Deployment and use in Jersey by the States of Jersey Police' (Hereafter [P.18/2014](#)¹) on 1st April 2014. This followed a detailed Scrutiny review in 2012 and the publication of a [report](#)², 'Introduction of Tasers in Jersey', on 9th July 2012. The introduction of Energy Conductive Devices (Tasers) was requested, at that time, as the States of Jersey Police (SoJP) had identified a gap in its tactical response options. The introduction of Tasers as a response option would provide Officers with an additional tool that could be used to conclude incidents in a manner as to maximise the safety of all concerned.
2. Primarily, tactical options comprise physical confrontation or restraint, use of irritant spray (PAVA), baton and in some cases firearms. Statistics suggest that a Taser is an efficient and effective tool when dealing with high risk incidents and ensures a relatively peaceful and safe resolution to an incident for the public and Police alike. Moreover, in most cases involving Taser, the mere threat of its use has been enough to defuse a situation and ensure a peaceful resolution of the incident.
3. At present, Taser can only be deployed if a firearms authorised Officer is present at the scene and there is a firearms authority in place. It has been proposed that this carries several challenges, especially in situations where a firearms authorised Officer is not present, meaning a Taser could not be utilised as an option to deescalate a situation. This could result in the use of an alternative solution such as an Officer having to use Baton or PAVA which are deemed to inflict more harm than the use of Taser.
4. In 2017, a review of the SoJP firearms capability was conducted by the City of London Police and, as part of the review, observations were made regarding the deployment and authorisation of Taser by the SoJP in Jersey policing. (Detailed further in section 5.1)
5. As a result, the Minister for Home Affairs brought forward proposals which would amend the current rules surrounding the deployment and authorisation of Tasers. The changes proposed in Proposition 'Deployment and Use of Energy Conductive Devices (Tasers) by the States of Jersey Police' (Hereafter [P.97/2020](#)³) are supported by the conclusions of the review of the SoJP firearms capability by the City of London Police.
6. P.97/2020 would authorise the deployment and use of Tasers by the States of Jersey Police in accordance with the following principles:
 - A Taser will only be issued to a uniformed Police Officer who has completed a Taser course (to the 'national' standard).
 - The use of a Taser will be at the discretion of the Police Officer who is carrying the Taser and will not be subject to a specific firearms authority.

¹ [Proposition P.18/2014 – Tasers: Deployment and Use in Jersey by the States of Jersey Police – 17th February 2014](#)

² [Scrutiny Report S.R.4/2012 – Education and Home Affairs – Introduction of Taser in Jersey – 9th July 2012](#)

³ [Proposition P.97/2020 – Deployment and Use of Energy Conductive Devices \(Tasers\) by the States of Jersey Police – 28th July 2020](#)

Change to the Deployment of Taser by the States of Jersey Police Force

- Usual supervision of the use of Taser will apply and the individual Officer's usage must be justified and compliant with all existing legislation and associated College of Policing Guidelines.
7. P.97/2020 is seeking endorsement from the States Assembly to adjust the way in which Taser is deployed in the SoJP. Thereby, uniformed Police Officers, who have completed a Taser course to the 'national' standard, would be able to carry and deploy Taser without a specific firearms authority present.
8. The Panel received a briefing on P.97/2020 on Friday 19th June 2020 and raised several concerns in relation to the proposed changes.
- These included:
- The Panel was advised that the Island remained a safe environment and that the proposed amendments were not resultant of changes to the threat climate in Jersey over the past six years since P.18/2014 was adopted. Considering this, further clarity is required on whether the changes to Taser deployment are necessary in Jersey.
 - While having more Officers deployed with Taser would increase the tactical advantages available during a situation, the concern exists that this could lead to an increase in the use of Taser in Jersey unnecessarily.
 - Consideration of the impact of Taser on children and young people is required. There is concern around the potential impact of Taser on children and young people, if it were to mistakenly be used on a minor. Additionally, consideration of the safeguards in place are required.
 - Further clarity is required on the potential impact that this change might bring to Policing in Jersey.
 - Consideration of the public's view regarding more Officers deployed with Taser and, retrospectively, how this might influence the public's view on Policing and Jersey as a safe place to live.
 - Further clarity is required on the obligatory training (Taser Course) that Officers would undertake prior to being deployed with Taser.
 - Further clarity is required in relation to the process that Officers would adhere to when using Tasers and the safeguards in place.
 - Concern exists over the mindsets of Officers deployed with Taser in relation to experience and decision-making competences under stressful situations. The mindset of a firearms authorised Officer, who would have undergone extensive training, would be very different from that of an Officer who has not had similar training and experiences.
9. The Panel agreed at its meeting on 22nd June 2020 to undertake a review of the proposed changes to the deployment of Taser by the SoJP Force to investigate the concerns raised during the briefing.
10. The Panel agreed its Terms of Reference for the review as follows:

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- To examine the rationale and relevant evidence for the proposed changes in the deployment and authorisation of Tasers by the States of Jersey Police.
- To consult with key stakeholders in order to establish and explore views on the Taser Proposition.
- To identify what consideration, if any, has been given to the potential wider impact of the proposed changes detailed in the Taser Proposition on policing in Jersey, including public perception/expectation.
- To consider the potential impacts of the Taser Proposition on the rights of children and young people.

4.2 Work Undertaken by the Panel

11. In order to inform the review, the Panel issued a call for evidence between 10th August and 7th September 2020 seeking the views of the general public and wrote directly to primary stakeholders for their views (a list can be found in the appendix of the report). Additionally, social media was utilised as a channel for members of the public to express their views.
12. The Panel subsequently held a public hearing with the Minister for Home Affairs, the Chief of Police, States of Jersey Police, and the Acting Chief Inspector, Jersey States of Police on Thursday 1st October 2020.
13. The Panel would like to thank everyone who has taken the time to contribute to this review. Including members of the public who contributed their views and personal experiences, the Minister for Home Affairs and his team, as well as the Chief of Police and his Officers for their engagement in the review process of this topical area.

5. Overview of the Changes

5.1 Rationale for the Change – City of London Police Review

14. In 2017, the aforementioned review of the SoJP firearms capability was conducted by the City of London Police, which highlighted the following in relation to Taser deployment in Jersey:
 - Taser has been rolled out to firearms Officers, although it may only be deployed as part of a firearms authority. The reviewing team felt that this placed an unacceptable risk to the Officers who are left with no alternative than to potentially self-deploy at incidents of serious violence which would not attract an authority.
 - Taser should be available to Officers outside of any firearms authority who should justify any such use in line with the conflict resolution model and the National Decision Model (NDM).
 - The force may wish to consider whether, in the current threat climate, it should roll Taser out to all response Officers.
 - The City of London Police were concerned that the restrictions to which the SoJP work when using Taser, place authorised firearms Officers (AFOs) in a position where they cannot use Taser in situations which are serious but would not attract a firearms authority.
 - The review was also clear that the SoJP should move towards a model where Officers who are not AFO's can carry Taser (subject to an Officer completing and passing the appropriate course).
15. The changes proposed in P.97/2020 ([detailed in paragraph 6](#)) are supported by the conclusions of the review of the SoJP firearms capability by the City of London Police.
16. The Panel questioned the rationale and evidence garnered to initiate the proposed changes to Taser use in Jersey. Particularly, since the review by the City of London Police had initiated the proposed changes and comparatively the City of London Police Force and States of Jersey Police Force neither share the same threat climate nor policing challenges. The Panel questioned the similarities or differences between the two environments that the forces operate in. The Panel was also cautious that it was not made aware of any evidence, other than the recommendations resultant of the City of London Police review for the change in Taser use.
17. Having worked in the United Kingdom, the Chief of Police explained that no comparisons could be made between London and Jersey, and that the assessment was not influenced by the differences between the locations of the two forces:

Chief of Police:

The issue is not City of London and comparing City of London with Jersey and vice versa. It is firearms experts, it could have been in Scotland, it could have been in any other place, coming and doing what we should do is asking for an assessment of how we deploy and how we keep people safe. Their view, it is

not a comparison with the City and London and Jersey of how we deploy, and how we currently deploy puts in a level of bureaucracy that does not exist anywhere else and, in my view, does not keep the public safe. That was the main Proposition and that is why we invited them to Jersey shortly before I arrived...⁴

18. The Panel was advised during a briefing from the Chief of Police on the P.97/2020 that the Island remained a safe environment, and the proposed amendments were not resultant of changes to the threat climate in Jersey since P.18/2014 was adopted.
19. Observing that the City of London Police review recommended that Jersey's current threat climate be considered when deciding whether to roll out Taser to **all** response Officers, the Panel therefore questioned the rationale behind the changes⁵ and what had fundamentally changed over the past six years in Jersey to require the extension of use of Taser by SoJP Officers.⁶ The Minister for Home Affairs emphasised that Jersey remained a safe place, however, that unfortunate and dangerous incidents did occur, including the increase in knife crime, violent crime as well as incidents regarding mental health issues:

The Minister for Home Affairs:

...Jersey is a very safe place, let us make that absolutely clear, but that does not mean that incidents and unfortunate incidents and dangerous incidents do not occur, because they do...The Police have had to deal with an increasing amount of knife crime. We have also seen a significant increase of mental health issues that the Police have had to deal with to prevent people from self-harming, to prevent people from committing suicide...But also, there has been an increase in violent crime and the Police have a duty to respond to that, to keep us safe.⁷

20. A submission received from the [Jersey Police Authority](#)⁸, reiterates that Jersey is a safe and caring community, however, that Jersey is not free of serious incidents. The Authority notes, in particular, the significance of mental health related incidents to which Police have to respond as the service of last resort.

Key Finding 1

The recommendation to change the manner in which Taser is deployed by the States of Jersey Police arose from a 2017 City of London Police Force Report into the States of Jersey Police Force's Firearms Capability.

Key Finding 2

Whilst Jersey is acknowledged as a safe place to live, the Island is not without serious incidents and the States of Jersey Police have been required to deal with an increase in violent crime and people with mental health issues.

⁴ [Transcript – Hearing with the Minister for Home Affairs -1st October -2020 – P.15](#)

⁵ [Transcript – Hearing with the Minister for Home Affairs -1st October -2020 – P.2](#)

⁶ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 4](#)

⁷ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 4](#)

⁸ [Submission – Jersey Police Authority](#)

5.2 Rational for change – Limitations of the current Governance Arrangement

21. The Panel questioned what evidence suggested the need for changes to the manner in which Taser is deployed by the States of Jersey Police in Jersey. The Minister explained that primarily it was an operational issue and clarified that not **all** Officers would carry Tasers. The Minister for Home Affairs stated that of the over 200 Officers it is anticipated that only 15 would carry Taser:

The Minister for Home Affairs:

...that is very much an operational issue. You said there for all Officers to carry tasers. That is not the case. We have something like over 200 Officers now currently and we have 15 tasers and not expected to increase that number. It will only be those who have been through and have passed a course on the use of tasers at the same level as firearms Officers.⁹

22. Jersey's Chief of Police emphasised that a primary part of the proposed changes was not regarding the extension of Taser use, instead, it was in relation to procedural matters. The Chief of Police referred to the recommendation by the City of London Police to remove the requirement for Officers needing to acquire approval from the firearms authority prior to Taser deployment. It's noted that the reviewing team recommended that Taser should be available to Officers outside of any firearms authority:

Chief of Police:

One of the key things we are looking to change is not about the extension... We currently have a procedure in an authority level, a governance arrangement, for want of a better phrase, in the States of Jersey Police; it does not exist anywhere in England and Wales. So for example, before someone can choose to use a taser, the Officer who has already been trained to a very high standard needs an authority... experts from City of London Police visited the States of Jersey Police to do a review and one of their recommendations is that we are out of step with asking for an authority for the use of taser... and the review identified that and questioned why that was indeed the case here. My professional opinion is that there is an unnecessary arrangement here. It is a governance arrangement that could delay the use of taser.¹⁰

23. In a submission from the [Jersey Police Authority](#) it is explained that currently Taser can only be deployed by a trained firearms Officer under a fully sanctioned firearms authority given by a senior Officer.¹¹ The Panel notes that the City of London Police review was also clear that the SoJP should move towards a model where Officers who are not AFO's can carry Taser (subject to an Officer completing and passing the appropriate course).
24. A submission from the Jersey Police Complaints Authority observed that under P18/2014 there was a clear desire to permit Authorised Firearms Officers (AFO) to retrieve Tasers from the SoJP Head Quarters or a locked safe in a vehicle and to use them with the authority of a Tactical Firearms Commander. However, the approval for having a non-AFO but trained Officers was not expressly sought.¹²

⁹ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 4](#)

¹⁰ [Transcript – Hearing with the Minister for Home Affairs – 1st October – P.5](#)

¹¹ [Submission – Jersey Police Authority](#)

¹² [Submission - Jersey Police Complaints Authority](#)

25. The Panel questions why consideration was not given to removing the requirement for authorisation by the firearms authority first, without expanding the use of Taser, which would constitute a smaller step to disassociate Taser from firearms and the requirement for authorisation to deploy Taser as opposed to doing it at the same time as increasing the availability of Taser to SoJP. The Panel notes that a submission received suggests a middle ground whereby additional Officers could be trained to deploy Taser but the requirement to seek authority remained:¹³ It should be noted that any views expressed from the Jersey Police Complaints Authority throughout this report are representative views of its members and should not be interpreted as a definitive view of the Jersey Police Complaints Authority.

Jersey Police Complaints Authority:

*Perhaps the case ought to be made for having non-AFOs carrying but having to seek authority of a Tactical Firearms Commander, as a middle Path?*¹⁴

26. A member of the public raised a similar viewpoint in his submission:

Haynes:

*Officers should still call upon specially trained firearms Officers in the first instance wherever possible - this means there would only be a few rare instances where a non firearm Officers would ever need to deploy their Taser.*¹⁵

Chief of Police:

*...in my experience, back in 2014 if we were ... and indeed I was involved in the deployment of tasers in a previous organisation, this discussion was never had. This was not something that was ever discussed because it was not seen as a firearm deployment...if we were saying today we were talking about introducing taser, I would not be bringing in any of the current authorisations that are currently now existing because they are not necessary.*¹⁶

27. During the Hearing with the Minister for Home Affairs it was highlighted that under the current Taser model, Taser could not be used as a tool in situations that are time limited. It was explained that not all situations allowed time for negotiation or time to request the authorisation of the Authority and that only specific situations allowed for the delay.¹⁷
28. The Panel notes a reoccurring theme throughout the submissions, when support of the proposed changes was demonstrated, that the support was conditional on the essential training of Officers and safeguards to ensure the safety of Officers as well as members of the public. Moreover, to safeguard against inappropriate use of Taser or the escalation of use of Taser in Jersey.

Key Finding 3

The primary purpose of the proposed change is not in relation to extending the use of Tasers but in order to address the current governance arrangement which could delay the use of Taser in situations which may require a timely response.

¹³ [Submission - Jersey Police Complaints Authority](#)

¹⁴ [Submission - Jersey Police Complaints Authority](#)

¹⁵ [Submission – Haynes](#)

¹⁶ [Transcript – Hearing with the Minister for Home Affairs – 1st October – P.16](#)

¹⁷ [Transcript – Hearing with the Minister for Home Affairs -1st October – P. 10](#)

Key Finding 4

It is perceived by the Chief of Police that the current governance arrangement, whereby a Police Officer is required to gain a firearms authority before deploying Taser, adds in a level of bureaucracy that does not exist in other jurisdictions and ultimately does not keep the public safe. However, a number of submissions to the Panel highlighted the requirement to gain an authority as a necessary safeguard in Jersey and should be retained.

5.3 Rationale for change – Taser as Personal Protective Equipment (PPE)

29. The Chief of Police continued to explain that Taser was as much a requirement for the protection of the public as a requirement to keep Police Officers safe. It is noted, that the City of London Police review recommended that Jersey's current Taser model places an unacceptable risk to Officers:

Chief of Police:

It is seen increasingly as a piece of additional protective equipment. For example, we provide our Officers with batons and P.A.V.A. (pelargonic acid vanillylamide) spray. This is an addition to that...So I think it is important that I, as the Police chief, are able to provide our Police Officers with the protective equipment they need but also be able to deploy that tactically and quickly in the interests of public safety.

30. In a submission, the [Comité des Connétables](#) commented:

The SoJP should be appropriately equipped to undertake their role and this could include the use of Taser, subject to appropriate safeguards, by a SoJP Officer who is properly trained.¹⁸

31. It is the view of the Jersey Police Authority that Police Officers should be provided with the necessary equipment and training to perform their duty:

Jersey Police Authority:

We have a responsibility on behalf of the public to ensure that Police Officers are provided with the best possible equipment and training in order for them to perform their duty which is to protect life, detect and deter crime. The deployment of Taser fits this category. It is a tool. A piece of equipment designed to protect life and extend the range of options open to an (appropriately trained) Officer responding to an incident.¹⁹

32. The States of [Jersey Police Association](#)²⁰, the association representing the members of the SoJP, outlined in its submission its support for the proposed changes to the deployment of Taser. Moreover, it highlights that the majority of its members welcome the change. The Association explained that Taser should be considered a regular part of the Protective Personal Equipment (PPE) available to all Officers and that the changes were logical, practical and necessary for policing in Jersey:

¹⁸ [Submission – Comité des Connétables](#)

¹⁹ [Submission – Jersey Police Authority](#)

²⁰ [Submission – States of Jersey Police Association](#)

The Jersey Police Association commented:

Taking into account the rise in serious and violent crime, public order incidents and mental health issues in people of all ages, backgrounds and capabilities, Taser is widely considered as a valuable tool that helps to minimise the risk and maximise the safety of Officers and members of the public²¹.

33. Regarding Officers being placed in situations of unacceptable risk, the Panel questioned how many times Officers had been in situations of unacceptable risk and would have deployed Taser instead of an alternate tool, but had not, due to Taser not being available to them or not receiving the required approval from the Authority to deploy it. The Panel endeavoured to gauge what data was available in relation to the risk posed to Officers in Jersey as the City of London Police Review had highlighted that Jersey's current Taser model places Officers at unacceptable risk:

Assistant Minister for Home Affairs:

My guess is that it has never been refused, however we can get figures on this.²²

Deputy of St John:

We are talking about now the incidents of usage in the Island and the numbers of situations that have arisen in which an Officer has not used taser because he has not had a taser and used alternative means. You must surely have the statistics for that.²³

Chief of Police:

We do not have them in front of us but we will endeavour to try and see if we have that data for the panel.²⁴

34. The Panel notes that during the last five-year period data suggests there has been a total of 181 assaults against Police Officers in Jersey.²⁵

Year	Assaults on a Police Officer
2016	59
2017	34
2018	33
2019	23
2020	32

35. The Panel's attention was drawn to a submission it received about research undertaken by Cambridge University which demonstrated that Police Officers in the UK carrying a Taser are more likely to be assaulted.²⁶ It is important to note, however, the context of the research which was conducted over a year period with the City of London Police, in which Taser was only discharged twice. Given the relatively small size of the force, and the fact that this is unrepresentative of the issues faced in urban or inner city areas (for example by the Metropolitan Police) it is not necessarily possible

²¹ [Submission – States of Jersey Police Association](#)

²² [Transcript – Hearing with the Minister for Home Affairs -1st October – P. 10](#)

²³ [Transcript – Hearing with the Minister for Home Affairs -1st October – P. 10](#)

²⁴ [Transcript – Hearing with the Minister for Home Affairs -1st October – P. 10](#)

²⁵ [Written Question – Minister for Home Affairs – 22 September 2020](#)

²⁶ [Submission - Jersey Police Complaints Authority](#)

to definitively conclude that Officers are more likely to be assaulted when carrying Taser.

Key Finding 5

There is widespread agreement that Tasers are both an adequate Personal Protective Measure for Police Officers and a tool to increase public safety. It is felt that the proposed change would protect life and extend the range of options open to an (appropriately trained) Officer responding to an incident.

Key Finding 6

The evidence also suggests that Police Officers should be equipped with equipment and training in order to perform their duties effectively.

5.4 Statistics

36. To provide context around the change in use of Taser by the SoJP in Jersey, the Panel considered the statistics provided by the SoJP for taser use since its inception in 2014.²⁷
37. For contextual purposes, P.97/2020 describes the ‘use’ of Taser from its inception in 2014 to 2019 as follows:
- **Drawing** - taking the Taser out of the holster
 - **Aiming** - aiming the Taser at a subject
 - **Red Dotting** - placing the laser sight onto a subject
 - **Arcing** – removing the cartridge on the end of the device and pressing the trigger so that you can see and hear the arc of electricity jumping across the two metal probes on the end of the device
 - **Firing** – discharging the barbs at a subject

38. Use of Taser by the States of Jersey Police between 2014 and 2019

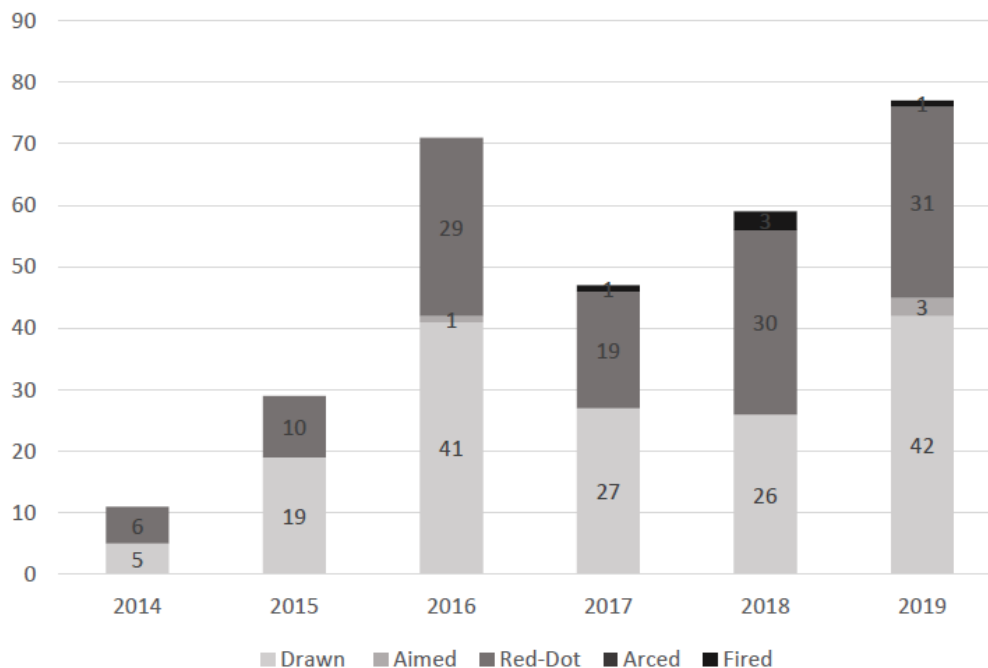


Figure 1 Use of Taser by the SOJP between 2014 and 2019

39. In total, between 2014 and 2019, data demonstrated that Taser was used by the SoJP on 294 occasions. Drawing accounted for 54% of total uses, red dot for 43% of uses and firing for 2% of uses during that time.²⁸

²⁷ [Proposition P.97/2020 – Deployment and Use of Energy Conductive Devices \(Tasers\) by the States of Jersey Police – 28th July 2020](#)

²⁸ [Proposition P.97/2020 – Deployment and Use of Energy Conductive Devices \(Tasers\) by the States of Jersey Police – 28th July 2020](#)

40. Considering the statistics provided in the Proposition, it was the Panel's view that further clarity was required in relation to how the data was demonstrated. For example, in instances where red dotting is used questions arose as to whether these would be counted within the instances where a Taser is drawn or was each 'use' treated as a separate process entirely. It was further explained that each individual 'use' is recorded separately.
41. As the above statistics only included the deployment of Taser up to 2019 (five years), during the Hearing with the Minister for Home Affairs, the Panel was informed that in the past six years Taser had been deployed 341 times. The Panel noted that this accounted for a rise in actual firing of Taser from five times to eight times during the last year.²⁹
42. In a response to a written question to the Minister for Home Affairs in relation to taser use in Jersey, it was explained that of the 341 uses in Jersey there were 181 occasions where an Officer opted to simply draw the Taser from its holster to indicate its presence by way of a deterrent, and a further 152 occasions where the red-dot laser was placed on a person as a warning of the Officers' preparedness to use force. Regarding the circumstances that warranted the use of Taser, it was explained that the majority of these discharges were against individuals in possession of bladed weapons; however, Taser had also been deployed successfully to save life and had prevented persons from significant self-harm or suicide.³⁰
43. As previously stated, Taser currently falls under the category of firearms in Jersey as it requires a specific authority in order to be deployed. This was confirmed by the Minister during a public hearing:

Deputy M.R. Higgins:

...How many times did you say firearms had been requested and how many times a firearm had been refused in the Island, this year?³¹

The Minister for Home Affairs:

On 22 per cent of occasions this year firearms requests have been requested but declined. Eighty-three were requested and authorised and 26 were declined.³²

Deputy R.J. Ward:

Can I just ask you, Minister, of those numbers, are they firearms in terms of firing bullets as opposed to firearms including tasers? Because we know tasers are included in the firearms process. So of those 83 were the refusals of taser or were they refusal to use a rifle or whatever?³³

The Minister for Home Affairs:

Tasers are currently considered as firearms so that includes all firearms, from the Glock pistols to the M4 sniper rifles and the tasers.³⁴

²⁹ [Transcript – Hearing with the Minister for Home Affairs – 1st October – P.6](#)

³⁰ [Written Question – Minister for Home Affairs – 22 September 2020](#)

³¹ [Transcript – Hearing with the Minister for Home Affairs – 1st October – P.11](#)

³² [Transcript – Hearing with the Minister for Home Affairs – 1st October – P.11](#)

³³ [Transcript – Hearing with the Minister for Home Affairs – 1st October – P.11](#)

³⁴ [Transcript – Hearing with the Minister for Home Affairs – 1st October – P.11](#)

44. It was noted by the Chief of Police that the above was reflective of why the change to the deployment of Taser was necessary.

Chief of Police:

I think I would like a separation, which is the reason why we are coming to you to say there should be a separation. As indeed, one of the panel members just said, which I totally agree, they are completely different things, and they are indeed completely different things. But we are choosing to authorise them in a similar way. That, I do not think, is appropriate.³⁵

45. Further statistical clarity was provided in a response to a [Written Question](#) in the States Assembly. It was explained that the firearms training department keep records of the number of firearms authorities granted and declined.³⁶

The Panel notes that:

Period	Total firearms authorities granted	Requests considered and declined	Incident	Firearms discharged by Police
Dec 2018- Nov 2019	99	26	71% - bladed weapons 15% - report of a firearm	No conventional firearms
Dec 2019 – 18th Sept 2020	78	25	73% - bladed weapons 8% - report of a firearm	No conventional firearms Taser Discharged twice

46. The Panel is cautious of the impact of removing the requirement of the firearms authority on taser use. Considering the statistics above, a significant number of requests had been declined. The Panel is mindful that by removing the authorisation step, the incidences of taser use in Jersey might rise. The Panel understands having more Officers able to deploy Taser would increase the tactical advantages available during a situation, however, the concern exists that this could lead to an increase in the use of Taser in Jersey unnecessarily.
47. The Panel notes that in a submission from the Jersey Police Complaints Authority it was commented that none of the five incidents where a Taser had been discharged in Jersey since deployment, had resulted in a complaint.³⁷

Key Finding 7

Taser is currently categorised as a firearm, and therefore the data collected in relation to its deployment is included within overall firearm deployment data including conventional firearms.

Key Finding 8

Of the five instances where a Taser was fired prior to 2020 none of these have resulted in an official complaint.

³⁵ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 -P.12](#)

³⁶ [Written Question – Minister for Home Affairs – 22 September 2020](#)

³⁷ [Submission - Jersey Police Complaints Authority](#)

Recommendation 1

The Minister for Home Affairs should ensure that any data relating to the use of Taser is recorded outside of conventional firearms use data, regardless of whether the Proposition is adopted or not. Any data collected in relation to the use of a Taser should include:

- The age of the person on which it has been used (whether fired, red-dotted etc.)
- The justification for the use (e.g. violent behaviour or protection from self-harm etc.)
- Further demographics of the person involved (e.g. gender, age, ethnicity, cultural group etc.)

Recommendation 2

The Minister for Home Affairs should ensure that the States of Jersey Police record and publish the data in relation to instances where Taser was not used but would have provided a better tactical option. This should be published on an annual basis within the States of Jersey Police Force Annual Report.

5.5 National Decision Model

48. It is explained in P.97/2020 that the [National Decision Model](#) ³⁸(NDM) is used as part of the training process for SoJP Officers.
49. The NDM is used by the Police Services throughout the United Kingdom. It is designed to assist operational Officers and commanders to manage their response to situations in a reasonable and proportionate way.
50. The NDM requires consideration in the use of force and helps Officers to manage their response to an incident in real time. The model prompts the decision maker to act on the basis of the information available at that time.
51. The NDM is outlined in P.97/2020 ³⁹as follows:

The College of Policing states that:

The National Decision Model (“NDM”) is suitable for all decisions and should be used by everyone in policing. It can be applied:

- *to spontaneous incidents or planned operations*
- *by an individual or team of people*
- *to both operational and non-operational situations.*

Decision makers can use the NDM to structure a rationale of what they did during an incident and why.

Managers and others can use it to review decisions and actions and promote learning.

In a fast-moving incident, the Police service recognises that it may not always be possible to segregate thinking or response according to each phase of the model. In such cases, the main priority of decision makers is to keep in mind their overarching mission to act with integrity to protect and serve the public.

³⁸ [College of Policing -National Decision Model](#)

³⁹ [Proposition P.97/2020 – Deployment and Use of Energy Conductive Devices \(Tasers\) by the States of Jersey Police – 28th July 2020](#)

The NDM has six key elements. Each component provides the user with an area for focus and consideration. The element that binds the model together is the Code of Ethics at the centre.

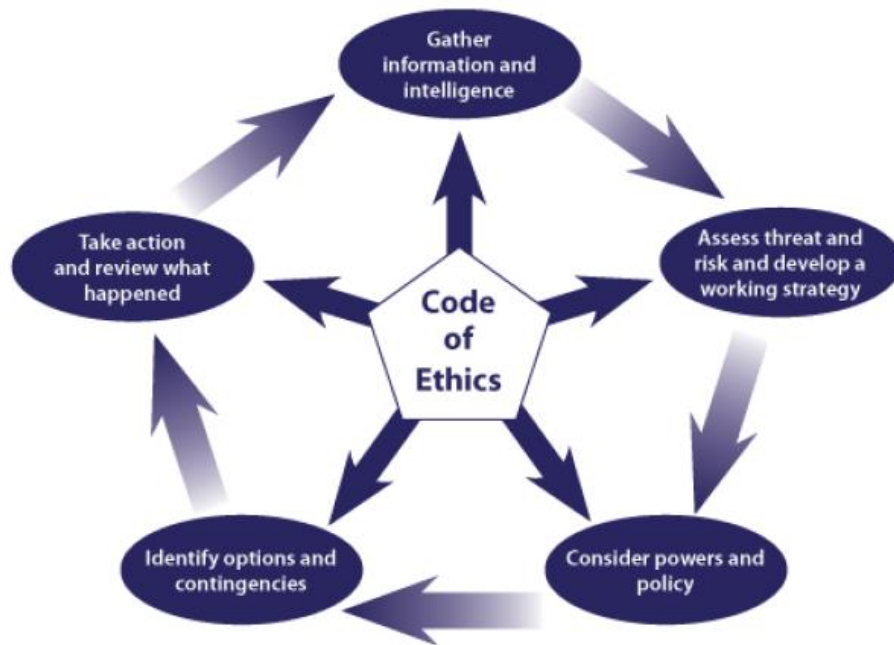


Figure 2: National Decision Model⁴⁰

⁴⁰ [Proposition – P.97/2020](#)

6. Key Themes from Evidence Received

6.1 The Role of Taser in Policing in Jersey

52. P.97/2020⁴¹ describes the role of Taser in policing in Jersey as follows:

- The core functions of policing are to save life and to prevent crime and disorder.
- The Police on occasion need to use force in the pursuance of their duties.
- Any use of force must be justified by the Officer, proportionate and in line with the law, current policy and guidance.
- When responding to violent or high-risk incidents the Police respond in a way which ensures that the public are kept safe and that any potential harm is minimised.
- Taser increases the range of tactical options available to Officers when responding to violent incidents. It enables the Police to minimise risk and maximise the safety of those involved, with the overarching principle being to save and preserve life.
- Tactical options include physical confrontation or restraint, use of irritant spray ("PAVA"), Baton and in some cases firearms. In this 'continuum', Taser is considered to be as, if not more, effective than physical contact, PAVA or Baton while at the same time 'less lethal' than firearms. In the majority of cases, the use of Taser can safely resolve dangerous situations without being fired.

53. The benefits and advantages of Taser as a tactical instrument for policing was a theme highlighted within submissions received from both members of the public as well as targeted stakeholders. Examples include:

States of Jersey Police Association:

*Taser is a great piece of equipment for Officers; it is an incapacitate, meaning that it will stop the subject doing what they are doing...*⁴²

Jersey Police Authority:

*...It has huge value because it provides a 'less-lethal' alternative to the use of a firearm and can also be deployed at a safe distance from an individual. It is a significantly better option than the traditional alternatives which involve physical confrontation and restraint...*⁴³

Member of the Public:

*A taser doesn't leave any lasting damage, so unlike the baton which can break ribs and other bones, a dog bite which can leave scarring and a firearm which is likely to be fatal - the taser is a better option for Officers who need to quickly de-escalate a situation and prevent an individual from harming themselves or others.*⁴⁴

54. The benefits of Taser as a tactical tool for Officers is clear, and the Panel understands the advantages attributed to its use. However, the Panel highlights that P.97/2020 does not propose the introduction of Taser to Jersey, hence consideration is not whether

⁴¹ [Proposition – P.97/2020](#)

⁴² [Submission – States of Jersey Police Association](#)

⁴³ [Submission – Jersey Police Authority](#)

⁴⁴ [Submission - Anonymous](#)

Taser should or should not be used in Jersey, neither the benefits of Taser as a tool for policing. That aspect was reviewed and decided upon in 2014 when P.18/2014 was adopted. This review considers the potential impacts that the proposed changes to deployment of Taser may have on Jersey's policing model, rather than the impact of Taser on the policing model. Therefore, it includes consideration for the impacts arising from expanding its use to more Officers, without firearms training, non – Authorised Firearms Officers (non-AFOs), and removing the requirement for the authority to authorise the use of Taser. Essentially the proposed changes would relax the rules around the use of Taser in Jersey which may potentially impact Jersey's policing model in both positive and negative ways. The Panel notes that this is a fundamental aspect to keep in mind when considering the Proposition:

Chief of Police:

What we are asking for in this Proposition is not the continued use of taser; that we all understand. What we are asking for is an unnecessary level of authority that does not exist anywhere else, and I think does not keep the public safe, and rather than having just authorised firearms Officers with taser, that we have got approximately 2, maybe 3 sometimes, I am not going to be precise on the numbers but it will never be anywhere near 15 because that is as many as we have got. So this is a very very small incremental increase, which I think is absolutely proportionate.⁴⁵

55. Regarding policing policy for Officers attending callouts, the Panel questioned whether Officers were being deployed to incidents alone. A submission was received which highlighted that Officers were being placed in situations on their own without adequate protective personal equipment.

Member of the public:

...he is single crewed and gets sent to domestic abuse, public order and mental health situations every shift he works. He frequently has to deal with people using knives and has on several occasions been attacked with a knife. He's lucky not to have been stabbed. He willingly goes to these jobs but is more and more regularly told that there isn't back up so he's alone in these situations trying his best to de-escalate them but with only minimal PPE.⁴⁶

56. The Panel notes that this concern was raised and given as a reason to support the changes to the deployment of Taser to non-AFOs. The Chief Officer confirmed that, although Authorised Firearms Officers operate in pairs, the SoJP do not always deploy across the Island in conventionally double-crewed cars.⁴⁷ Moreover, The Panel questioned whether the change to deployment of Taser would lead to more Officers increasingly being called to attend incidents on their own as they would perceive the protection of Taser, therefore placing Officers in difficult situations on their own more often:

Member of the public:

...he is single crewed and gets sent to domestic abuse, public order and mental health situations every shift he works. He frequently has to deal with people using knives and has on several occasions been attacked with a knife. He's

⁴⁵ [Transcript – Hearing with the Minister for Home Affairs – 1 October 2020 – P.29](#)

⁴⁶ [Submission - Anonymous](#)

⁴⁷ [Transcript – Hearing with the Minister for Home Affairs – 1 October 2020 – P. 6](#)

*lucky not to have been stabbed. He willingly goes to these jobs but is more and more regularly told that there isn't back up so he's alone in these situations trying his best to de-escalate them but with only minimal PPE.*⁴⁸

Chief of Police:

*... we do not deploy across the Island in conventionally always double-crewed cars, people patrol on their own in the town, and I am very keen to continue with that. As the Minister has already indicated, and I am sure we agree, we live in an incredibly safe environment. I do not think it is necessary to have all the time Police Officers paired up together. Not least of which they have the appropriate training and really good kit to provide protection both for themselves and to the public.*⁴⁹

57. Considering a submission reflecting a member of the public's view of single crewing and the current policing policy, the Panel is cautious that the proposed changes to the deployment of Taser could potentially be used to bridge existing gaps in Jersey policing policy in relation to Officers being called to attend incidences on their own and therefore would encourage single crewing because more Officers would have Taser available to them.

Member of the public:

*...If you don't want to give Police Officers tasers, then you should consider the policy for single crewing over here, increase Officer numbers and see whether that makes financial sense...*⁵⁰

Chief of Police:

*My instinct is no but it should be ... in many ways I would see that as a positive because if they have got equipment with which to deal with it, say, for example, somebody who is suffering from a mental health crisis, that they have got the equipment to solve the problem. That sounds to me to be a good thing.*⁵¹

58. Regarding the change to the deployment of Taser, the Panel understands that 15 tasers will be rolled out to a force of over 200 Officers. However, the Panel questioned how significant the impact would be on the policing outcome that the Proposition aims to achieve, if only 15 Officers were trained in using taser. The Panel questioned whether it was the case, that all Officers would be trained and that only 15 tasers would be in circulation at any given time. If so, this would potentially result in all Officers being trained, yet Officers deployed with Taser would remain thinly spread.

Chief of Police:

*... The most tasers that could ever be deployed by States of Jersey Police at any one time is 15. I cannot see a time when we will ever deploy 15 because the current model, as you described, is that we will be providing training to certain key personnel on particular shifts and they will be the "taser Officer" for that shift. That is the model that I have seen used in previous places that I have worked, so there would be nominated taser Officers...*⁵²

⁴⁸ [Submission - Anonymous](#)

⁴⁹ [Transcript – Hearing with the Minister for Home Affairs – 1 October 2020 – P. 6](#)

⁵⁰ [Submission - Anonymous](#)

⁵¹ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 - P.6](#)

⁵² [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 - P.7](#)

59. The Panel questioned whether the total number of 15 tasers could be guaranteed not to rise over time if there was a change in opinion, and potentially result in all Officers in Jersey having Taser available to them as more were acquired. The Chief of Police could not guarantee that Taser numbers would not increase in the future, however, committed that if there were to be any changes to Taser it would first be explained.

Chief of Police:

I do not think you would ever expect me, as your Police chief, to say never. Because that would always depend on what the threat and risk is to the Island. At the moment, and I have no reason to think that this will change anywhere in the near future, I think the deployment of a maximum of 15 tasers is appropriate. That would ordinarily mean that on any given shift at any given time we could have between 4 or 6 people carrying a taser out of a cohort of 200 Police Officers. So a really limited but I think proportionate - and I think that is the key word here – use. My final part to that question is this: is if, and I do not envisage it at all currently, and in line with the 2014 Proposition where the commitment was always - hence the reason why we are here - that any changes to taser, given the public interest, public concern and indeed your interest and your concern, if there were to be any changes my commitment - and I am confident the Minister would feel this way too - is of course we would come back and explain that. I do not envisage any changes to what we have currently proposed into the near future.⁵³

60. It was the view of the members of the Jersey Police Complaints Authority that P.97/2020 should specify the number of Officers that will be given training, as members expressed their concerns if every frontline Officer were to be patrolling with Taser.⁵⁴
61. The Panel requested additional information in relation to the number of Officers that are currently trained to deploy Taser and the expected number that would be trained were the Proposition to be adopted. It was confirmed that at present there are 30 trained firearms Officers within the SoJP.⁵⁵ Furthermore, the aspiration would be to have an additional two Officers on duty, on each operational team who are in possession of Taser. Therefore, to achieve this the SoJP would be looking to train an additional 20 Officers, four from each operational team. There are five operational shifts, so an additional 20 Officers spread across the five operational teams is expected to provide resilience in respect of managing leave, sickness, departmental moves, and courses etc.⁵⁶
62. In a submission received, 'Lazy Cop Syndrome' was highlighted as consequential of relaxation of rules regarding Taser use. This was raised as a primary concern by a member of the public. Reference was made to research described as follows:

"Lazy Cop Syndrome" whereby more traditional methods of defusing a situation take second place to the easier option of using a Taser, in the first instance to threaten with a "red dot" but in the second to actually fire. This becomes a substitute for more traditional means of de-escalating situations, because it is quick and less onerous.⁵⁷

⁵³ [Transcript – Hearing with the Minister for Home Affairs – 1 October 2020 – P. 3](#)

⁵⁴ [Submission - Jersey Police Complaints Authority](#)

⁵⁵ [Additional Questions – Minister for Home Affairs re P.97/2020](#)

⁵⁶ [Additional Questions – Minister for Home Affairs re P.97/2020](#)

⁵⁷ [Submission - Bellows](#)

63. It was their view that, although they did not have concern with Taser as a substitute for armed response Officers, they did have a concern regarding the potential change which would expand its use to non- AFOs. It was noted in the submission that careful consideration should be given to the Proposition to increase the use of Taser to more ordinary Police Officers rather than firearms Officers.⁵⁸
64. Regarding appropriate usage of Taser, a submission from the Children's Commissioner for Jersey highlighted serious concerns around the potential for Taser to not be used as measure of last resort. Within the submission it was noted that in 2018, Freedom of Information Requests revealed reasons for use of Taser as 'to effect arrest' and 'to avoid escape'. It was emphasised that this is not in line with the '*proportionate, lawful, accountable and absolutely necessary*' guidance provided by the United Nations Guidance on Less-Lethal Weapons in Law Enforcement.⁵⁹
65. A submission from the States of Jersey Police Association highlighted it was the association's professional view that responsible use of Taser depended on the Officer being able to justify use of force from simply taking hold of a subject through to lethal force with a firearm. It was noted that Taser is a use of force tool, hence its use would need to be justified on every occasion. The Officer would need to evidence that the use of force was Proportionate, Legal, Accountable, Necessary and the least intrusive use of force suitable for that situation.⁶⁰
66. A submission received by the Panel highlighted that the safety aspect of Taser is one of balance between not using them, and the risks involved in using more conventional methods of policing:
- ...When there is a strict policy of only using them as a substitute for conventional firearms, the number of cases is relatively small, and the risk to individuals less – a risk also balanced by the risk of being shot in a confrontational situation. But where that is relaxed, and the Taser becomes a weapon of choice for dealing with a belligerent and perhaps not necessarily violent individual, the greater number of cases will make fatalities more statistically likely.*⁶¹
67. During the Hearing with the Minister for Home Affairs, the Chief of Police informed the Panel that one of his key roles was to ensure that the SoJP was not indiscriminately using Taser. Moreover, he commented that he was confident, regarding Taser use, that his Officers know how to use it, when to use it and have only used it sparingly in the past. Notwithstanding, the Panel is cautious that an expansion of Taser use to non-AFOs and the removal of the Authority has the potential to increase its use unnecessarily.⁶²

Key Finding 9

The current proposals alter the manner in which Taser is utilised in Jersey and further clarity is required as to the impact this will have on the Policing Model in Jersey.

⁵⁸ [Submission - Bellows](#)

⁵⁹ [Submission – Children's Commissioner for Jersey](#)

⁶⁰ [Submission – States of Jersey Police Association](#)

⁶¹ [Submission - Bellows](#)

⁶² [Transcript – Hearing with the Minister for Home Affairs – 1 October 2020 – P. 6](#)

Key Finding 10

Further clarity is required over the policies relating to Police Officers attending incidents on their own. This also extends to whether the changes proposed would lead to an increase in instances of this occurring.

Key Finding 11

There are currently 30 firearms trained Officers who have the ability to deploy Taser. It is intended that an additional 20 Police Officers (four from each operational team) would be trained if the Proposition is adopted. This would mean that 50 Police Officers out of approximately 200 would be eligible to deploy Taser. It is intended that there will only be 15 Taser units available and it is expected that on any given shift between four and six Officers would be in possession of Taser.

Key Finding 12

There are conflicting views from the submissions received over whether the proposed changes would lead to Taser being utilised more readily than as a tool of last resort.

Recommendation 3

The Minister for Home Affairs should ensure a review is undertaken to identify whether the changes, if adopted by the States Assembly, have resulted in more Officers being required to attend incidents on their own. This review should be undertaken by the end of 2021.

6.2 Training

68. The Panel notes a recurring theme throughout submissions received was the paramount importance for appropriate training and safeguards to be in place if the changes to the deployment of Taser in Jersey were to be adopted. Examples, from both members of the public and targeted stakeholders are as follows:

Jersey Police Complaints Authority:

*...the quality of the training and the ability to follow procedure will be paramount...*⁶³

Comité des Connétables:

*...subject to appropriate safeguards, by an SoJP Officer who is properly trained.*⁶⁴

Youthful Minds:

*... We agree that some Police Officers should have tasers, however feel like they should be properly trained...*⁶⁵

69. Within P.97/2020 the following is highlighted regarding Training, Authorisation and Recording in relation to Taser use.⁶⁶

Training:

- The Taser course is run in Jersey to train AFOs in the use of Taser.
- It is delivered by nationally trained SoJP Firearms Instructors.
- It is designed to provide Officers with the skills and knowledge to allow them to carry a Taser.
- Police Officers on this course are subject to a series of pass or fail assessments.
- Successful candidates are then required to maintain their skills and knowledge by completing refresher training.
- During training, Officers must demonstrate consistently sound judgement, a knowledge and understanding of the NDM to resolve incidents involving conflict, an ability to use legitimate force in a proportionate and lawful manner and have a good professional standards, complaints and conduct record.
- Officers will also be expected to be able to fire a Taser accurately, demonstrate competence at dealing with role-play scenarios, justify the use of force using the NDM and demonstrate understanding when dealing with vulnerable people.

Authorisation:

- Once Taser has been deployed, usual supervision will apply, and the individual Officer's usage must be justified and compliant with all existing legislation and associated College of Policing guidelines.

⁶³ [Submission - Jersey Police Complaints Authority](#)

⁶⁴ [Submission – Comité des Connétables](#)

⁶⁵ [Submission – Youthful Minds](#)

⁶⁶ [Proposition P.97/2020 – Deployment and Use of Energy Conductive Devices \(Tasers\) by the States of Jersey Police – 28th July 2020](#)

- When deciding to use a Taser, a Police Officer will use the NDM. The NDM is used throughout the Police service. It is designed to assist operational Officers and commanders to manage their response to situations in a reasonable and proportionate way.
- The NDM requires consideration in the use of force and helps Officers to manage their response to an incident in real time. The model prompts the decision maker to act on the basis of the information available at that time.

Recording:

- All uses of Tasers are recorded by the Police. Every 'use form' is sent to the Professional Standards Department in SOJP and the Jersey Police Complaints Authority.
70. Regarding P.97/2020 and the detail provided, it is the view of the Jersey Police Complaints Authority that more specific detail on Taser training and refresher training that Officers would undertake be included in P.97/2020.⁶⁷

Jersey Police Complaints Authority:

The JPCA would want to see the Proposition provide more specific detail on training and refreshers...From our experience at the JPCA, it is the failure to follow procedure or the lack of training that can often give rise to a complaint.⁶⁸

71. The Panel was provided with, as reference, the training material that would be issued to Officers undertaking the Taser training programme. Documentation included course materials, namely – Course Package and Course Pre-Read information. The Course Package outlined the five-day 'Initial Taser Course', the plan and what would be covered, to be provided by the Firearms Training Department. Additionally, the Course Pre -Read material, the Pre-course information was provided. The Pre -Course information included detail in relation to the National Decision Model in Taser context, Taser information, cartridge information and tactical information. The Panel was also afforded the opportunity to attend a physical briefing to better understand the training process involved.
72. In a submission received from the States of Jersey Police Association it was the associations view that the training would be thorough:

...The training and assessment will be thorough, voluntary, and constantly reviewed and its us by an Officer will always be scrutinised and require justification...⁶⁹

73. Moreover, The States of Jersey Police Association described the processes involved as part of the training as follows:

The initial Taser course is four days, this is then supported by annual refresher training. This is run by the firearms training team. Prior to getting on the course Officers are expected to complete an application form where they evidence sound judgement and decision making. This application is then endorsed by their line manager agreeing that they would be a suitable Officer for the course. The course is a pass/fail course and during it Officers are expected to evidence

⁶⁷ [Submission - Jersey Police Complaints Authority](#)

⁶⁸ [Submission - Jersey Police Complaints Authority](#)

⁶⁹ [Submission – States of Jersey Police Association](#)

a good understanding of the National Decision Model and sound judgement. They are put through scenario training with role players presenting a range of threats where Officers are expected to vary their communication skills and justify their action. They are then subject to summative assessment in order to pass the course. As stated all Officers are then subject to annual refresher training, however should it come to light that the Officer is not suitable or circumstances dictate it is not appropriate for that Officer to carry Taser then their authority can be withdrawn at any time.⁷⁰

74. For the purpose of clarity, during the Hearing with the Minister for Home Affairs the Panel asked where the course took place, the length of the course, who was responsible for it and the accreditation that the Officers received. It was explained that the course was a College of Policing standard course and was accredited by the College of Policing in the United Kingdom. It was explained that the course is held at the College of Policing in the UK. The lead Firearms Instructors or lead Taser instructors are trained at the college in the UK and then return to Jersey to teach the same course to the SoJP Officers, on Island, at the Territorial Army centre.⁷¹
75. It was further clarified that the five-day course is a pass or fail course and that an annual one-day refresher training was required. It was emphasised that any Officer who failed to undertake the refresher course would lose their certification.⁷²
76. The Panel questioned the psychological training undertaken by Officers to determine their suitability for using tactical tools including Taser. It was explained that the process of assessing the suitability of Officers to carry out their duties is continuous. Medical and physical health assessments are undertaken as well as ongoing assessment and monitoring of performance and behaviour throughout an Officer's career. Only once a series of competencies have been demonstrated and evidenced are new Officers permitted to work independently. A probationary period lasts for two years, and during that time Officers are not permitted to specialise in areas such as Firearms. To become an AFO, and prior to being accepted on a firearms training course, every Officer must undergo a medical with a Forensic Medical Examiner to determine their physical and mental wellness for the role. If a welfare issue is identified with a firearms Officer, the Officer will be withdrawn from carrying a firearm and removed from the firearms team.⁷³
77. One submission from a member of the public expressed the following view in relation to Taser training:

The arguments for why a Police Officer shouldn't carry a taser which are currently circulating in society are offensive. These Officers will have to pass a nationally accredited course before they are trusted with this piece of kit, receive regular training and have to be re-certified in the use of it every year. We let members of the public get behind the wheel of a car every day without requiring as much regular training and testing and a car is far more dangerous!⁷⁴

⁷⁰ [Submission – States of Jersey Police Association](#)

⁷¹ [Transcript – Hearing with the Minister for Home Affairs – 1 October 2020 – P. 20](#)

⁷² [Transcript – Hearing with the Minister for Home Affairs – 1 October 2020 – P. 21](#)

⁷³ [Written Question – Minister for Home Affairs – 22 September 2020](#)

⁷⁴ [Submission - Anonymous](#)

Key Finding 13

There is substantial information in relation to the training that is undertaken by Police Officers in order to be able to deploy Taser. From the information provided to the Panel, the training appears to be highly adequate and appropriate.

Recommendation 4

The Minister for Home Affairs should make details of the training undertaken by Police Officers in respect of Taser publicly available and circulate them to all States Members prior to the debate on P.97/2020.

6.3 Safeguards – Use of Body-worn cameras

78. Regarding Safeguards, the Panel questioned whether body-worn cameras were used by Officers deployed with Taser. The Panel referenced that within a submission received from a member of the public it was his view that the Proposition would be more palatable if body-worn cameras were a requirement:⁷⁵

..Any Officers armed with a taser to have a working body camera enabled at all times (this is not mentioned the report but is an important point) and where a Taser is used, video footage to be logged at the same time as 'use form' is provided⁷⁶

Chief of Police:

Yes, we have used very effectively now body-worn cameras for some time and Officers on response are very, very used to using a body-worn camera. In fact they have come to like using body-worn cameras now...However, what I think I can safely say is that on 95 per cent of occasions, if not more, any Officer who is detailed to an incident and they consider using taser the first thing they do is activate their body-worn. On all the occasions that we have used taser so far, certainly on all the occasions where we have used a red dot and indeed fired the taser, all those incidents have been captured on body-worn. We absolutely have it built into our policy that Officers will activate the body-worn. It is almost built in now that it is one of the first things that they do. Officers like body-worn because it protects them ultimately as well.⁷⁷

79. The Importance of body-worn cameras as a safeguard was reiterated by the Jersey Police Authority. Within a submission received from the authority it emphasised that the most important safeguard for ensuring responsible use of Taser would be body - worn camera:

Jersey Police Authority:

...The most important safeguard for ensuring responsible use comes from Officers' body worn camera which records the exact circumstances as they occur...⁷⁸

⁷⁵ [Transcript – Hearing with the Minister for Home Affairs – 1 October 2020 – P. 21](#)

⁷⁶ [Submission - Haynes](#)

⁷⁷ [Transcript – Hearing with the Minister for Home Affairs – 1 October 2020 – P. 21](#)

⁷⁸ [Submission – Jersey Police Authority](#)

80. Regarding body-worn camera's as a safeguard when Officers are deployed with Taser, the Panel notes that no mention of body worn cameras is made within P.97/2020. The Panel recommends that the use of body-worn cameras should be written into policy to be used whenever an Officer is deployed with taser. This would act as both a reassurance for SoJP Officers as well as the community of Jersey. Additionally, reference to the use and activation of body-worn cameras should have been included in P.97/2020.

Key Finding 14

Body-worn cameras are seen as an important safeguard when an Officer deploys Taser. The Chief of Police explained that the use of body-worn cameras is built into policy and widely used by Officers prior to engaging in a situation. There is, however, no mention of their use or requirement to be used within the Proposition.

Recommendation 5

The Minister for Home Affairs should clarify the policy around the use of body-worn cameras by the States of Jersey Police Force. Use of body worn cameras should be clearly associated with the deployment of Taser and activated by all Officers involved in an incident. Following this, all footage should be submitted, retained and logged alongside the use form.

6.4 Impact on Vulnerable People

81. Regarding people who would be classed as vulnerable, the Panel observed that P.97/2020 makes only a single reference to vulnerable people. The single reference within the Proposition refers to the requirement for Officers to have the ability to justify the use of force using the NDM and to demonstrate understanding when dealing with vulnerable people. Similarly, the Police Complaints Authority refers within its submission to only limited reference to vulnerable adults and young people being made in P.97/2020:

Jersey Police Complaints Authority:

...to justify the use of force using the NDM and demonstrate understanding when dealing with vulnerable people...

82. Although evidence suggests the benefits of Taser as a tactical tool to deescalate certain situations involving vulnerable people, evidence for the potential negative impacts are also observed. The Panel understands the necessity for achieving the balance to protect both Officers and the wellbeing of members of the public. The Panel notes the risk involved to both Officers as well as vulnerable individuals at moments of crises and the appropriateness of Taser use during situations of heightened risk to wellbeing when all other measures to deescalate a situation have been exhausted:

Jersey Police Authority:

The risk assessment made by the Officer considering use of a Taser considers factors associated with protecting the safety of the individual or those around them. Whilst age and vulnerability will be considered, the level of threat to the individual or others will be the deciding factor.⁷⁹

⁷⁹ [Submission -Jersey Police Authority](#)

Member of the Public:

There's increasing numbers of calls for concern for welfare. These people shouldn't be hit with a baton, sprayed with pava or need a Police Officer to wrestle them to remove whatever it is they wish to kill themselves with. However, I'm sure it's 100% more acceptable to taser someone than watch them kill themselves in front of you. The number of mental health incidents my partner has attended which still haunt him is too many to count.⁸⁰

83. With reference to mental health crises, evidence suggests that incidents involving mental health crises are significant and increasing in Jersey. The Chief of Police confirmed that the SoJP were seeing increased incidents of people suffering from mental health crises and that this posed a challenge for his Officers as well as ambulance staff. At present the SoJP respond to 2.9 incidents per day which are flagged as being associated with people with Mental Health issues.⁸¹ He noted that having Taser as a tactical option to handle such situations would be a sensible use of Taser.⁸²

Jersey Police Authority

To the best of my knowledge, Taser has only been used in Jersey to protect people who are threatening to harm themselves or others and, to date, no complaints have been made. The individuals have been immediately detained for their own wellbeing (and those around them) and then transferred into medical care...⁸³

84. A consistent theme was highlighted in multiple submissions in relation to the potential negative consequences of Taser on vulnerable people, especially those individuals experiencing mental health crises.
85. One submission highlighted concern that if more uniformed Officers were deployed with Taser it may hinder individuals experiencing mental health crises from reaching out to Police for support in fear of not being listened to and, ultimately, it may increase the stigma and discrimination around matters of mental health.

Youthful Minds:

We also have a major concern that if uniformed Officers were allowed to use tasers, it would mean more people experiencing a mental health crisis and are reaching out to the Police for support, or have the Police called for them, they may be tasered instead of being supported and spoken to. Police Officers may use their tasers and say that they were worried they were going to get hurt because of someone in a mental health crisis, we fear that this will only bring more stigma and discrimination around mental health and mental illnesses⁸⁴

Youthful Minds:

We know from talking with young people that when people are experiencing a mental health crisis/problem/illness they should be treated with dignity, respect, compassion and a calm approach which is the opposite of using a taser. We

⁸⁰ [Submission - Anonymous](#)

⁸¹ [Additional Questions – Minister for Home Affairs re P.97/2020](#)

⁸² [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P.22](#)

⁸³ [Submission -Jersey Police Authority](#)

⁸⁴ [Submission – Youthful Minds](#)

*also know that people experiencing a mental health crisis need to be listened to and heard, and using a taser will not allow this and would most likely stop someone from feeling comfortable about talking about how they're feeling.*⁸⁵

86. The Panel questioned whether Taser was appropriate for all situations involving mental health crises. The Panel highlighted a hypothetical scenario of where an Officer has had Taser training, however, had limited experience in dealing with such situations. The Panel questioned whether Taser could potentially be used at haste in such a situation and as a replacement for deescalating the situation through talking and negotiation.⁸⁶

Chief of Police:

*Our first option will always be to communicate, to negotiate, to understand the points why that person finds themselves maybe where they are, and we have examples where we have negotiated with young people and indeed adults for many, many hours to try and come to a more, sort of, appropriate resolution. There are, on occasions though, times when Officers need to act quite quickly...where without question people would have made a really serious attempt on their life with a knife had taser not been deployed...*⁸⁷

87. Regarding circumstances that do not allow time for negotiation, the Assistant Minister for Home Affairs explained that many situations encompassed a large degree of unpredictability, however, within the SoJP, any action taken is based on procedure and not instinct. It was emphasised that the level of risk forms the foundation for actions taken by Officers.

Assistant Minister for Home Affairs:

*If somebody is going to hurt somebody else, hurt themselves or hurt an Officer, if there is an extremely strong likelihood of that happening then you will use necessary force and that force has to be proportional. You start with the event, you decide that there is a risk to somebody, yourself, the person involved, somebody else in the public, and it is only there that you start thinking about using force. It is the risk. You have to stop it. It is the job of the Police to prevent that risk from not going into damage...*⁸⁸

88. Considering the evidence for the potential negative impact of Taser on deterring vulnerable people from seeking help in times of crises in fear of Taser being used is concerning. The Panel is conscious of the incredible strength involved for an individual experiencing a mental crisis to seek support. Additionally, the Panel is aware of the progressive steps being taken within the community and government to acknowledge and support individuals experiencing mental illness. Therefore, anything that could potentially detract from that progress requires serious consideration.
89. In the context of situations involving mental illness, a submission received from Youthful Minds highlights that the perception of Taser should be considered. Concern was raised around Taser being perceived as punishment. The Panel notes that this would mean that the perception of Taser is not always one of protection.

⁸⁵ [Submission – Youthful Minds](#)

⁸⁶ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 -P.26](#)

⁸⁷ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 -P.27](#)

⁸⁸ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 -P.28](#)

Youthful Minds:

Another important point to consider is that the perception of tasers is normally around punishment and we would never want anybody to feel like they were being punished for seeking help or punished for something that they need support with.⁸⁹

90. The Panel requested information on how many times Officers had drawn a weapon on either a child or a person with a learning disability or some form of mental illness. Although, the Minister for Home Affairs was unable to provide statistical information regarding the quantity of occurrences, the Minister for Home Affairs responded that if a person was suspected to have a learning disability, impaired judgment or mental illness that Officers would respond in accordance with their training, employing specific tactics to ensure that the individual is afforded additional time and space wherever possible to ensure that they understand and can consider their actions.⁹⁰
91. Within a submission from the Jersey Police Authority, it was emphasised that Officers would always try to engage with individuals first. Moreover, a continuous theme throughout submissions suggests that Taser would always only be used as a measure of last resort.

Jersey Police Authority

...Again, it is important not to forget that Officers do not 'just deploy' Taser. They will always try and engage with vulnerable individuals to calm and deescalate a situation. Officers inform people that they have a Taser and that they are under threat if they do not comply with Police, but in a situation that the person is unresponsive to the Officers advice, Taser provides an important alternative to other forms of physical force...⁹¹

92. The Panel notes that not enough data is currently available regarding Taser and the impact on vulnerable people in Jersey.
93. One submission highlighted the following in relation to Taser and vulnerable people, referencing a briefing paper commissioned by the House of Commons (2016) on Taser use in England and Wales:

Child and Adolescent Mental Health Services (CAMHS):

There is the potential for taser discharge to be administered to individuals whose behaviour has been influenced by an underlying mental health condition, or learning difficulty. These may negatively influence how affected individuals interact with the Police and thereby elevate the risk of exposure to taser discharge or other forms of force.⁹²

94. The Panel is cautious whether enough research and consideration has been given to the potential negative impacts of Taser on individuals within the vulnerable group and the consideration for the impacts of the changes of use to the deployment of Taser may have on vulnerable individuals in Jersey. Assurance on getting the balance right

⁸⁹ [Submission – Youthful Minds](#)

⁹⁰ [Written Question – Minister for Home Affairs – WQ 340/2020](#)

⁹¹ [Submission -Jersey Police Authority](#)

⁹² [Submission - CAMHS](#)

is fundamental to the wellbeing of both Officers and the vulnerable individuals of Jersey's community.

Key Finding 15

Deploying Taser on individuals dealing with mental health crises could have a disproportionately negative affect on their wellbeing. Further research and data is required in relation to the impact of Taser on vulnerable individuals in Jersey.

Recommendation 6

Should the proposals be adopted by the States Assembly, the Minister for Home Affairs should undertake further research to identify their overall impact on vulnerable individuals in Jersey. This should be reported back to the States Assembly by the end of 2021.

6.5 United Nations Convention on the Rights of the Child

95. The States of Jersey ratified the United Nations Convention on the Rights of the Child (UNCRC) in 2014. Moreover, in 2017 the States Assembly approved Proposition P.63/2017,⁹³ 'United Nations Convention on the Rights of the Child: Compliance of draft Laws and Training of States of Jersey Employees', to bring forward the legislative changes to give further effect in Jersey Law to the UNCRC to support the improved realisation of children's human rights.
96. As a signatory of the UNCRC the Children's Commissioner for Jersey expressed her view regarding the use of Taser on children as follows:

Children's Commissioner for Jersey:

Jersey should follow the advice given by the UN Committee and therefore the use of Taser on children should be prohibited and set out in guidance should be clear presumptions against the use of Tasers on vulnerable groups, such as children and young people.

Ultimately, Police Officers should only ever use the Taser on children in extreme situations when it is considered 'proportionate, lawful, accountable and absolutely necessary' as per the Human Rights Act 1998 and College of Policing guidance...⁹⁴

97. The Panel questioned how the promise regarding the UNCRC would be reached as it stipulates that Taser on children should be prohibited.⁹⁵

Chief of Police:

I think it should be prohibitive but there could always be a scenario whereby there may be a 16 year-old boy is armed with a knife and may be going through some form of crisis and we would want to be able to deal with it in the safest possible way in the interests of that young person. So prohibitive, yes. But what I would not say is never because that then means that I have Officers having

⁹³ [Proposition – P.63/2020 - United Nations Convention on the Rights of the Child: Compliance of draft Laws and Training of States of Jersey Employees -7th July 2017](#)

⁹⁴ [Submission – Children's Commissioner for Jersey](#)

⁹⁵ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 23](#)

*to use other tactics, which may not be the best tactics in the interests of the young person. So prohibitive I can agree with but I would not suggest never...*⁹⁶

98. The Panel raised concern that the States Assembly is a signatory to the UNCRC and the Proposition does make explicit reference to whether Taser can be deployed on children or not.⁹⁷
99. The Panel realises, on occasion, it might be challenging to determine whether a person is under the age of 18. However, questioned how many times Taser has been used on children or young people in Jersey.⁹⁸

Chief of Police:

*My information is we have not used taser on any person under the age of 18. So we have not deployed tasers. We may have red dotted but we have not fired taser on anybody under the age of 18.*⁹⁹

100. The Panel notes within a submission received from the Children's Commissioner for Jersey that it is her view that the SoJP do not have data on the ages of the people Taser has been used on:

Children's Commissioner for Jersey:

*The Police are unable to provide data on the ages of the people the taser has been used on, and therefore cannot say how many times it has been used on children and young people.*¹⁰⁰

101. In a response to a [Written Question](#) regarding the number of times an Officer drew a weapon on a child, the Minister for Home Affairs responded as follows:

Minister for Home Affairs:

*Taser has never been discharged at a child or person under the age of 18 in Jersey, however 5 young people have had Taser pointed at them as a result of their possession of bladed weapons and the threat they posed to themselves or others*¹⁰¹

102. Within her submission to the Panel, the Children's Commissioner notes that in situations where an Officer has reason to believe Taser use on a child is required to protect the public, themselves, and/or the child or young person from serious violence or threats of serious violence, the Officer should seek approval from a senior Officer first.¹⁰²
103. The Panel highlights that by removing the requirement for authorisation prior to deploying Taser, an aspect that P.97/2020 seeks to change, the above mentioned – an Officer seeking approval prior to using Taser on a child - would not be possible.

⁹⁶ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 23](#)

⁹⁷ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 23](#)

⁹⁸ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 25](#)

⁹⁹ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 25](#)

¹⁰⁰ [Submission – Children's Commissioner for Jersey](#)

¹⁰¹ [Written Question – WQ.340/2020 – Minister for Home Affairs -22 September 2020](#)

¹⁰² [Submission – Children's Commissioner for Jersey](#)

104. The Panel commented during its Hearing with the Minister for Home Affairs that it had received representation from the Children's Commissioner for Jersey. The Chief of Police informed the Panel that he too had spoken with the Children's Commissioner about whether to deploy Taser on young people:

Chief of Police:

*Certainly, I have also spoken to the Children's Commissioner, as indeed has Chief Inspector Hafey, to speak to her about whether or not we deploy taser to young people. Of course, again I think one thing we would all be agreed on was we really do not want to do that. But in my Police experience using the word "never" is not a sensible word because I am sure we could think of a scenario in the interests of a young person who may be armed with a knife whereby we may need to use it. But our premise would be that we would really not want to ever use it but accepting that we sometimes do.*¹⁰³

105. A submission received from the States of Jersey Police Association reiterates that although the use of Taser would be a last resort, it cannot be guaranteed that Officers will never Taser a Juvenile.¹⁰⁴
106. Multiple submissions received refer to the UNCRC, children's rights in relation to Taser as well as the use of Taser on children. Examples are as follows:

Jersey Police Complaints Authority:

*There are clear recommendations from the UNCRC that the use of Taser on Children should be prohibited because of its impact on children's physical and mental health.*¹⁰⁵

Haynes:

*Use of Taser on anyone under 18 should be prohibited*¹⁰⁶

Youthful Minds:

*We are worried that if every uniformed Police Officer is allowed to use tasers, they may use them on a child under the age of 18. We feel like this could be traumatic to anyone, let alone a child.*¹⁰⁷

Child and Adolescent Mental Health Service:

*...the UN committee on the rights of the child has expressed concern about the use of taser on children in 2008.*¹⁰⁸

¹⁰³ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 22](#)

¹⁰⁴ [Submission – States of Jersey Police Association](#)

¹⁰⁵ [Submission – Jersey Police Complaints Authority](#)

¹⁰⁶ [Submission - Haynes](#)

¹⁰⁷ [Submission – Youthful Minds](#)

¹⁰⁸ [Submission - CAMHS](#)

Key Finding 16

Whilst it is not desirable to use Taser on children or young people, it cannot be guaranteed that this would never be required in the event that there was a threat to the safety of the young person, the Police Officer or members of the public.

Key Finding 17

A number of submissions have suggested that Taser use on Children and Young People should be prohibited entirely.

6.6. Recommendations of the Children's Rights Alliance England

107. A submission from the Children's Commissioner for Jersey refers to a briefing paper by Children's Rights Alliance England (CRAE) on Tasers and Children's rights, as well as the United Nations' Guidance on Less-Lethal Weapons in Law Enforcement. The Commissioner raised issues in relation to the use of Taser on children as follows:¹⁰⁹

Children's Commissioner for Jersey:

- *Contravening the rights of the child*
- *Lack of research and risk of harm*
- *Appropriate usage and training*
- *Discrimination*

108. Moreover, the Children's Commissioner for Jersey notes within her submission that CRAE recommends the use of Tasers on Children be completely eliminated; failing that, there should be a 'strong presumption against their use on children under the age of 18 years.'¹¹⁰
109. Regarding the risk that Taser poses to children, CRAE reflects on the lack of research into the risks of using Taser on children and regarding the physical and mental damage they cause.¹¹¹
110. In relation to the use of Taser on a child which constitutes not firing the Taser, but instead when being drawn and used as a threat, CRAE recommends that consideration be given to the potential psychological damage this might cause to children and young people.¹¹² A submission from CAMHS also highlights the unexplored psychological implications of Taser use on children.

Child and Adolescent Mental Health Service:

The longer term psychological implications of exposure to an extremely painful taser discharge, especially among children, remain unexplored¹¹³

111. Regarding discrimination, CRAE details that 74% of Taser use by the Metropolitan Police Service was on BAME (Black, Asian and Minority Ethnic) children. The Children's Commissioner for Jersey explained that as Jersey currently lacks any statistics on the demographics of Taser usage, this would be a key priority when

¹⁰⁹ [Submission – Children's Commissioner for Jersey](#)

¹¹⁰ [Submission – Children's Commissioner for Jersey](#)

¹¹¹ [Submission – Children's Commissioner for Jersey](#)

¹¹² [Submission – Children's Commissioner for Jersey](#)

¹¹³ [Submission - CAMHS](#)

considering the expansion of responsible, non-discriminatory Taser use. She emphasises the importance of this particularly regarding children in Jersey.¹¹⁴ This aspect of discrimination was reiterated within the submission received from the Jersey Police Complaints Authority, where the Authority notes concern regarding the disproportionate use of Taser on children from BAME groups.¹¹⁵

112. There is further evidence to suggest that across multiple jurisdictions, Taser use on Children has risen in recent years.¹¹⁶
113. Research undertaken within the UK points to an increase in use of Taser on children and young people especially in situations where young people may be violent, threaten violence or are congregating in mass. It is highlighted within the submission received from a member of the public that careful consideration should be given to how the relaxation on Taser rules in Jersey might impact use of Taser on children and young people in Jersey.¹¹⁷
114. The Panel is aware that Taser is already in use in Jersey, however, considering the limited research undertaken in the area and the lack of data, is cautious of the impacts that the changes brought by P.97/2020, expanding its use and removing the requirement for authorisation, may have on children and young people in the short and longer term.
115. Considering the widespread use of Taser across other jurisdictions as well as the absence of the authorisation requirement prior to Taser use in those jurisdictions, although Taser is already in use in Jersey serious consideration should be given to the implications of relaxation of Taser rules. While, if adopted, P.97/2020 would lead to Jersey mirroring how Taser is used in certain other countries (where issues regarding Taser use are being observed), the Panel is cautious of the potential implications this might have on children and young people in Jersey and the probable conflicts with the UNCRC to which Jersey has ratified.

Key Finding 18

Research across the United Kingdom has pointed towards an increase in use of Taser on children and young people, especially in situations where young people may be violent, threaten violence or are congregating in large groups. Further research is required as to whether this increase would also apply to Jersey should the Proposition be adopted.

Recommendation 7

If the Proposition is adopted by the States Assembly, the Minister for Home Affairs should ensure that further research is undertaken to identify whether the changes have led to an increase in use against people under the age of 18. This should be reported in the States of Jersey Police Force Annual Report.

Recommendation 8

On balance the Panel understands that in some exceptional circumstances Taser may be required to be used on people under the age of 18. However, the evidence received has also highlighted that Taser use on people under the age of 18 should be prohibited entirely and this has been linked to the United Nations Convention on the Rights of the Child. The Minister

¹¹⁴ [Submission – Children's Commissioner for Jersey](#)

¹¹⁵ [Submission – Jersey Police Complaints Authority](#)

¹¹⁶ [Submission - Bellows](#)

¹¹⁷ [Submission - Bellows](#)

for Home Affairs should therefore identify and bring forward a policy whereby any Taser use on a person under the age of 18 years is subject to a full investigation by the Children's Commissioner.

6.7 Public View and Perception of Tasers on Policing

116. Within section 5.1 of the report, it has been established that Jersey is a safe place to live and this is the message being portrayed to the community of Jersey as well as further afield. Therefore, this is the community's perception of Jersey and its threat climate.
117. The Panel questioned what the public's perception regarding its relationship with policing in Jersey would be if P.97/2020 increased Taser use and Taser availability to more Officers in Jersey. Noting that it has been established that Jersey remains a safe place to live and a safe community. The Panel questioned what would be done to ensure P.97/2020 does not change the perception of policing in Jersey.¹¹⁸
118. The Minister for Home Affairs explained that it was his view that the public should be reassured that the SoJP are equipped and trained with all the personal protection equipment to protect the public:

Minister for Home Affairs:

*You say will it change the reaction of people? Our arms Officers are normal Police Officers. They patrol the streets, they patrol St. Helier, they patrol out of town and they will carry a sidearm, which will be perfectly obvious. That does not seem to bother people. In fact, I suggest it reassures people to know that our Police force are out there to keep them safe. Now tasers will be much more discreet. They are in a holster, which is part of the equipment that the Police carry, and I do not know how much weight they carry around with them. People would not even notice that a taser is being carried.*¹¹⁹

119. Regarding the community's perception of policing in Jersey, the Chief of Police provided comment around the aspect of concern as well as offering reassurance regarding the matter:

Chief of Police:

The relationship between the Police service and its local community, particularly here in Jersey where I have seen a few, this is as good as I have seen. I think we saw a lot of that during the pandemic; how the Police and communities work together. It is something that I cherish and something we should continue to cherish. We are all, after all - and some members may have heard me say this before - only citizens in uniform, who have been asked by its local community to keep them safe. When the introduction of P.A.V.A. came in 20 years ago I remember the same conversations. What does that look like to the public where you have got something else on a belt that you could spray in people's faces? There was concern about that and over time that is seen as a piece of equipment that can keep people safe and deal with other issues as well. Then we have seen the onset of various other bits of equipment because of course other bits of protective equipment are handcuffs as well. People are

¹¹⁸ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 13](#)

¹¹⁹ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 13](#)

*very familiar with handcuffs and there is not an issue with that. We are now in the place of taser, and of course back in 2014 it was agreed that taser was the appropriate piece of kit to keep people safe. I think that the public now see things as taser as the norm.*¹²⁰

120. Regarding the importance of the public remaining supportive of the policing service the following was expressed within a submission received from the Jersey Police Authority.

Jersey Police Authority:

*It is extremely important that the public remain supportive of their policing service and that Officers at all times appear approachable and helpful. It has been suggested to me that the deployment of Officers in tactical equipment, wearing protective vests can be off-putting, but I have seen no evidence to support this. We have a responsibility on behalf of the public to ensure that Police Officers are provided with the best possible equipment and training in order for them to perform their duty which is to protect life, detect and deter crime. The deployment of Taser fits this category. It is a tool. A piece of equipment designed to protect life and extend the range of options open to an (appropriately trained) Officer responding to an incident.*¹²¹

121. As with all other public services, the Panel emphasised the importance of maintaining good community to public service relationships. This would include the community's relationship with policing.¹²² Therefore, the deliberation of the aspect of the relationship of the public with the Police is important when changes to policing are being considered, as with P.97/2020.

Key Finding 19

It is the view of the Minister for Home Affairs and other key stakeholders that the changes proposed by P.97/2020 will not have a negative impact on the public perception of policing in Jersey. This should, however, not be taken for granted and engagement with the community in respect of policing should be maintained.

Recommendation 9

The Minister for Home Affairs should ensure that a qualitative approach to assessing public perception of changes to policing is undertaken prior to any further proposals (especially in regards to the deployment of Taser) being brought to the States Assembly.

¹²⁰ [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 15](#)

¹²¹ [Submission -Jersey Police Authority](#)

¹²² [Transcript – Hearing with the Minister for Home Affairs – 1st October 2020 – P. 13](#)

7. Conclusion

The Panel has considered the principles set out in P.97/2020 and has concluded that the proposed changes would be beneficial to policing in Jersey, however, a number of concerns exist in relation to them. The main concerns raised in relation to the proposals are:

- There appears to be a lack of specific data in relation to the number of times Taser has been used on people under the age of 18. Bearing in mind the States Assembly is a signatory to the United Nations Convention on the Rights of the Child (UNCRC) this has been identified as a serious concern.
- Further clarity is required in relation to the number of times that Taser is required to resolve a situation involving a person who may be experiencing a mental health crisis.
- There appears to be a lack of specific data in relation to the various demographics (e.g. gender, age, cultural and ethnic groups) that have been subjected to the use of Taser
- There is a concern that changing the manner in which Taser is deployed (in this instance at the Officer's discretion) could lead to an increase in Police Officers being asked to attend potentially dangerous situations on their own.
- There is no certainty as to the overall impact that this change would have on policing in Jersey (and consequentially the impact on vulnerable people and children).

The Panel has therefore brought forward an amendment to P.97/2020 which proposes that the changes are adopted for a 1-year trial period, during which time the States of Jersey Police Force should collect additional data in respect of the changes, namely:

- The number of times a Taser has been used on a person under the age of 18 during the trial
- The number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode during the trial
- A breakdown of the gender, age, cultural and ethnic group of the individuals whom a Taser has been deployed during the trial. This should also include the nature of the use (e.g. drawn, red-dotted, fired etc.)
- The number of times a Taser has been deployed by a Police Officer who was deployed on their own during the trial.

The Minister for Home Affairs should then report back to the States Assembly on the data collected. The Assembly would then be required to vote on whether to continue with the proposed arrangements or not.

Due to the timescale for drafting and presenting its report, the Panel was required to submit the amendment above by 20th October 2020 in order to meet the deadline for debate of the Proposition on 3rd November 2020. Further to this deadline, the Panel discussed its findings and recommendations further and noted the importance of recommendation five (in respect of the safeguard of body worn cameras). It therefore agreed to bring forward a further amendment to the Proposition in order to explicitly states that use of a Taser by a States of Jersey Police Force Officer must be recorded on body worn cameras by all Officers attending

a particular situation. This footage must then be submitted, retained and logged alongside the use form from the incident.

The Panel proposes this approach as a measured and constructive way to address the issues it has identified. The amendments suggested would allow the States of Jersey Police Force to change the governance arrangements in relation to the deployment of Taser as requested for a year's trial whilst collecting data to further underscore its requirement of otherwise. This would, ultimately, provide the States Assembly with a greater level of information to identify whether or not the changes should be adopted in the longer term.

The Panel would like to thank all who contributed to its review.

8. Appendix One

8.1 Panel Membership



[Deputy Rob Ward, Chair](#)



[Deputy Louise Doublet, Vice-Chair](#) (Deputy Doublet was not involved in the review)



[Deputy Trevor Pointon](#)



[Deputy Mike Higgins](#)



[Deputy Rowland Huelin](#) (Deputy Huelin was appointed Assistant Chief Minister on 8th September 2020 and, as a result, was not involved in the final stages of the review)

8.2 Terms of Reference

1. To examine the rationale and relevant evidence for the proposed changes in the deployment and authorisation of Tasers by the States of Jersey Police.
2. To consult with key stakeholders in order to establish and explore views on the Taser Proposition.
3. To identify what consideration, if any, has been given to the potential wider impact of the proposed changes detailed in the Taser Proposition on policing in Jersey, including public perception/expectation.
4. To consider the potential impacts of the Taser Proposition on the rights of children and young people.

8.3 Public Hearings

Witness	Date
Connétable Len Norman, Minister for Home Affairs Deputy Gregory Guida, Assistant Minister for Home Affairs Mr Robin Smith, Chief of Police, States of Jersey Police Mr Mark Haffey, Acting Chief Inspector, States of Jersey Police	Thursday 1 st October 2020

8.4 Evidence Considered

The Panel received the following submissions during the review:

- [States of Jersey Police Association](#)
- [Jersey Police Force Authority](#)
- [Jersey Police Complaints Authority](#)
- [Comité des Connétables](#)
- [Children and Adolescent Mental Health Service](#)
- [Youthful Minds](#)
- [Children's Commissioner for Jersey](#)
- [Anonymous](#)
- [Bellows](#)
- [Curwood](#)
- [Haynes](#)

9. [Appendix Two – Panel Amendments to P.97/2020](#)

STATES OF JERSEY



DEPLOYMENT AND USE OF ENERGY CONDUCTIVE DEVICES ('TASERS') BY THE STATES OF JERSEY POLICE (P.97/2020): AMENDMENT

**Lodged au Greffe on 20th October 2020
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

9.1 Amendment - P.97/2020

DEPLOYMENT AND USE OF ENERGY CONDUCTIVE DEVICES ('TASERS') BY THE STATES OF JERSEY POLICE (P.97/2020): AMENDMENT

1 PAGE 2 –

After the words “States of Jersey Police Force” insert the words “for a trial period of 1 year”.

2 PAGE 2 –

Designate the existing paragraph as paragraph 1 and, after this paragraph, insert the following paragraph –

- “2. to request the Minister for Home Affairs to review the impact of the changes to the use of Tasers on policing in Jersey after the 1-year trial period has been completed, and to report to the States on the success, or otherwise, of the trial, with the report to include data in respect of –
 - (a) the number of times a Taser has been used on a person under the age of 18;
 - (b) the number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode;
 - (c) a breakdown of the gender, age, and cultural and ethnic groups of the people on whom a Taser has been used; and
 - (d) the number of times a Taser has been deployed by a police officer who is on their own.”.

3 PAGE 2 –

After the existing paragraph, insert the following new paragraph –

- “3. to agree that the deployment and use of Tasers in accordance with the principles outlined in the proposition should not continue beyond the trial period of 1 year without the prior approval of the States Assembly.”.

CHILDREN, EDUCATION AND HOME AFFAIRS SCRUTINY PANEL

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

- 1.** to refer to their act dated 1st April 2014 and to endorse the intention of the Minister for Home Affairs to authorise the deployment and use of Energy Conductive Devices (“Tasers”) by the States of Jersey Police

9.1 Amendment - P.97/2020

Force for a trial period of 1 year in accordance with the following principles –

- (a) A Taser will only be issued to a uniformed police officer who has completed a Taser course (to the national standard).
- (b) The use of a Taser will be at the discretion of the police officer who is carrying the Taser and will not be subject to a specific firearms authority.
- (c) Usual supervision of the use of Taser will apply and the individual officer's usage must be justified and compliant with all existing legislation and associated College of Policing Guidelines.

2. to request the Minister for Home Affairs to review the impact of the changes to the use of Tasers on policing in Jersey after the 1-year trial period has been completed, and to report to the States on the success, or otherwise, of the trial, with the report to include data in respect of –

- (a) the number of times a Taser has been used on a person under the age of 18;
- (b) the number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode;
- (c) a breakdown of the gender, age, and cultural and ethnic groups of the people on whom a Taser has been used; and
- (d) the number of times a Taser has been deployed by a police officer who is on their own.

3. to agree that the deployment and use of Tasers in accordance with the principles outlined in the proposition should not continue beyond the trial period of 1 year without the prior approval of the States Assembly.

9.1 Amendment - P.97/2020

REPORT

Background

1. [P.97/2020, 'Deployment and use of Energy Conductive Devices \('Tasers'\) by the States of Jersey Police'](#) (hereafter 'P.97/2020') was lodged by the Minister for Home Affairs on 28th July 2020 and is scheduled for debate by the States Assembly on 3rd November 2020. The proposition seeks to change the current arrangements in relation to how Taser is deployed by the States of Jersey Police Force. Should the proposition be adopted, it is intended that the deployment of Taser would be in accordance with the following principles:
 - (a) A Taser will only be issued to a uniformed police officer who has completed a Taser course (to the national standard);
 - (b) The use of a Taser will be at the discretion of the police officer who is carrying the Taser and will not be subject to a specific firearms authority; and
 - (c) Usual supervision of the use of Taser will apply and the individual officer's usage must be justified and compliant with all existing legislation and associated College of Policing Guidelines.
2. Since August 2020, the Children, Education and Home Affairs Panel (hereafter 'the Panel') has been conducting a review of the changes. The Panel will present its final report on the proposals prior to the debate where its overall findings and recommendations in relation to the proposition will be detailed.

Purpose of Amendment

3. Whilst the Panel's overall findings and recommendations from its Review are presented in its full report, it has become clear during the process that certain concerns are most appropriately addressed through an amendment to P.97/2020. This is in respect of the following issues:
 - There appears to be a lack of specific data in relation to the number of times Taser has been used on people under the age of 18. Bearing in mind the States Assembly is a signatory to the United Nations Convention on the Rights of the Child (UNCRC) this has been identified as a serious concern;
 - Further clarity is required in relation to the number of times that Taser is required to resolve a situation involving a person who may be experiencing a mental health crisis;
 - There appears to be a lack of specific data in relation to the various demographics (e.g. gender, age, cultural and ethnic groups) that have been subjected to the use of Taser;
 - There is a concern that changing the manner in which Taser is deployed (in this instance at the Officer's discretion) could lead to an increase in Police Officers being asked to attend potentially dangerous situations on their own; and
 - There is no certainty as to the overall impact that this change would have on policing in Jersey (and consequentially the impact on vulnerable people and children).

9.1 Amendment - P.97/2020

4. It is important to note that the term ‘use’ when discussing Taser does not necessarily mean that it has been fired. P.97/2020 sets out the various stages of Taser ‘use’ that are recorded as separate processes. The Panel expands on this further in its final report.
5. The Panel has received informed opinions during its review to suggest that the proposed changes would be beneficial to policing in Jersey, however, there is an absence of specific data or research underpinning P.97/2020 to give the Panel full confidence in the proposals it contains. Accordingly, the Panel suggests further consideration needs to be given to the impact the changes will have on policing in Jersey and, that while the changes should be adopted, this should be done on a trial basis for one-year.
6. At the end of this one-year trial, the Minister should review the success, or otherwise, of the changes during the trial and report back to the States Assembly. This review should focus on the overall impact of the changes on policing in Jersey, including public perception of them. This report should also include specific data in relation to:
 - The number of times a Taser has been used on a person under the age of 18 during the trial;
 - The number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode during the trial;
 - A breakdown of the gender, age, cultural and ethnic group of the individuals whom a Taser has been deployed during the trial. This should also include the nature of the use (e.g. drawn, red-dotted, fired etc.); and
 - The number of times a Taser has been deployed by a Police Officer who was deployed on their own during the trial.
7. The Panel further proposes that on receipt of the report, the States Assembly should be asked by the Minister for Home Affairs to vote on whether to continue with the arrangements or not.
8. The Panel proposes this approach as a measured and constructive way to address the issues it has identified. This amendment would allow the States of Jersey Police Force to change the governance arrangements in relation to the deployment of Taser as requested for a year’s trial whilst collecting data to further underscore its requirement, or otherwise. This would then provide the States Assembly with a greater level of information to identify whether or not the changes should be adopted in the long-run.

Financial and manpower implications

It is not expected that adoption of this amendment will require any additional funding, or resourcing, in terms of personnel. It should, however, be noted that there may be implications in respect of the time required to undertake the additional research identified in the amendment. It is expected that this would be undertaken from within existing budgets and manpower resources.

STATES OF JERSEY



DEPLOYMENT AND USE OF ENERGY CONDUCTIVE DEVICES ('TASERS') BY THE STATES OF JERSEY POLICE (P.97/2020): SECOND AMENDMENT

**Lodged au Greffe on 27th October 2020
by the Children, Education and Home Affairs Scrutiny Panel**

STATES GREFFE

9.2 Second Amendment - P.97/2020

DEPLOYMENT AND USE OF ENERGY CONDUCTIVE DEVICES ('TASERS') BY THE STATES OF JERSEY POLICE (P.97/2020): SECOND AMENDMENT

1 PAGE 2, PARAGRAPH (a) –

For paragraph (a) substitute the following paragraph –

“(a) A Taser will only be issued to a uniformed police officer who has completed a Taser course (to the national standard) and who has also completed their probationary period.”

2 PAGE 2, PARAGRAPH (c) –

After paragraph (c) insert the following new paragraph –

“(d) Any use of a Taser must be recorded on body-worn cameras by all officers attending the situation in which use occurs, with the footage to be submitted, retained and logged alongside the use form from the incident.”

CHILDREN, EDUCATION AND HOME AFFAIRS SCRUTINY PANEL

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

to refer to their act dated 1st April 2014 and to endorse the intention of the Minister for Home Affairs to authorise the deployment and use of Energy Conductive Devices (“Tasers”) by the States of Jersey Police Force in accordance with the following principles –

- (a) A Taser will only be issued to a uniformed police officer who has completed a Taser course (to the national standard) and who has also completed their probationary period.
- (b) The use of a Taser will be at the discretion of the police officer who is carrying the Taser and will not be subject to a specific firearms authority.
- (c) Usual supervision of the use of Taser will apply and the individual officer’s usage must be justified and compliant with all existing legislation and associated College of Policing Guidelines.
- (d) Any use of a Taser must be recorded on body-worn cameras by all officers attending the situation in which use occurs, with the footage to be submitted, retained and logged alongside the use form from the incident.

9.2 Second Amendment - P.97/2020

REPORT

1. As Members will be aware, the Children, Education and Home Affairs Scrutiny Panel (hereafter ‘the Panel’) lodged its amendment to [‘Deployment and Use of Energy Conductive Devices \(‘Tasers’\) by the States of Jersey Police’ \(P.97/2020\)](#) (hereafter ‘P.97/2020’) on Tuesday 20th October 2020. This was lodged as a result of the Panel’s review of P.97/2020, in conclusion of which it is planning to present a report to the States Assembly on Thursday 29th October 2020. As stated in the previous amendment report, the full findings and recommendations of the review will be presented at that time.
2. In addition to that amendment the Panel agrees that further revision is required to clarify the use of body-worn cameras by Police Officers when discharging Taser. Furthermore, it agrees that extra clarity was required in the proposition in relation to the levels of experience of any officers who would be placed in a position to discharge a Taser in the line of duty.
3. Accordingly, this additional amendment would clarify the following key points in respect of the principles being proposed by P.97/2020:
 - An officer would only be able to carry and deploy a Taser once they had completed their probationary period (2-years); and
 - Any use of a Taser by a States of Jersey Police Force Officer must be recorded on body-worn cameras by all Officers attending a particular situation. This footage must then be submitted, retained and logged alongside the use form from the incident. It is important to clarify that the term ‘use of Taser’ does not mean simply that it is fired. This also includes instances where a Taser is drawn, aimed, red-dotted (similar to a laser-target being placed on the person involved), arced and ultimately fired. The Panel would state for clarity that this amendment requires any use within these various staged to be recorded by the body worn cameras of all Officers present.
4. The Panel notes that it is current policy for Police Officers to utilise body-worn cameras whilst involved in such situations, however, it has concluded that this necessary safeguard should be explicit in any decision of the States Assembly in relation to the principles set out in P.97/2020.

Financial and manpower implications

There are no financial implications for the States arising from this Proposition. It is expected that any additional manpower requirements arising from the administration of body worn camera footage would be met from within existing budgets where possible.



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