

STATES OF JERSEY



INTRODUCTION OF TASERS IN JERSEY (S.R.4/2012): RESPONSE OF THE MINISTER FOR HOME AFFAIRS

Presented to the States on 23rd August 2012
by the Minister for Home Affairs

STATES GREFFE

**INTRODUCTION OF TASERS IN JERSEY (S.R.4/2012):
RESPONSE OF THE MINISTER FOR HOME AFFAIRS**

Ministerial Response to: S.R.4/2012

Ministerial Response required by: 20th August 2012

Review title: Introduction of Tasers in Jersey

Scrutiny Panel: Education and Home Affairs

FINDINGS

| Findings | Comments |
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| Key Finding 1 –The Panel accepts that there is a justification for providing officers who are already authorised to carry conventional firearms with full lethal force, as well as other less lethal, but potentially fatal weapons, with a less lethal alternative to a conventional firearm, provided that clearly defined boundaries are set for the deployment and use of these weapons. | The Minister for Home Affairs and the States of Jersey Police would like to thank the Scrutiny Panel for their support. This Key Finding is agreed. |
| Key Finding 2 – The Panel, however, is not satisfied that the information supplied in the draft report accompanying the Minister’s proposition provides an adequately strong or convincing case for the deployment of a new weapon in Jersey. The Panel believes that the Minister should provide clearer evidence of the capability gap which Taser might fill before his proposal to introduce Tasers is progressed. | The Minister for Home Affairs and the States of Jersey Police would like to express their thanks to the Panel for their guidance on the strengthening of the report. |
| Key Finding 3 – The Panel believes that, if it can be clearly shown that the scope of deployment of Tasers will be restricted within narrow limits and their use by the SOJ Police strictly controlled and monitored, then their introduction to Jersey would be more acceptable to the public. | Agreed – that is our intention and will be included in the Minister’s follow-up report. |
| Key Finding 4 – The Panel would be concerned if the States of Jersey Police were to take an operational decision which would extend the deployment use of Tasers in Jersey without the Minister first referring the matter to the States for consideration. | Agreed – this has always been the case and remains the intention of the Minister for Home Affairs. |

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| <p>Key Finding 5 – The Panel believes that the current wording of the draft proposition might still leave justification for the use of Tasers where they might have been avoidable given the use of lesser force options.</p> | <p>It is not the intention of the Minister for Home Affairs, or the States of Jersey Police, that Tasers would be used in place of lesser force options, as such circumstances would not meet the criteria needed for authorisation and deployment.</p> |
| <p>Key Finding 6 – The Minister’s draft report accompanying his proposition on Tasers is clearly written from the perspective of the States of Jersey Police. It fails to address the public concerns which have been evident in the response to the Panel’s review.</p> | <p>The report is that of the Minister for Home Affairs and therefore represents the views of the Minister and the States of Jersey Police, who are keen to source this item of equipment to support the operational policing needs of modern society and bridge clear tactical gaps in capability, whilst also seeking a less lethal option in accordance with Article 2 ECHR. The follow-up report will seek to address those concerns.</p> |
| <p>Key Finding 7 – Tactical training in the use of Tasers must provide officers with an understanding of the risks associated with Tasers, the necessary precautions and de-escalation and/or crisis intervention techniques.</p> | <p>Agreed – this is part of the Taser training; and both the Minister and the States of Jersey Police are fully supportive of this vital element. The National Decision-Making model is a fundamental element of training and forms the basis for all authorisations, deployments and discharges, and all elements of conflict resolution.</p> |
| <p>Key Finding 8 – The Police Chief is satisfied, as an accounting officer, that the costs for Tasers are proportionate within his overall budget for the policing training and operations.</p> | <p>Agreed – The Chief Officer of Police is satisfied that the proposed costs are proportionate with the overall policing budget.</p> |

RECOMMENDATIONS

| | Recommendations | To | Accept /Reject | Comments | Target date of action/ completion |
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| 1 | Recommendation 1 – The Minister’s report should include an assessment of incidents in Jersey where the deployment and use of a Taser might have been considered. | | Accept | The Minister’s follow-up report will give some recent examples where Tasers would have been issued to Officers were they available at the time. | |
| | Recommendation 2 – The Minister must ensure that anyone subject to the use of Tasers by the States of Jersey Police is fully aware of their rights, of the proper procedures which the Police should follow, and of ways in which they might submit a complaint about any perceived misuse of Tasers by the police to an independent body. | | Accept | The follow-up report will cover 3 core elements which arise from this recommendation. Firstly, the mechanism for making a complaint about an Officer will be set out. Secondly, the States of Jersey Police will commit to updating internal complaint procedures to cater for Taser use should it be approved; and thirdly, the National guidelines for referral to the IPCC following Taser use will be set out, along with how they equate to Jersey and the local Police Complaints Authority (JPCA). | |
| | <p>Recommendation 3 – The Minister should further define the threshold for the use of Tasers by adding the following wording to paragraph 1 of his proposition:</p> <p>‘Even if there is a specific threat, the use of Tasers should not be authorised unless the accredited Firearms Commander was satisfied, on reasonable grounds, that:</p> <p>(c) no lesser force option has been, or will be, effective in eliminating the risk of bodily harm; and</p> <p>(d) de-escalation and/or crisis intervention techniques have not been or will not be effective in eliminating the risk of bodily harm.’</p> | | Reject | <p>There is concern that the terms, and background to, ‘Authorisation’ and ‘Discharge’ have become confused.</p> <p>The terms, and basis for the below, will be defined more clearly in the follow-up report.</p> <p>Authorisation – Officers are allowed to carry the item to a given incident, or during a given set of circumstances.</p> <p>Discharge – The firing of the Taser device, or in drive stun mode.</p> <p>Points (c) and (d), as referred, are not appropriate tests for the Authorisation of Tasers. Points (c) and (d) are, however, the required tests to be applied immediately before the Taser is discharged by an Officer.</p> | |

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| | Recommendation 4 – The circumstances of the use of Tasers, outside of the terms of a firearms authorisation, should be more clearly defined in the Minister’s report. | | Accept | The Minister’s follow-up report will offer more detail. Needless to say though, Tasers will not be authorised to be carried unless an authority is in place. The Association of Chief Police Officers (ACPO) guidelines will be followed on discharge. | |
| | Recommendation 5 – The Minister’s report should specifically address the key issues and concerns associated with Tasers, raised by the public during the Scrutiny review. | | Accept | Agreed and noted – The Minister’s report will seek to address, where possible, these issues. | |
| | Recommendation 6 – The Minister’s report should more clearly acknowledge the potential risks in using Tasers. In particular, the Minister’s report should specifically state that Tasers should only ever be used as a weapon of last resort. | | Reject | Any use of force entails risk, and the subsequent follow-up report will fully explain the National Decision Model. The term ‘last resort’ is unhelpful as the use of Tasers is seeking to put in place an additional layer of equipment which might preclude the immediate need for conventional firearms. Use of conventional firearms is a last resort, Taser, a less-lethal technology, is not. | |
| | Recommendation 7 – The Minister’s report should state that officers will be required to assess continued resistance by an offender after each standard 5 second cycle and should limit the use of Tasers to no more than 3 standard cycles. | | Accept, in part | The National Firearms and Taser training packages teach British Police Officers to ‘shoot then assess’ as opposed to ‘shoot until a noticeable change’ as in some overseas jurisdictions. Jersey use the UK training packages and, therefore, the result of any Taser deployment and subsequent resistance would always be monitored by the Officers present. However, it is not possible to physically limit the discharge of a Taser to 3 cycles, nor is it tactically practical or prudent to do so. Should a suspect continue a course of action requiring the discharge of a Taser, and continues such a course of action past 3 cycles, the next option in the continuum of force (should the behaviour continue) is conventional firearms, and would not, given the circumstances, be proportionate. | |

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| <p>Recommendation 8 – The use of Taser in ‘drive stun mode’ should be prohibited unless a strong case can be made for its use in very limited and defined circumstances.</p> | | <p>Reject</p> | <p>Drive Stun is a recognised tactic in its own right for several reasons, but primarily in a situation where the optimum 4 inch barb spread cannot be achieved, by the Officer, due to the proximity of the subject. Drive Stun can also be used to cater for weapon failure, misfire and circuit completion upon a partial miss. Drive Stun is not the preferred tactical option but remains a valid option none the less. Therefore, the word ‘prohibited’ could be substituted for ‘avoided’.</p> | |
| <p>Recommendation 9 – The Minister’s report should define circumstances in which it would not be appropriate to deploy Tasers.</p> | | <p>Accept</p> | <p>The follow-up report will seek to cover this area but quite simply, a Taser should not be discharged by an Officer unless the discharge criteria are met, namely (c) and (d) at ‘Recommendation 3’ above. Equally, a Taser will not be authorised (deployed) as a tactical option where there is insufficient intelligence or evidence to suggest that deployment of the device is necessary.</p> | |
| <p>Recommendation 10 – The Minister’s report should draw attention to the justification of Tasers in terms of safety for officers, members of the public and the violent subject individual.</p> | | <p>Reject</p> | <p>Any less lethal option available to the Police which will support compliance with Article 2 ECHR and can be used in dangerous and violent situations is in the best interests of the public and police alike. It is the position of the Minister for Home Affairs and the States of Jersey Police that this has been covered in the original submission. However, this area will be given further consideration in the follow-up report where at all possible.</p> | |
| <p>Recommendation 11 – The Minister’s report should clarify how Armed Response Vehicles are deployed and specify that there is no intention to allow Tasers to be deployed to deal with the lower levels of violent behaviour which occurs on a regular basis on the streets of St. Helier and does not involve the use of potentially lethal weapons.</p> | | <p>Accept, in part</p> | <p>Armed Response Vehicles are deployed following a strict set of guidelines and will be further explained in the follow-up report. It is not, nor has it ever been, the intention to deploy Tasers to low-level crime, because the ‘Authorisation Criteria’ will not be met. Therefore, Tasers would not leave an Armed Response Vehicle unless the Authorisation Criteria in any given situation was met, and the application was made through the correct channels.</p> | |

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| | <p>Recommendation 12 – The statement in the draft report ‘there has been a notable rise in incidents requiring a firearms response in the last two years’ is not supported by the evidence provided by the SOJ Police and should be amended. It should be made clear that the criteria in ACPO guidance for the authorisation of firearms have recently been broadened.</p> | | <p>Accept, in part</p> | <p>The reported rise in incidents was accurate in relation to high profile prisoner transport, Court security arrangements, and pre-planned Royal visits, but not otherwise. It is accepted that the ACPO guidance for the authorisation of firearms has broadened, but a more narrow usage is proposed in Jersey. The follow-up report will explain this.</p> | |
| | <p>Recommendation 13 – The Chief Officer’s annual report on Tasers should clarify the circumstances of any incident in which a Taser is deployed or used and provide justification for the decision, taking into account the key features of the above discussion on the circumstances in which Tasers might be used.</p> | | <p>Accept</p> | <p>It is accepted that this should be part of the States of Jersey Police’s Annual Report.</p> | |
| | <p>Recommendation 14 – The Minister’s report should spell out the stringent procedures which according to ACPO policy must be followed on every occasion when a Taser is used in a policing operation.</p> | | <p>Accept</p> | <p>A National Post-Incident Procedure process (PIP) is already in existence and is used throughout the UK and Jersey. The PIP provides instruction to be followed following the use of firearms and Tasers by Police. This will be set out in the follow-up report.</p> | |
| | <p>Recommendation 15 – The Minister’s report should set out clearly the aftercare due to any person who has been subjected to the discharge of a Taser.</p> | | <p>Accept</p> | <p>The Post-Incident Procedure (PIP) includes a standard aftercare package and this will be included in the follow-up report. Should Tasers be approved, training will also be given to the Force Medical Examiners (FME) and all ‘front-line’ officers so that aftercare can duly be given (this process was carried out upon the roll-out of CS spray several years ago).</p> | |
| | <p>Recommendation 16 – The Jersey Police Complaints Authority should routinely monitor every deployment of Tasers by the States of Jersey police, whether or not this results in any of the actions referred to as ‘use’ of Tasers.</p> | | <p>Reject</p> | <p>It is essentially wrong for the Police Complaints Authority to become involved in monitoring policing activity and could compromise their independence. Such routine monitoring belongs to the Minister, and later the Police Authority.</p> | |

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| <p>Recommendation 17 – The Jersey Police Complaints Authority should review and evaluate the deployment and use of Taser in the Island after its first year of use and prepare a report to the States thereon and annually thereafter.</p> | | <p>Reject</p> | <p>Once again, this could compromise the Police Complaints Authority's independence and would be covered in the States of Jersey Police Annual Report. The evaluation of use and deployment is the responsibility of the Chief Officer of Police, and the Minister for Home Affairs, and later the Police Authority. Any use will be reported in the SOJP Annual Report.</p> | |
| <p>Recommendation 18 – The Minister's report should specify that the individual officer using a Taser will be held accountable for the use of Taser.</p> | | <p>Accept</p> | <p>Police Officers always have and always will continue to be responsible for their own actions, particularly in terms of the 'use of force'. This area is heavily covered in the training packages given to all officers, and especially Firearms officers.</p> | |
| <p>Recommendation 19 – All complaints regarding the use of Tasers by the States of Jersey Police should be referred to the Jersey Police Complaints Authority for consideration.</p> | | <p>Accept</p> | <p>The States of Jersey Police have set criteria for the referral of complaints to the Jersey Police Complaints Authority.</p> | |
| <p>Recommendation 20 – The Minister should amend his draft proposition in order to state specifically that any change of policy in relation to the use of Tasers would be brought to the States for debate and endorsement.</p> | | <p>Accept</p> | <p>If the States approve the issue of Tasers, any subsequent changes in authorisation criteria would be referred back to the States for endorsement, but this would not be appropriate in relation to discharge criteria because there will always be some changes in the current ACPO guidelines on this. It would not be appropriate for the States to become involved at this level of detail, which should be left to the Minister, the Police Authority and the Chief Officer.</p> | |