



# Education and Home Affairs Scrutiny Panel

## Introduction of Tasers in Jersey



Presented to the States on 9th July 2012



---

## Contents

1. CHAIRMAN'S FOREWORD .....	4
2. KEY FINDINGS .....	7
3. RECOMMENDATIONS .....	8
4. INTRODUCTION .....	11
5. CALL FOR EVIDENCE .....	14
6. TASER – KEY FACTS .....	15
7. ADDITIONAL RESEARCH .....	27
8. WRITTEN SUBMISSIONS.....	37
9. PUBLIC HEARINGS .....	47
10. PANEL ANALYSIS: TERMS OF REFERENCE .....	71
11. CONCLUSION.....	90
12. Appendix 1 – Public attitudes towards Tasers – Results from Online Survey.....	91
13. Appendix 2 - Selected Responses .....	95
14. Appendix Three - Terms of Reference .....	102
15. Appendix Four - Key reference documents.....	103

## 1. CHAIRMAN'S FOREWORD

This review has sparked much public interest and I would like to thank all those members of the public who contributed their opinions. They provided the Scrutiny Panel with many of the key issues and themes during this review. Additionally, I would like to thank the members of the Panel: the Constable of St Brelade, the Constable of St Martin and Deputy Tadier of St Brelade. Each brought an extremely useful perspective to the table.

Furthermore, I would like to thank the Home Affairs and States of Jersey Police for their cooperation in providing the Panel with the information sought. Finally, but by no means least, I would also like to thank our Scrutiny Officer Mike Haden for all of his hard work and invaluable support to the Panel.

The proposal for the introduction of Tasers into Jersey has proved to be a controversial matter with polarised opinions. These range from a complete distrust of the States of Jersey Police to unquestioning support for the Force. I would suggest that neither are a healthy position to hold. However, as with any position of authority, constant vigilance and questioning has to be done. Whilst the Panel notes that certain elements of the States of Jersey Police were upset with the rigour that the Panel undertook doing this review, as it was viewed by some that this was an operational matter, the public would expect no less thoroughness. The Panel also supports the Minister's view that this matter is political.

During the review the central question for the Panel was for the Minister to establish a clear need for the introduction of Tasers. While the Minister, Chief Officer of Police and the Police Association all support the introduction of Tasers, in limited circumstances only, as an additional option to use against violent aggression, none, in our view, have yet been able to demonstrate a fully convincing case for the need for Tasers in Jersey. The evidence demonstrates that Jersey is a very safe place to live, with very low levels of violent crime, that the States of Jersey Police have never fired a shot from a conventional firearm in the field and appear to be able to cope with the situations that they find themselves in with CS spray, batons, by talking through and calming a situation down. The Panel believes that this is a testimony to the professionalism and the high standards of training of the States of Jersey Police. That is something the Panel wishes to praise and of which Island should be

proud. I would to take this opportunity to thank the States of Jersey Police force for their hard work on behalf of Islanders, in a role which is not easy, at times dangerous and that many could not do.

The public feedback that the Panel received was clear in that great concern was expressed about the risks of introducing a new armed element into local policing and thereby promoting a possible change in culture of the Police Force, moving from a British model of policing by consent to a US style model of enforcement. This was expressed as being extremely undesirable by many of the public who contributed to our review. The evidence of overuse of Tasers in the US, and in particular the number of deaths which are attributed to Tasers there, has shocked many people. Many need to be convinced and reassured that the Police here in Jersey would use Tasers responsibly and only as a last resort against seriously violent offenders. We don't support a rejection of the proposal for introducing Tasers because the evidence of Taser use in Britain and other Crown Dependencies, where strict procedures and controls are in place, supports the view that they can be used responsibly. The Panel agrees with the rationale that, should Tasers be introduced, they should be restricted to Authorised Firearms Officers only. This calmed many of my concerns personally and changed my opinion significantly. But the Minister must present a more convincing case to the general public.

Further concern was expressed by the public regarding the medical implications of the use of Tasers. There is a wide body of published evidence on this which we have examined in our review. Whilst the evidence would support that an average healthy adult should not suffer from any long term medical problems after being subject to a Taser, there is always the risk that a targeted person may still fall and this can cause them injury. However, currently this risk is also present should a police officer have to restrain someone, having to tackle them to the ground for example. Those at higher risk of injury or even fatality are those with mental health issues or those intoxicated on illegal drugs or alcohol. The evidence provided to us by the States of Jersey Police Force stated that, in the majority of cases where a violent crime occurred, the perpetrator fell into one of these categories. This provides a further dilemma as those who are in the greater risk groups are those most likely to have a Taser used against them. This is a situation one has to accept if one supports the introduction of Tasers. However, much of this can be managed should there be a high level of training given. The Panel are content that the appropriate level of training would be issued.

In our review we carefully examined the guidelines which govern the situations in which Tasers, if approved, might be used. We found, however, that the current draft of the Minister's policy skirts over these and was much too vague for the Panel and the public to accept. Thus many of our recommendations focus on providing a clear understanding of when Tasers might be deployed and used. This is to reassure the public, given the concern expressed above, and also to protect the police officers who may have to use Tasers, by giving them a clear framework to work within. We believe that the publication of clear, prescriptive guidance can prevent 'mission creep' – the tendency for Taser use to extend to more and more areas of policing - which was a core issue for the Panel also.

In conclusion, the Taser can be lethal weapon even when used correctly, so the case for need has to be strongly made. This is not the current situation. The draft report and proposition of the Minister needs to be amended to give greater clarity in areas such as deployment, use, governance and accountability in order to gain the support of the Public and the Panel.



**Deputy Jeremy Maçon**  
**Chairman**  
**Education and Home Affairs Panel**

## 2. KEY FINDINGS

*(Numbers in italics refer to paragraphs in the report)*

**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. *(192)*

**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. *(196)*

**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. *(200)*

**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. *(201)*

**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. *(214)*

**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. *(217)*

**Key Finding 7** – Tactical training in the use of Taser must provide officers with an understanding of the risks associated with Taser, the necessary precautions and de-escalation and/or crisis intervention techniques. *(242)*

**Key Finding 8** – The Police Chief is satisfied, as an accounting officer, that the costs for Taser are proportionate within his overall budget for the policing training and operations. *(245)*

### 3. RECOMMENDATIONS

**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. (196)

**Recommendation 2** – The Minister must ensure that anyone subject to the use of Taser 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. (213)

**Recommendation 3** – The Minister should further define the threshold for the use of Taser by adding the following wording to paragraph 1 of his proposition:

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:

- (c) no lesser force option has been, or will be, effective in eliminating the risk of bodily harm; and
- (d) de-escalation and/or crisis intervention techniques have not been or will not be effective in eliminating the risk of bodily harm. (215)

**Recommendation 4** – The circumstances of the use of Taser, outside of the terms of a firearms authorisation, should be more clearly defined in the Minister’s report. (216)

**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. (218)

**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. (219)

**Recommendation 7** – The Minister’s report should state that officers will be required to assess continued resistance by an offender after each standard five second cycle and should limit the use of Taser to no more than three standard cycles. (220)

**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. (221)

**Recommendation 9** – The Minister’s report should define circumstances in which it would not be appropriate to deploy Tasers. (222)

**Recommendation 10** – The Minister’s report should draw attention to the justification of Taser in terms of safety for officers, members of the public and the violent subject individual. (223)

**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. (224)

**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. (225)

**Recommendation 13** – The Chief Officer’s annual report on Tasers should clarify the circumstances of any incident in which 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. (226)

**Recommendation 14** – The Minister’s report should spell out the stringent procedures which according to ACPO policy must be followed on every occasion when Taser is used in a policing operation. (228)

**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. (230)

**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 Taser. (233)

**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. (233)

**Recommendation 18** – The Minister’s report should specify that the individual officer using a Taser will be held accountable for the use of Taser. (234)

**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. (235)

**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. (246)

## 4. INTRODUCTION

1. The possibility of the States of Jersey Police having Tasers at their disposal came about in February 2012 when the UK Government reviewed its policy on the export of Tasers. The export of Tasers had been previously banned due to their classification as potential instruments of torture. The Foreign and Commonwealth Office, however, acknowledged the need to allow the limited export of Tasers *'because of operational difficulties for UK Police services, Police services of the Crown Dependencies and some British Overseas Territories who seek to use Tasers, consistent with their use by UK Police Forces, as a measured alternative to the use of lethal force'*.<sup>1</sup>
2. The Minister for Home Affairs welcomed this development; however, he said that he would not authorise the purchase of Tasers by the States of Jersey Police without the approval of the States Assembly: *'I want the States Police to be able to deploy the lowest possible level of response to serious threats to public safety. At present there are situations in which firearms are being deployed where the lower level of Tasers would be much better. It will, however, be necessary to set appropriate procedures as to when a Taser could be deployed or used. I will not authorise their purchase or use without the approval of the States of Jersey'*.<sup>2</sup>
3. The Minister added: *'The particular area which they are needed is if somebody is wielding a knife, Samurai sword or something of that nature. You can't get up close to them to deploy CS spray and the alternative is you end up deploying guns'*.<sup>3</sup>
4. Following the Minister's announcement a number of comments expressing concern appeared in the local media. Deputy Montfort Tadier told the BBC: *'My natural instinct is that I don't think in the Jersey context we have the levels of crime that would necessitate bringing Tasers to the Island'*.<sup>4</sup>

---

<sup>1</sup> Foreign and Commonwealth Office, Written Ministerial Statement, 9 February 2012

<sup>2</sup> BBC News website 11th February 2012

<sup>3</sup> BBC News website 14th February 2012

<sup>4</sup> BBC News website 14th February 2012

5. In an email to States Members Deputy Tadier referred to the '*many instances of the inappropriate use of Tasers including a father Tasered because he had a plastic gun in his brief case (a toy for his son) and evidence of the lethal potential of Tasers (and not 11 years ago in Canada, but recently and in the UK). Secondly, we are not the UK and we do not have the 60 million population with the level of crime that they do. Surely, the question of proportionality has to be posed and related to the Jersey context. Perception is also important.*'<sup>5</sup>
6. Mr. P. Lightbody, writing to the Jersey Evening Post, posed the following questions
  - How many incidents of confrontation with the police have occurred in the past five years?
  - What grades of incidents were involved? What was the outcome?
  - When and of what level was the last injury sustained by a police officer?
  - What is the cost of purchase, initial training, recurrent training and servicing?
7. Mr. Lightbody acknowledged that Tasers might provide added security for officers but said that there must be a balance of risk: the duty of care to officers must be balanced against '*the greater ideas of both human rights and civil liberty, for which all police officers and politicians are ultimately responsible.*'<sup>6</sup>
8. Bob Hill, writing in his Blog, recalled the previous occasion in September 2007 when the possible introduction of Tasers had last been raised in the States Assembly. He said that he had been saddened by the justification provided by the former Assistant Minister for Home Affairs. The Assistant Minister had explained that Tasers '*give better officer safety as they can be discharged at up to a distance of 21 feet*'. Mr Hill commented: '*Every step away from a suspect is a step away from consensus policing*'. He said that there were many questions that needed to be asked, in particular: '*Who will be accountable should something untoward occur by the misuse of a Taser gun?*'<sup>7</sup>

---

<sup>5</sup> Email, dated 13 February 2012

<sup>6</sup> Jersey Evening Post 16th February 2012

<sup>7</sup> Bob Hill blog, 17th February 2012,  
<http://bobhilljersey.blogspot.com/2012/02/Taser-guns-jury-still-out.html>

9. The Scrutiny Panel agreed to investigate the questions raised above. Members recognised that the decision to import Tasers for use in Jersey was not simply an operational matter for the Chief Officer of Police; there were important public-interest issues about the use of Tasers, including the circumstances in which they could be used, the training and guidelines given to officers and the extent to which they were appropriate for the local community.
10. The Panel agreed at its meeting on 14th February 2012 to undertake the proposed review and requested its officer to research the issues and prepare suitable terms of reference<sup>8</sup>. Members also agreed to invite Deputy Tadier to participate in the review as a co-opted member. Deputy Tadier accepted the invitation, having declared no interest in the matter as the current Chairman of the Jersey Human Rights Group<sup>9</sup>.
11. The Panel is grateful to the Minister for Home Affairs for providing the Panel with a copy of his draft report and proposition on the introduction of the use of Tasers and for agreeing to defer lodging until after receiving the Panel's report and considering its findings and recommendations. Most of our comments and recommendations are based on this draft report with a view to defining and clarifying the conditions under which Tasers might be deployed and used in the Island.

---

<sup>8</sup> See Appendix Two

<sup>9</sup> The Jersey Human Rights Group (JHRG) made a submission to the Panel's review and was a witness at the public hearing conducted by the Panel. Deputy Tadier withdrew from the Panel for the session with the JHRG.

## 5. CALL FOR EVIDENCE

12. On 29th March 2012 the Panel issued a public call for evidence which included an online survey which was carried out throughout April on the Scrutiny website. This survey underlined the public interest in this matter resulting in a total of 428 responses, with a great deal of participants leaving written comments.
13. A summary of the outcome of this survey is included as an appendix to this report and a paper including all the online comments received is available on the Scrutiny website under the heading of Research ([www.scrutiny.gov.je](http://www.scrutiny.gov.je)).
14. The Panel received four written submissions from representative groups (Jersey Human Rights Association, Jersey Rights Group, Amnesty International and the Jersey Police Association). Fourteen members of the public also made written submissions. In addition seven telephone calls and fourteen short messages by email or post were received by the Scrutiny Office. All submissions and comments are available on the Scrutiny website.
15. On 27th April 2012 the Panel held public hearings with representatives of the following groups:
  - Jersey Humans Rights Group
  - Amnesty International Jersey Group
  - The States of Jersey Police Association
  - The Honorary Police
16. The Panel also held a public hearing on the same date with the Minister for Home Affairs and the Chief Officer of Police, who was accompanied by the Chief Firearms Instructor, States of Jersey Police. Transcripts of all hearings are available on the Scrutiny website.

## 6. TASER – KEY FACTS

17. The use of Taser is intended to provide an additional and less lethal option for police when dealing with violent or threatening situations. Taser is used to resolve potentially dangerous situations, which may otherwise necessitate a firearms response.
18. The name 'Taser' is an acronym which stands for 'Thomas A Swift's Electric Rifle'. Taser technology is used by police agencies in 45 countries around the world. Taser International Inc. is the world's largest manufacturer of conducted energy device (CEDs) and only devices by this company are currently authorised for use by police forces in England and Wales. For the purposes of this report all CEDs are referred to as Tasers.
19. The Taser is a single shot weapon designed to temporarily incapacitate a subject through the use of an electrical current, which temporarily interferes with the body's neuromuscular system. The normal reaction of a person exposed to the discharge of a Taser is the temporary loss of some voluntary muscle control resulting in the subject falling to the ground or 'freezing' on the spot.
20. The Taser delivers its electrical charge in a five second cycle (which can be broken or repeated). Once the cycle ends or is broken, the direct incapacitation effect ceases and the subject may recover immediately and resume their previous behaviour. On some occasions the discharge may be ineffective or partially effective.<sup>10</sup> The five second cycle may be repeated in these circumstances; however, repeated discharges should be used with caution as repeated use may increase the risk to the subject of strong muscle contractions which may impair breathing<sup>11</sup>.
21. The Taser is laser-sighted and uses cartridges attached to the end of a cartridge bay. The cartridges project a pair of barbs or darts attached to insulated wires. The maximum range of the device is currently 21 feet (6.4 metres, this being the length

---

<sup>10</sup> ACPO: Operational Use of Taser by Authorised Firearms Officers, Operational Guidance, Dec 2008, para 5.1 – 5.5

<sup>11</sup> Ibid para 8.10

of wires that carry the current and electrically connect the barbs to the weapon. The device delivers a sequence of high voltage pulses of very short duration through the wires.<sup>12</sup>

22. The term 'use' includes any of the following actions: drawing, sparking up (also known as 'arcing'), aiming (also known as 'red-dotting'), discharging of barbs and application in 'drive stun' mode.
23. The use of Taser in 'drive stun mode' is where the device is applied in direct contact to the subject without firing the barbs. This method of use can be achieved with either no cartridge fitted or when a discharges cartridge is still attached<sup>13</sup>. This mode of use is controversial as it causes pain without incapacitating the subject.. Amnesty International has expressed particular concern about Drive Stun, noting that *"... the potential to use TASERs in drive-stun mode — where they are used as 'pain compliance' tools when individuals are already effectively in custody — and the capacity to inflict multiple and prolonged shocks, renders the weapons inherently open to abuse."*<sup>14</sup>
24. The two models of Taser weapons authorised for use by police forces in England and Wales are the M26 Taser and the X26 Taser. There is an alternative Taser shotgun, the X12 model, which fires probes in an XREP bullet and can be shot from up to 20 metres away as opposed to the 6 metres need to employ the M26 or X26 Taser. The X12 model was used by Northumbria Police Force in the Raoul Moat incident in July 2010 but has not actually been authorised for use by the police in England and Wales.<sup>15</sup> The Panel understands that there is no intention to introduce the X12 model into Jersey.
25. Police forces acknowledge the fact that Taser does carry a risk of death, albeit a low or very low risk compared to the use of conventional firearms. In 2007 the Policing Board of Northern Ireland Human Rights report described Taser as

---

<sup>12</sup> ACPO Strategic Firearms and Conflict Management Taser Trial by Specially Trained Units, Appendix A, November 2008

<sup>13</sup> ACPO: Operational use of Taser by Authorised Firearms Officers: Operational Guidance, Dec 2008

<sup>14</sup> [http://www.amnesty.ca/themes/Tasers\\_background.php](http://www.amnesty.ca/themes/Tasers_background.php) Amnesty International's concerns about Tasers

<sup>15</sup> House of Commons Home Affairs Committee, Fifth report of 2010-11, HC 646

‘potentially lethal’ rather than lethal or non-lethal.<sup>16</sup> The report said that there was a clear distinction between a Taser and conventional firearm: *‘Taser cannot sensibly be treated as the equivalent to the use of lethal equipment such as conventional firearms, which obviously carry a much higher risk of death’.*

26. Pricewaterhouse Coopers (PWC) was commissioned in 2004 by the Association of Chief Police Officers (ACPO) to undertake an independent evaluation of the operational trial prior to the introduction of Tasers. PWC concluded that: *‘evidence suggests that Taser has been effective in preventing incidents from escalating to the point where lethal force is required. In many incidents, the threat of Taser – rather than its actual use – has made the individual become compliant’.*<sup>17</sup>
27. Tasers have been permitted for use by the police in England and Wales since 2004, following an operational trial carried out in 2003. Policy and guidance on the use of Taser is governed by ACPO. The latest ACPO policy statement is provided on the Scrutiny website.<sup>18</sup>
28. Tasers, unlike CS spray and ASP<sup>19</sup> batons, are not issued to all police officers. ACPO policy clearly sets out that Taser can only be used by specially trained officers.
29. The Taser is classified as prohibited weapon under Article 33 of the Firearms (Jersey) Law 2000. As such it cannot legally be carried by members of the public and there are strict limitations on who may buy and sell them and how they should be stored or transported. Article 33 (2) allows police officers to have prohibited weapons in their possession while acting in the course of their duties. The Panel understands that it is not strictly necessary for the Minister to seek authorisation from the States Assembly for the introduction of Tasers for the use by the States of Jersey Police; however, the Minister has chosen to seek endorsement from the States due to the controversial nature of this proposal.

---

<sup>16</sup> The PSNI Proposed Introduction of Taser: Human Rights advice, para 119-130

<sup>17</sup> Pricewaterhouse Coopers LLP, Final report, May 2004, para. 42

<sup>18</sup> Full policy and operational guidance documents can be found at [www.westmercia.police.uk](http://www.westmercia.police.uk).

<sup>19</sup> Telescoping batons manufactured by Armaments Systems and Procedures Inc (ASP)

***Wider deployment of Tasers in England and Wales***

30. Initially the use of Tasers in England and Wales was restricted to Authorised Firearms Officers (AFOs) in circumstances where a firearms authority had been granted. In 2007 the Home Office announced that authorised police firearms officers in England and Wales would be able to use Taser in a greater set of circumstances - in operations or incidents where the use of firearms was not authorised, but where they were facing *'violence or threats of violence of such severity that they would need to use force to protect the public, themselves or the subject'*.<sup>20</sup>
31. This has led to an increasing use of Taser. In 2007 the Policing Board of Northern Ireland Human Rights report, after examining report summaries of Taser use in England, Scotland and Wales, noted that Taser was being discharged on more occasions than firearms and in circumstances where conventional firearms would not necessarily have been discharged. The report commented: *'In our opinion, it is unlikely that the discharge of conventional weapons would have been justified in the vast majority of cases in which Taser was used. That is not, of itself surprising. If the use of Taser is lawful where its use is immediately necessary to prevent or reduce the likelihood of recourse to lethal force, one would expect Taser to be used more often than lethal force.'*<sup>21</sup>
32. From November 2008, the use of Taser was also extended to some front line officers. These officers are 'Specially Trained Units' (STUs) and must spend a minimum of 18 hours in initial training and attend annual 'refresher' courses for 6 hours. It has been reported that one third of the use of Tasers in England and Wales is now by non-firearms officers.<sup>22</sup>
33. The Independent Police Complaints Commission (IPCC) monitored this change of policy in the use of Tasers and commented: *Our conclusion when the wider roll-out was announced was that the level of public complaints about the use of Taser was*

---

<sup>20</sup> Home Office: Operational Policing: Taser  
<http://tna.europarchive.org/20100419081706/http://www.police.homeoffice.gov.uk/operational-policing/firearms/Taser/index.html>

<sup>21</sup> Policing Board of Northern Ireland Human Rights report para 173 - 177

<sup>22</sup> <http://www.Taser.org.uk/Taser/one-third-of-uk-Taser-usage-is-by-non-firearms-officers>

*low, especially when compared with the number of instances where its use has saved lives or prevented injuries. But we are very aware that the use of Taser carries the risk of misuse, and the public will rightly be concerned about this. We have therefore asked all forces to refer any complaints about the use of Taser to us. We also encourage all forces to explain to the public the circumstances in which Taser might be deployed, and that people have a right to complain if they feel the use of force was excessive.*<sup>23</sup>

34. Every incident in which Taser is deployed – whether it is discharged or not – is recorded by the local police force and a report sent through to the Association of Chief Police Officers (ACPO) and the Home Office Scientific Development Branch to monitor.<sup>24</sup>
35. The Home Office publish figures annually for the use of Tasers in England and Wales. The latest figures were published in April 2011 showing that Taser had been used over 8,500 times since introduction April 2004 up to March 2010<sup>25</sup>.

### **Complaints regarding the use of Taser**

36. All complaints made to police forces involving the use of Tasers in England and Wales are now referred to the IPCC as a matter of course<sup>26</sup>. Complaints regarding the use of force by the police are not usually required to be referred to the IPCC, unless death or serious injury has resulted from police contact. However, following the IPCC's role in the Home Office trial of the extension of Tasers to STUs, the IPCC has taken this step in order to assure the public that independent investigations would take place into complaints.

---

<sup>23</sup> [http://www.ipcc.gov.uk/news/Pages/pr050509\\_Tasers.aspx](http://www.ipcc.gov.uk/news/Pages/pr050509_Tasers.aspx)

<sup>24</sup> Home Office: Operational Policing: Taser  
<http://tna.europarchive.org/20100419081706/http://www.police.homeoffice.gov.uk/operational-policing/firearms/Taser/index.html>

<sup>25</sup> <http://www.homeoffice.gov.uk/publications/science/cast/Taser-figures-march-2010/> accessed 28.02.12

<sup>26</sup> [http://www.ipcc.gov.uk/news/Pages/pr050509\\_Tasers.aspx](http://www.ipcc.gov.uk/news/Pages/pr050509_Tasers.aspx)

In November 2008 the IPCC published a report giving a breakdown of cases seen by the IPCC between 1 April 2004 and 30 September 2008 showing that 92 matters had been referred to the IPCC during that period.<sup>27</sup>

37. The IPCC received 16 complaints and 50 referrals in 2009 and 23 complaints and 96 referrals in 2010 regarding police forces in England and Wales.<sup>28</sup>
38. Examples of complaints which the IPCC have investigated include:
- Jeffrey Evans and his son Geoffrey who were subjected to a Taser when they resisted arrest at their home in August 2009. They alleged that the police had assaulted them. Mr. Evans complained that a barb had been embedded in his head. The IPCC found that found "the officers acted properly and used reasonable force to arrest" the men. It added: "The investigation also found that Geoffrey Evans was posing a threat to police officers and that he was Tasered to prevent him causing injury and to enable him to be arrested."<sup>29</sup>
  - A policeman who Tasered a man at a street party in Cornwall was subsequently suspended from operating the weapon. Mr Naumczyk, then 19, from Falmouth, was shot with the Taser and later cautioned by police for being drunk and disorderly at the party. He claimed it was not necessary for police to use the Taser. Officers at the time said the Tasing had stopped some incidents at the party from escalating and resulting in public disorder. The IPCC allowed the force to deal with the matter internally. Devon and Cornwall Police said the officer had now been retrained in the weapon's use.<sup>30</sup>

---

<sup>27</sup> [http://www.ipcc.gov.uk/Documents/Taser\\_report\\_nov\\_08.pdf](http://www.ipcc.gov.uk/Documents/Taser_report_nov_08.pdf)

<sup>28</sup> Figures provided by IPCC following freedom of information request. Complaints are received directly by the IPCC from members of the public; referrals include complaints made to the police subsequently referred to the IPCC

<sup>29</sup> <http://www.bbc.co.uk/news/uk-wales-south-west-wales-17340061>

<sup>30</sup> <http://www.bbc.co.uk/news/uk-england-cornwall-17383012>

***Taser and the risk of death or injury***

39. Taser International Inc. claims that more than 89,000 lives have been saved from potential death or serious injury using Taser devices.<sup>31</sup> A number of research
40. reports have found that the introduction of Tasers has been associated with a decrease in the number of injuries sustained by police and suspects and a decrease in the police use of lethal force during arrests.<sup>32</sup>
41. Nevertheless, the use of Tasers is controversial due to the incidence of associated deaths and injuries following the discharge of the device. In February 2012 Amnesty International announced that the number of people in the USA who had died following the use of Taser had reached 500. Amnesty examined data on hundreds of deaths following Taser use, including autopsy reports in 98 cases and studies on the safety of such devices. Among the cases reviewed, 90 per cent of those who died were unarmed. Many of the victims were subjected to multiple shocks. Most of the other deaths mentioned in the report were attributed to other causes. However, medical examiners have listed Tasers as a cause or contributing factor in more than 60 deaths, and in a number of other cases the exact cause of death is unknown.<sup>33</sup>
42. Amnesty also examined the incidence of deaths in Canada following the use of Taser.<sup>34</sup> Between 2001 and 2007 15 people died, nearly all of whom were subject to multiple Taser shocks and in most cases other techniques were applied including pepper spray, physical force and restraint holds.
43. Proof of a direct connexion between a Taser shock and the death of the subject has only rarely been established. In one case in the USA in 2008 a link between the death of a subject and the multiple use of Taser was established.<sup>35</sup> A high profile case in Canada in 2007 led to the Braidwood Inquiry, which concluded that death in

---

<sup>31</sup> [www.Taser.com/Taser-products-save-lives](http://www.Taser.com/Taser-products-save-lives)

<sup>32</sup> Crime and Misconduct Commission, Queensland, Australia, Research and Issues Paper Series Number 8 November 2008: Taser: A Brief Overview of Research Literature

<sup>33</sup> [http://www.amnesty.org.uk/news\\_details.asp?NewsID=19949](http://www.amnesty.org.uk/news_details.asp?NewsID=19949)

<sup>34</sup> <http://www.amnesty.ca/amnestynews/upload/AMR2000207.pdf>

<sup>35</sup> [http://www.lawyersandsettlements.com/articles/taser\\_death/taser-death-tasered-to-deaths-by-tasers-5-11567.html](http://www.lawyersandsettlements.com/articles/taser_death/taser-death-tasered-to-deaths-by-tasers-5-11567.html)

this case was contributed to by the physiological stress imposed by multiple applications of Taser discharge.<sup>36</sup>

44. There have been three cases of deaths in the UK following the use of Taser:
- In one case in 2006, Brian Loan died three days after exposure to the Taser; the Coroner found that the death was linked to profound atherosclerotic coronary artery disease and the Taser was deemed not to have been a causal factor.<sup>37</sup>
  - In August 2011 Philip Hulmes, 53, was hit by a Taser after refusing to leave his terraced house in Over Hulton, near Bolton. The police were called after he locked himself inside his house while in possession of a knife and began to harm himself. After failing to talk him out of the building, officers are understood to have entered and used the Taser gun. They then discovered that Hulmes had stabbed himself in the abdomen. He died half an hour later.
  - Dale Burns, a bodybuilder in his 20s died in Cumbria after being shot with a Taser by police during his arrest. Police were called following reports of a man causing a disturbance. A Taser was used during the arrest and the man later complained of feeling unwell. He was taken to hospital, where he died.<sup>38</sup>
45. The IPCC investigations are ongoing at the time of this report<sup>39</sup>.
46. The potential lethal effect of Taser remains a controversial subject and scientific and medical research is not yet conclusive on the links between the use of Taser and subsequent deaths.<sup>40</sup>
47. The Defence Scientific Advisory Council Sub-Committee on the Medical Implications of Less Lethal Weapons (DOMILL) has been responsible for providing independent medical advice in the UK. In 2002 DOMILL advised:

---

<sup>36</sup> <http://www.braidwoodinquiry.ca/>

<sup>37</sup> [http://www.thenorthernecho.co.uk/news/1651953.family\\_attacks\\_inquest\\_ruling\\_on\\_taser\\_death/](http://www.thenorthernecho.co.uk/news/1651953.family_attacks_inquest_ruling_on_taser_death/)

<sup>38</sup> <http://www.guardian.co.uk/world/2011/aug/24/Taser-related-deaths-raise-concerns-police>

<sup>39</sup> <http://www.cumbria.police.uk/news/latest-news/ipcc-continue-investigating-death-of-dale-burns>

<sup>40</sup> For a review of medical and scientific research see the PSNI Proposed Introduction of Taser: Human Rights advice, paras 39 – 66 and para 82 - 92

- The risk of death from a primary injury (immediate or delayed consequences of electrical current in the body) was 'low';
  - The risk of life threatening or other serious injuries, such as loss of an eye, was 'very low'. But serious burns could result from the combustion of flammable solvents on the subject's clothing if ignited by the use of Taser;
  - Falls from Tasers might result in abrasions, scratch and minor lacerations and minor trauma might be caused by the penetration of the skin by the barbs;
  - There was no experimental evidence that pro-arrhythmic factors (such as drug taking) specifically increased the susceptibility of the heart to Tasers sufficient to cause an arrhythmic event. However, there was sufficient indication that excited, intoxicated individuals or those with pre-existing heart disease could be more prone to adverse effects from Taser.
  - Overall the risk of life-threatening or serious injuries from Taser appeared to be 'very low'.<sup>41</sup>
48. In 2004 DOMILL updated their advice on the risk of Taser on drug-impaired individuals and recommended that officers should be aware that the risk of any adverse response in the aftermath of Taser deployment might be higher and accordingly they should be '*vigilant of any unusual behaviour displayed by the apprehended person that may signal the need for early intervention*'.<sup>42</sup>
49. On the question of the vulnerability of those with cardiac pacemakers, DOMILL concluded that the effects of Taser on the function of the pacemaker were likely to be limited and unlikely to be permanent.<sup>43</sup>
50. In March 2005 DOMILL compared the M26 Taser and the X26 Taser and concluded that the risk of a life-threatening event arising from the use of X26 Taser was '*less than the already low risk of such an event from the M26 Advanced Taser*'.<sup>44</sup>
51. DOMILL acknowledged that there was a lack of evidence about the risks of Taser use to more vulnerable groups. The potential vulnerability of some groups of people to Taser use remains a controversial area. The Policing Board of Northern Ireland

---

<sup>41</sup> Steering Group Third report p. 83 -85

<sup>42</sup> DOMILL Second Statement July 2004

<sup>43</sup> Ibid

<sup>44</sup> Ibid

Human Rights report noted the high percentage of cases in which Tasers have been used in England, Scotland and Wales against the very groups that have been repeatedly identified as vulnerable: *'Our analysis of the use of Taser since it has been more generally available suggests that 57% of Taser subjects were under the influence of alcohol, 27% under the influence of drugs and that 49% may have either have been suffering from mental illness or have had mental health issues.'*<sup>45</sup>

52. In April 2011 DOMILL confirmed their view regarding the safety of Taser: 'DOMILL remains of the view that the risk of serious adverse medical outcome from exposure to the Taser is low, **provided the system is employed by trained users in accordance with ACPO policy and guidance**. This view is confirmed by the consistently low incidence of reports of adverse outcomes arising from use of the Taser system in the UK, together with the relatively low rates of reported adverse outcomes internationally.'<sup>46</sup>

#### **ACPO Guidance on Risk factors**

53. ACPO Guidance identifies and provides advice on specific risk factors to officers authorised to use Tasers, as summarised below:
- Occasions will arise where it is necessary to use the Taser on a person who is exhibiting violent behaviour and who is also suffering from a mental disorder or illness. Where it is possible to discuss options with mental health professionals this should be considered.
  - In pre-planned operations such discussions could form part of any briefing for the event. Consultation with friends, relatives etc., who are likely to know the person well, may also assist in deciding on the most appropriate use of force response. Consultation with Health Authorities and Social Services in this respect will form part of the implementation plan.

---

<sup>45</sup> Policing Board of Northern Ireland Human Rights report para 127

<sup>46</sup> <http://data.parliament.uk/DepositedPapers/Files/DEP2012-0729/96605%20Library%20Deposit.pdf>

- Where it becomes apparent that the subject has an existing medical condition or is under the influence of drugs, assessment of these additional risk factors should be made in determining the appropriate option.
- There is a risk of flammability if someone has already been sprayed with an incapacitant containing a flammable solvent. Clearly, there is also a risk of flammability where the subject's clothing is doused with other flammable liquids.
- Further risk has been identified from use of Taser in proximity to a number of explosive formulations, which are sensitive to electrical discharge. Other explosive materials may also be sensitive to electrical discharge, depending on how the material is packaged, its age, storage conditions and other factors.
- The Taser should not be utilised in an environment where, due to the presence of a flammable substance in the atmosphere or escaping gas, its use is likely to result in an even more hazardous situation.
- There is clearly a possibility of some secondary injury to the Tasered subject, caused by falling and striking a hard surface. In this regard the risk of concussive brain injury as a result of the head hitting a rigid surface is considered especially pertinent. Particular attention should therefore be paid to the immediate environment and to assessing any additional risk factors.
- Officers should avoid prolonged, extended, uninterrupted discharges or extensive multiple discharges whenever practicable in order to minimise the potential for over-exertion of the subject or potential impairment of full ability to breathe over a prolonged time period.
- There is a specific risk of injury to the eye through penetration of a barb. Barb penetration in the neck or head may also increase the level of injury. For this reason the Taser should not be aimed so as to strike the head or neck of a

subject unless this is unavoidable. The laser sight should not intentionally be aimed at the eyes of the subject.<sup>47</sup>

### ***Increasing use of Taser***

54. There is evidence that the police in England and Wales have increasingly resorted to use of Tasers in recent years. In December 2011 an investigation by Channel 4 News, based on a freedom of information request for the latest figures for the use of Tasers, revealed that at least 30 of the 43 police forces throughout England and Wales had discharged the Taser more times in 2011 than the previous year. Forces collectively fired Tasers more than 1,500 times in the year ending March 2011, 70 per cent more than the previous year, with the average force increase being 130 per cent.<sup>48</sup>
55. In November 2011 the Commissioner of the Metropolitan Police, in the wake of the stabbing of four officers in Harrow, north-west London, said '*I think to have more availability than we have now is essential.*' He confirmed that the force was considering options which included having Tasers available as a 'vehicle-borne option' - in every police car or in response cars - so that they could be deployed more quickly.<sup>49</sup>
56. The Metropolitan Police Federation called for a fast response Taser capability throughout the force and said that '*there was mystification and real concern over the Home Office's refusal to allow its deployment to anyone other than specialist officers.*'<sup>50</sup>

---

<sup>47</sup> ACPO Taser Police and Guidance – Authorised Firearms Officers – December 2008 version 4

<sup>48</sup> <http://www.channel4.com/news/Taser-firings-the-inside-story>

<sup>49</sup> <http://www.bbc.co.uk/news/uk-england-london-15840525>

<sup>50</sup> <http://www.metfed.org.uk/news?id=5>

## 7. ADDITIONAL RESEARCH

57. There are now a considerable number of studies into the police use of Tasers. During its review the Scrutiny Panel has consulted the following:

### ***Policing Board of Northern Ireland Human Rights Report***<sup>51</sup>

58. The Northern Ireland Policing Board commissioned a report on the human rights implications of the proposed introduction of Tasers into Northern Ireland. The report, published in May 2007, is a comprehensive review of the legal framework, the operational need for Tasers, medical implications, policy and guidance for the use of Taser.
59. The report supported the use of Taser on the basis that: *'It will be difficult to justify the use of conventional firearms as 'absolutely necessary' where less life threatening equipment is available and should have been used.'*<sup>52</sup>
60. The report found that Taser should be treated as potentially lethal equipment. Its use is compatible with Article 2 of the European Court of Human Rights (ECHR) and the Human Rights Act 1998 only within strict limits. The report stated: *'Taser can only lawfully be used where its use is absolutely necessary to protect individuals from lawful and serious violence.'*<sup>53</sup>
61. The report goes on to state that the proper test for the use of Taser is when its use *'is immediately necessary to prevent or reduce the likelihood of recourse to lethal force (e.g. conventional firearms). This is a test that is just below that for the use of lethal force (such as conventional firearms), but a much stricter test than that which applies for other uses of (non-lethal) force. It means that Taser can be used in circumstances where there is a threat to life or a threat to serious injury, but that*

---

<sup>51</sup> [http://www.nipolicingboard.org.uk/intro\\_of\\_Taser.pdf](http://www.nipolicingboard.org.uk/intro_of_Taser.pdf)

<sup>52</sup> Ibid para 25

<sup>53</sup> Policing Board of Northern Ireland Human Rights report para 137

*threat has not quite reached the threshold where lethal force (such as conventional firearms) could be justified.*<sup>54</sup>

62. The report makes further recommendations, in particular:
- Police Officers authorised to use Tasers should receive clear and precise instructions as to the manner and circumstances in which they should make use of Taser<sup>55</sup>; and
  - As for planning and control, the obligation is clear. The relevant authorities should plan and control operations in which Taser might be used so as to minimise, to the greatest extent possible, recourse to its use.<sup>56</sup>
63. The authors of the report were not satisfied that ACPO policy was sufficiently clear and considered that it might accommodate cases which would not satisfy the test for the use of Taser set out above.<sup>57</sup>
64. In addition, the authors recommended that the Policing Board should require the Police Service of Northern Ireland to provide clearer evidence of a capability gap requiring the introduction of Taser before its proposal is progressed. That evidence should take account of the test for the use of Taser set out above.<sup>58</sup>

***Stunning Trends in Shocking Crimes: a comprehensive analysis of Taser weapons***<sup>59</sup>

65. This study, which describes an American context, provides a comprehensive medical, legal, and policy analysis of Tasers. As part of this analysis, the benefits and potential risks of Tasers are weighed to determine what role the weapon should have in law enforcement and society. Issues such as officer and suspect safety, unknown health risks, training requirements, deployment protocols, police liability and accountability, government regulation, public acceptance, and comparisons of other non-lethal force are discussed in this paper

---

<sup>54</sup> Ibid paras 142 & 144

<sup>55</sup> Ibid para 156

<sup>56</sup> Ibid para 158

<sup>57</sup> Ibid para 196

<sup>58</sup> Ibid para 165

<sup>59</sup> Journal of Law and Health, 2006, author Shaun Kedir

66. Section VII provides recommendations on the role Tasers should have in law enforcement:
- It recognises that all law enforcement agencies using Tasers have seen a dramatic decrease in police and suspect injuries
  - There are legitimate concerns about the safety of Tasers
  - Tasers may have adverse effects on individuals under the influence of drugs or with underlying heart conditions
  - Taser's unique capabilities of incapacitating suspects, without any threat of harm to the police officer or identifiable injury to the suspect, make using force more attractive
  - If this power goes unchecked and unregulated, law enforcement officers may increasingly overuse Tasers in situations that do not warrant any force, or where traditional, less painful methods, such as dialogue and empty hand controls, would suffice
  - The majority of the risks and concerns can be mitigated by increased training, detailed use-of-force policies, and government regulated standards
  - Determinations about training requirements, medical evaluations, legal constraints, operational protocols, and use-of-force records should be written into detailed policy
  - In addition, the policy should address key issues and concerns associated with Tasers such as the number of permissible discharges; whether to use Tasers on fleeing suspects; whether to use Tasers as a tool for compliance; whether to use Tasers on persons with known or visible health impairments, such as drug intoxication or heart disease; whether to use Tasers on mentally challenged persons; and whether to use Tasers on vulnerable populations, such as children, the elderly, and pregnant women
  - The policy should also include a force continuum designed specifically for Tasers, which provides guidelines and hypothetical scenarios on when the deployment of Tasers may be appropriate
  - The use-of-force continuum should focus on using the minimum amount of force necessary to obtain lawful objectives.

**Home Affairs Select Committee**

67. The Home Affairs Select Committee has produced two reports examining aspects of Taser use but has not looked at the use of Tasers in policing in general.

- **Policing of the G20 protests, report dated 9th June 2009**

As part of a review of the G20 protests the Committee conducted a one-off review into Tasers. The Committee supported the use of Tasers by the police as an 'alternative to lethal force' but recommended caution about extending its use beyond firearm officers to some front-line officers and commented: *The decision to extend the deployment of Conducted Energy Devices to some non-firearms officers, and the training they receive, should be kept under review. The use of this weapon on a general scale poses many issues regarding public safety and more widespread use of Tasers would also represent a fundamental shift between the police and the general public. British policing is based on consent and face-to-face engagement, the use of Taser has the potential to erode that relationship and create a rift between the police and the policed. Furthermore, we would not endorse any move to authorise its wider use beyond dealing with a violent threat.*<sup>60</sup>

- **Police Use of Tasers: report dated 7th March 2011:**

This short report focused on concerns regarding the procurement of a new form of Taser weapon (X12 model) and its use against Raul Moat. It did not examine broader issues regarding the use of Tasers but noted that *'the circumstances in which Tasers can be used, the prevalence of their use, the training given to officers in their use and the extent to which they are justifiable alternatives to other methods of restraint are all important issues which would merit further investigation'*<sup>61</sup>

---

<sup>60</sup> <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/418/41809.htm> para 71

<sup>61</sup> <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/646/64602.htm> para 3

***Braidwood Commission on Conducted Energy Weapon Use***

68. A Commission of Enquiry was set up to enquire into the use of conducted energy weapons by regulated law enforcement agencies in British Columbia, Canada, following the death of a man at Vancouver Airport in 2007. Thomas R. Braidwood QC reviewed the policies, training and use of Tasers in British Columbia as well as the medical risks. Mr. Braidwood said that he was guided by several principles –
- that the police must be given appropriate tools to do their job;
  - that the police must use the least force necessary to manage the risk; and
  - that the use of force must be proportionate to the seriousness of the situation.
69. He concluded that '*on balance our society is better off with these weapons in use than without them*'.<sup>62</sup>
70. In relation to the use of conducted energy weapons on emotionally disturbed people Mr. Braidwood noted: *The unanimous view of mental health presenters was that the best practice is to de-escalate the agitation, which can best be achieved through the application of recognized crisis intervention techniques. Conversely, the worst possible response is to aggravate or escalate the crisis, such as by deploying a conducted energy weapon and/or using force to physically restrain the subject. It is accepted that there may be some extreme circumstances, however rare, when crisis intervention techniques will not be effective in de-escalating the crisis. But even then, there are steps that officers can take to mitigate the risk of deployment.*<sup>63</sup> He recommended that a curriculum for crisis intervention should be approved for training all officers authorised to use conducted energy weapons.
71. Mr. Braidwood recommended that the police should be prohibited from deploying Tasers unless the subject's behaviour met one of the following thresholds:
- the subject is causing bodily harm; or
  - the officer is satisfied, on reasonable grounds, that the subject's behaviour will imminently cause bodily harm.

---

<sup>62</sup> Braidwood Commission on Conducted Energy Use: page 16

<sup>63</sup> Ibid pg 15

Even if the threshold set out above was met, an officer should be prohibited from deploying a conducted energy weapon unless the officer was satisfied, on reasonable grounds, that:

- no lesser force option has been, or will be, effective in eliminating the risk of bodily harm; and
- de-escalation and/or crisis intervention techniques have not been or will not be effective in eliminating the risk of bodily harm.<sup>64</sup>

### ***Amnesty International Taser Campaign***

72. Amnesty International has campaigned against indiscriminate use of Tasers by the police. The campaign has drawn attention to the number of fatalities associated with the use of Taser and the potential for misuse.
73. Amnesty International Programmes Director Susan Lee commenting on the situation in the USA said: *'dozens and possibly scores of deaths can be traced to unnecessary force being used. This is unacceptable and stricter guidelines for their use are now imperative. ... What is most disturbing about the police use of Tasers is that the majority of those who later died were not a serious threat when they were shocked by the police.'*<sup>65</sup>
74. In the UK Amnesty has acknowledged that the practice of the police is different to the USA as the use of Tasers is strictly limited to circumstances where there is a serious threat of death or serious injury to participants, and only by specially trained officers who undergo an intensive and on-going rigorous training. Nevertheless Amnesty has concerns that the ACPO Guidelines for police Taser use which state that Tasers can only be deployed during *'non-firearms situations involving violence or threats of violence of such severity that they would need to use force to protect the public, themselves or the subjects'* are "slightly fuzzy". Amnesty believes that this is such a wide definition that Tasers could be drawn in all kinds of cases where police would have used traditional methods, such as negotiation or batons.

---

<sup>64</sup> Ibid page 19

<sup>65</sup> [http://www.amnesty.org.uk/news\\_details.asp?NewsID=19949](http://www.amnesty.org.uk/news_details.asp?NewsID=19949)

75. Oliver Sprague, Amnesty International's UK Arms Programme Director, fears Tasers represent a "slippery slope" in which police become over-reliant on this quick technical fix, which makes them less engaged with – and more likely to alienate – the people they are policing. While "red-dotting" might be a useful deterrent, Sprague points out that threatening to use a Taser is as serious as firing it. *'If you can get instant compliance by just pointing a Taser then there's a strong argument for drawing it immediately,'* he says. Suddenly, policing by consent becomes policing by compliance.<sup>66</sup>
76. Mr. Sprague said in evidence to the Home Affairs Select Committee: *'We have always supported specialist firearms officers having access to Taser. We believe there may well be a case for widening Taser deployment beyond firearms officers for incidents of severe, life-threatening violence, but we do have severe reservations about the widespread roll-out of Taser when the guidelines are not clear enough about when they can be used and the training that they are given is not of the level of a firearms standard. That is why we say that specialist units should be trained to a firearms standard.'*<sup>67</sup>
77. Mr. Sprague went on to comment about the level of training given to officers and insisted that it was essential that the high existing standards for firearms officers should be maintained in the training given to the STUs: *'We were very privileged to observe the Metropolitan Police training of Taser. What I would say is that that training is extremely intensive and it is challenging and, importantly, officers do fail it, not just for proficiency in the weapon, but also the scenarios they are placed in and whether it was appropriate in those scenarios to use a Taser. What we would be concerned about is the difference between that and what the firearms officers had previously undergone, which was routine scenario-based training where they are constantly placed in these real-life situations and evaluated on their use of force within those situations, particularly the risks to vulnerable groups: people under the*

---

<sup>66</sup> <http://www.guardian.co.uk/world/2011/nov/09/how-safe-are-Tasers>

<sup>67</sup> <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/494/9050502.htm>

*influence of medication or drugs or underlying health issues. We believe that such scenario-based training is absolutely vital to ensure it is proportional'.<sup>68</sup>*

### **Public attitudes towards Tasers – results from an opinion poll**

78. In 2010 the UK Home Office commissioned a survey of public attitudes towards Tasers. The survey explored public awareness of Tasers; support for and trust in the police to use Tasers; and situations in which it is deemed acceptable to use a Taser. The key findings of this survey were as follows:

- *Over three quarters of respondents had heard of Tasers (76%)*
- *The majority of respondents supported the police using Tasers (71%)*
- *Nearly three quarters of respondents had either a great deal or a fair amount of trust that their local police used Tasers responsibly (73%)*
- *Respondents thought that it would be most acceptable to fire Tasers on people behaving violently or suspected of carrying a weapon (50% and 48% thought it would always be justified)*
- *Around half of respondents said that they would feel safer if more police were equipped with Tasers (50%)<sup>69</sup>*

### **The use of Tasers in Guernsey and the Isle of Man**

79. The Panel asked the Police Forces in Guernsey and the Isle of Man for a report on the use of Tasers in their Islands. Both forces had obtained Tasers prior to the imposition of the ban on exports imposed by the UK government and therefore had some experience of the use of Taser in the context of a small island community.

80. These reports indicate that their use in both Islands has been restricted to Authorised Firearms Officers (AFOs).

---

<sup>68</sup> Ibid

<sup>69</sup> <http://tna.europarchive.org/20100419081706/http://www.homeoffice.gov.uk/documents/mori-polls-08-09/public-attitude-to-Tasers2835.pdf?view=Binary>

81. Taser has been discharged twice in the Isle of Man since 2005. The first discharge was ineffective, which was apparently due to the thick clothing worn by the offender; for the second discharge the device was fired but not fully cycled as it was identified that the offender was compliant, having already had two broken ankles, from falling from a height whilst trying to flee the Police.
82. Tasers have been regularly drawn in the Isle of Man (32 times in the period between January 2010 and March 2012) but there are no other instances of red dotting and/or spark up.
83. In the Isle of Man Tasers are currently only deployed along with conventional firearms. However, they are considering extending the use of Taser to Specially Trained Units. Guernsey adopted the change of policy implemented in the UK in 2007 which has allowed Taser devices to be issued outside of incidents which meet the criteria for the deployment of firearms; however, it remains only AFOs who are classified in the use of Tasers.

**Table 1: Use of Taser in Guernsey**

Year	Issued (Total)	Drawn	Aimed/ Red dot	Discharged
2006	6			1
2007	15			
2008	5			
2009	17 <sup>70</sup>	3	1	
2010	16 <sup>71</sup>	3		
2011	41 <sup>72</sup>	2	1	
2012	4 <sup>73</sup>		1	

<sup>70</sup> Of the 17 times Taser was issued 4 of the occasions were alongside conventional firearms, on the other 13 occasions it was issued outside a full firearms authority

<sup>71</sup> Of the 16 times Taser was issued 10 of the occasions were alongside conventional firearms, on the other 6 occasions it was issued outside a full firearms authority.

<sup>72</sup> Of the 41 times Taser was issued 37 of the occasions were alongside conventional firearms, on the other 4 occasions it was issued outside a full firearms authority.

<sup>73</sup> To date (16/3/2012) Taser has been issued on a total of 4 occasions. All of these issues have been in conjunction with the issue of conventional firearms.

84. Table 1 shows the occasions on which Tasers have been issued/used by the Guernsey Police. Taser has been issued 104 times in Guernsey in the period from 2006 to March 2012; of these deployments it was actually drawn on only 8 occasions and the suspect was 'red-dotted' on three occasions. Taser has been discharged only on one occasion in Guernsey since their first introduction in 2006. The event occurred in 2006. Taser was discharged against a male subject threatening self harm and making threats to kill officers. Taser incapacitated the subject leading to a successful outcome for the operation and the safe arrest of the subject without significant injury.<sup>74</sup>
85. These figures show a significant rise in the number of authorisations and deployment of Taser – 41 in 2011 compared to a range of between 5 and 17 occasions in the previous 5 years.
86. The Scrutiny Panel requested an explanation for this increase and was informed that it was linked to a review of the force's strategic threat and risk assessment as a result of which firearms had been deployed routinely at a large number of events in the Island. *'Following the review the decision was taken to authorise the deployment of an armed response vehicle, as an operational contingency, at large scale public events and at other times whereby evidence suggested a possible increased demand for these resources. The increase in the number of firearms deployments has consequently seen a rise in the number of times on which Taser is deployed. The use of Taser outside a full firearms authorisation has in fact decreased (13 in 2009, 6 in 2010 and 4 in 2012).'*<sup>75</sup>

---

<sup>74</sup> Information provided by Guernsey Police

<sup>75</sup> Both reports are available on the Scrutiny website

## 8. WRITTEN SUBMISSIONS

### *Jersey Human Rights Group*

87. The Jersey Human Rights Group (JHRG) questioned whether Tasers should form part of the weaponry of the States of Jersey Police, fearing that there would be a tendency for increasing use of Taser: *'If there is a belief that Tasers are less harmful than a firearm then are they more likely to be used at the outset of a conflict than as a last resort?'*
88. The JHRG said that resorting to forceful weapons such as Taser rather than attempting to resolve aggressive situations could lead to a reduction in respect for the Police in the Island: *'Policing is an art and police officers who over react to incidents do untold harm to their image and esteem and to public confidence. Policing is also a risk business and from time to time police officers will be confronted with difficult people who challenge their authority. However it is how they overcome those difficulties that will earn the public's respect.'*
89. The JHRG summarised their position as follows:
- Tasers clearly weaken the concept that "the police are the public and the public are the police".
  - The JHRG has no knowledge of the frequency of events in which their use would have been justified, but perceive this to be very low. They would like to see a detailed review of, say, 6 incidents in Jersey in which Tasers could have been used with benefit.
  - The JHRG regards peaceful conflict resolution as the first priority and is concerned that the police may, quite quickly, see Tasers as a quick and easy alternative.
  - The cost of the Tasers and of the training in their use will be material and the JHRG would like to see the business case for that expenditure.
  - The JHRG thinks that it is likely that more training in peaceful conflict resolution might well generate a higher return.

***Amnesty International Jersey***

90. The position of Amnesty International Jersey (referred to hereafter as Amnesty Jersey) reflected reports and media briefings from Amnesty International UK. Amnesty Jersey believes that Tasers are *'inherently open to abuse as they are easy to carry, easy to use and can inflict severe pain at the push of a button without leaving substantial marks'*.
91. Amnesty Jersey referred to studies carried out by Amnesty UK into instances of abuse in the UK and abroad. For example, in Nottingham (June 2009) mobile phone footage caught how police officers shocked a man with a Taser for the second time after he was already lying on the ground and appeared to be under control by the four surrounding police officers. After examining this case, the IPCC found the police officers were *'acting proportionately'* to the situation (Feb 2010). However Amnesty UK raised concerns about the lack of clarity within existing police guidelines as to determining which situations were appropriate to apply the Taser.
92. Amnesty Jersey expressed concern about the introduction of Tasers into the local police force when recorded levels of violent crime were relatively low compared to situations in the UK: *'Questions have to be raised about the necessity of such weapons in the Island when crime levels are so low and officers are rarely assaulted let alone put in life-threatening situations where firearms would need to be deployed. For example, a pilot to equip beat officers in Rutherglen (Scotland) with Tasers came about because 4000 officers were being assaulted every year. Proportionally, the figure in Jersey is most likely nowhere close to this and does not justify the introduction of a speculatively-safe weapon into the Island.'*
93. Amnesty Jersey set out the following series of guidelines which they suggested contained their main concerns and were relevant to the protection of human rights if Tasers were to be deployed in Jersey:
- *Taser use should either be suspended pending further independent studies; or*
  - *Have their use limited to circumstances where officers are faced with an imminent threat of death or very serious injury (a potential loss of life) which*

*cannot be contained by less extreme options (in accordance with Principle 9 of the UN Basic Principles on the Use of Force and Firearms).*

- *Tasers should be treated as an alternative to lethal force;*
- *Officers carrying Tasers are trained to firearms standards on an on-going basis. Training must be consistent with UN standards on the use of force before such weapons are deployed;*
- *Roll out must be highly restricted and then only to specially trained officers;*
- *The Home Office has demonstrated how the use of Tasers will be consistent with its obligations under international human rights guidelines and what policies and procedures are in place to prevent misuse of electro shock weapons. This should include regular conceptual and operational training on international human rights standards, including the right to life (Article 2), the absolute prohibition against torture (Article 3) under the Human Rights Act 2008 and other cruel, inhuman or degrading treatment;*
- *There should be strict guidelines to avoid repeated, multiple or prolonged shocks as well as shocks whilst someone is in custody. Such actions constitute torture and contravene Article 3 of the Human Rights Act 1998, the prohibition of torture.; The use of Tasers on the following “at risk” people who are at the greatest risk of death should be avoided in all circumstances unless they pose an imminent threat to life. All officers should be trained to be aware of the following groups: children, persons of small stature; pregnant women; the elderly; people with heart disease, pacemakers or other electrical implants; emotionally disturbed people or those with mental disabilities; those suffering from epilepsy, asthma and other respiratory problems; people under the influence of drugs or are highly agitated, delirious and/or struggling violently; those who are obviously physically frail or poor of health*
- *The arbitrary or abusive use of Tasers should be punished as a criminal offence in law. Such treatment of a potentially lethal weapon breaches articles 2 and 3 of the Human Rights Act 1998, the right to life and the prohibition of torture.*
- *Each department should provide a detailed breakdown of its Taser use in regular, publicly available reports.*

Amnesty Jersey stated that, as far as they were aware, none of the above had been spelt out and therefore the organisation continued to oppose the widespread deployment of the weapon. (Note: Each of these points has been considered by the Panel and has been integrated into its own findings and recommendations)

### ***The Jersey Rights Association***

94. The Jersey Rights Association (JRA) supported the introduction of Tasers into Jersey but only under very strict written terms and conclusions. Then JRA believes that Tasers should only be used in circumstances where firearms are permitted to be used: *'The grounds for use arise in circumstances where the SOJP currently deploy guns in response to a reported incident. It is clearly preferable to incapacitate an individual rather than to shoot and either seriously injure him or kill him. There are both benefits and negatives here to the alternative use of Tasers. The SOJP could resort much quicker to using a Taser (as opposed to a gun) because the outcome is less severe. We have also looked at the risk of harm to the SOJP and the possible psychological trauma that an officer may suffer if he kills an innocent suspect'*.
95. The JRA considered that a minimalist approach should be adopted: *'In other words what is the least intervention required. Tasers should never be a first line tool to be used against individuals'*. The JRA said that a clear line of permitted use should be set out and suggested the following occasions when Tasers should not be used:
- *For crowd control;*
  - *For typical street violence;*
  - *Where there is an affray involving groups of people;*
  - *Even when the group of people in the affray uses non-lethal weapons;*
  - *An individual holding a lethal weapon but does not pose an immediate threat to the SOJP or others;*
  - *It is a much more difficult question if the person poses an immediate threat to his own welfare. We are unable to reach a conclusion on this outcome; and*
  - *When an individual has his back to the SOJP or is walking away.*

96. Finally, the JRA insisted that if any extended use of Taser was sought, then that matter should return to the States chamber for a full debate. *'It should not be left to the SOJP to self-regulate use and to extend the use of Tasers'*.

#### **States of Jersey Police Association**

97. The States of Jersey Police Association (SOJPA), which represents the interests of approximately 233 local Police Officers, was unanimous in its support for Tasers which it believed was *'the first practical and effective supplement to an armed response by Police Officers. .... The introduction of Tasers to trained firearms officers must be seen as positive action in the interests of preventing serious injury to any of my membership as well as members of the public. ... The States of Jersey Police Association believe that the employer has a responsibility to protect its staff, providing them with the best equipment to protect not only themselves but the public whom we serve'*.
98. The SOJPA believed that the public had not fully understood the fact that the introduction of Tasers was, for the present time for highly trained firearms officers only and would only be used in exceptional circumstances: *'The bobby walking up and down King Street or standing at the weighbridge on a Friday night will not be issued with Taser'*.
99. The SOJPA submission added: *'To suggest my membership would abuse the use of the Taser or cannot be trusted to use them correctly in accordance with ACPO guidelines and authorities as some have suggested during this debate, is, in this Association's view quite simply offensive'*.

#### **Written Submissions from Individuals**

100. The Panel received a large number of submissions from members of the public. Key points are summarised below.
101. Tony Bellows provided an extensive examination of recent incidents and research into the use of Tasers. He referred to the numerous reports, in the media and human rights organisations such as Amnesty International, of fatalities where

people have received Taser shocks, in addition, to reports of police officers deploying Tasers on unarmed, non-compliant, or disturbed individuals who did not pose a threat to themselves or others. Mr. Bellows identified part of the problem as *"the quick fix", where the Taser is deployed without adequate – and costly – training, and is seen as an instrument of first resort, rather than one of last resort, because it achieves results quickly*.<sup>76</sup>

102. Mr Bellows also referred to the development in the UK whereby the use of Tasers has been expanded to more widespread use by general members of the police force and not just the armed response units. He believed that this 'second phase' had the potential for fatalities, and for indiscriminate use of Tasers. *'This is a "slippery slope" of the use of Tasers, and the anecdotal evidence emerging is that away from the strict controls of trained firearms officers, there is a significant risk of making mistakes and harming members of the general public*'.<sup>77</sup>

103. Mr. Bellows drew the following conclusions:

- The use of Tasers as a weapon of choice in place of firearms by a trained firearms unit could significantly reduce fatalities and I would recommend its use.
- The "Phase Two" deployment of Tasers by non-firearms officers for situations where firearms use would not be deployed poses significant risk to the general public, and the use of the slang term "sparking up" illustrates a kind of attitude that we do not want to see in Jersey. I would not recommend "phase two" under any circumstances.
- If Tasers are introduced in Jersey, legislation should restrict its use to trained firearms officers in situations where firearms would be deployed.

104. Any change to a "phase two" wider deployment should not be a matter for operational consideration, but should require full States approval to change legislation. Without this safeguard, there are no controls by the States on a "slippery slope" in the use of Tasers.

---

<sup>76</sup> <http://tonymusings.blogspot.com/2012/02/sparking-up.html>

<sup>77</sup> Ibid

105. Mr. M. Dun believed that Taser abuse was *'almost inevitable ... the opportunity to covertly bully or punish, deliberately or otherwise, is an ever present risk'*. He suggested that *'governments are keen to buy into anything that offers simplistic solutions to difficult problems.... Tasers will be authorised to control others and there will be very minimal opportunity for any prompt redress or complaint'*.
106. Mr. P. Lebegue considered that Taser was totally unnecessary and extremely dangerous. He said that it *'will create another waste of public funds and ... will result in law court for damages sooner or later'*.
107. Mr. D. Bernard said that there were *'quite strong arguments for equipping patrolling police officers with a range of equipment that will be helpful in a wide range of circumstances'*. He also acknowledged: *'At a technical level there is absolutely no question but that they are significantly less likely to be lethal than a firearm'*. However he suggested it was important to investigate the number of occasions in which Tasers might have been helpful to resolve violent incidents in Jersey: *'My understanding is that there has been no case of the police shooting someone in Jersey for over 100 years. So the frequency of incidents in which that level of force was judged necessary has been extremely low. If no serious assessment of likely justified use rate has been made, is it an adequate argument to simply claim that they might one day be useful? Not for me'*.
108. Mr. Bernard made the following recommendations to the Panel:
- *I would like to see an independent assessment of the quality of the "peaceful resolution" training given to our police officers; and an undertaking to improve it if it is seen as inadequate. In my view, such skills will likely be applied much more frequently than skill with a Taser. Thus it seems reasonably likely that spending resources on improving such training will be more cost-effective than spending the same resources on Tasers.*
  - *I would like to see some serious research into the frequency of likely use, based on local records of violent events, not on those of the UK or elsewhere.*
109. Mr. R. Weston pointed out that Tasers could only be considered as an alternative response to those forms of violence that did not involve a wrong doer armed with a

gun or other explosive device, (such as a grenade or a bomb): *Acceptance of this common-sense proposition, brings the debate back to its proper and realistic level; namely to ask whether using a Taser is better than using physical restraint in the form of man-handling (either with or without the help of a truncheon, handcuffs, CS-gas, etc) or simply by using verbal persuasion.*

110. Mr. B. Willing said: *'We should not be slaves to some form of Police fashion.'* He believed there was no justification for Taser procurement or use: *'Tasers are a long way down any sensible priority list'*.
111. Mr. B. Bree believed that there was no need for Tasers in Jersey and called for greater accountability for the Police.
112. Mr. R. Hill believed that Tasers were *'entirely unnecessary in Jersey, would adversely affect the relationship between the police and the public, and ultimately represent a danger to public safety'*. He referred to the incident of a Polish man Tasered at a Canadian airport in 2008 and commented: *'without recourse to [Taser], those same policemen would have had to take a more reasonable and measured approach to the situation'*. Mr. Hill believed that the use of Taser was contrary to the policing traditions of Jersey which boasted a low crime rate and of its honorary service: *the prospect of summary electrocution greatly alters and disturbs the relationship between citizen and police officer; a relationship that is built on trust and reasoned judgment. To bring the blunt, indiscriminating and potentially lethal Taser into the equation can only lead to a greater separation between the public and the police – something that adversely affects both - and that impedes any movement towards a safer community for all'*.
113. Mr D. Le Quesne believed that it was wrong to allow the introduction of Taser into Jersey. He said that the burden of proving that they were necessary lay on those who wanted them: *'the burden is a heavy one, because the proposal is that the police should have available for use against citizens of Jersey a dangerous weapon. Every reason given by the proponents must be examined carefully, and your Panel should only recommend the introduction of Tasers only if you are persuaded that*  
*(a) the danger to society, including the police, would be significantly reduced if Tasers were introduced, and*

(b) *to avoid that danger to society, it is worth permitting another danger to society - the introduction of these weapons (which can kill)'.*

114. Mr. Le Quesne acknowledged that the police needed to be armed proportionately to meet circumstances in which they were faced with armed and violent aggression; however, he challenged the statement from the Minister for Home Affairs who said, in the context of an incident involving a knife "*The problem is there is no alternative level of force other than firearms*". Mr. Le Quesne said that the principle must surely be that the police use the least force necessary. He said that the Panel should ensure that it was fully satisfied that there was no suitable alternative available to the police and suggested that this might require '*some expert advice from somebody outside the police force, for the police clearly want this weapon and are not going to accept that they have any suitable alternative. You need to have reliable evidence of what alternatives are available to the police*'.
115. Mr. Le Quesne said that the police would naturally want any weapon which minimised danger to them, and which made their job easier: '*Shooting with a Taser a person armed with a knife is much safer and easier than using unarmed combat, or a baton or some spray. But that is not our way of policing. We require our police to use minimum/proportionate force*'.
116. Mr. Le Quesne said that, should the use of Tasers be permitted in Jersey, it was up to politicians, not the police, to set precisely the circumstances in which such a lethal weapon might be used. In particular, he pointed to the risk involved in Tasers capacity to send multiple pulses and recommended that a specific limitation should be imposed: '*In threatening situations, there is a risk that the operator of a Taser will not confine himself to sending just the one pulse, but will send several. It is well documented that this happens. It is the multiple, or repeat, pulses which are particularly dangerous. Unless a Taser is specially altered so as to be capable of delivery only one shock, this danger will exist in all volatile situations*'.
117. Deputy G. Baudains examined the risks associated with Tasers and highlighted the potential for police to abuse Taser. He believed that the deployment of Taser in Jersey was both unnecessary and unwise representing merely a new – and albeit

lethal – ‘toy’ for the police to use. He was concerned that its deployment in the Island would further alienate the public from the police.

118. Mr. R.E. Romeril objected to the proposed introduction of Tasers which he believed would send a message that Jersey was *‘nothing less than a hideout of crooks, criminals and shysters and hence the need for such draconian measures on the part of the police’*. He believed that a fit and properly trained police officer should be able to disarm anyone wielding a knife or other weapon.
119. Mr. R. Crick believed that, once introduced, Tasers would become the norm, being used in too many situations where their use was inappropriate and where other methods could defuse the situation instead of inflaming it.
120. Mr. P. McGarry believed that if Tasers were used they would inevitably kill someone.
121. In addition to these written submissions the Scrutiny Panel received a number of telephone comments and emails. These are available in full on the Scrutiny website. A large number of people also used the online survey to leave comments. These are also available in full on the Scrutiny website. The results of this survey are discussed elsewhere in this report.

## 9. PUBLIC HEARINGS

### *Jersey Human Rights Group (JHRG)*

122. Mr. F. J. (Bob) Hill stated that the JHRG was not opposed to the introduction of Tasers but wanted to see a clear justification for their use. The JHRG had requested a meeting with the Chief Officer of Police but this had been declined. Having seen the figures on violent incidents over the past few years, provided by the States of Jersey Police to the Panel, he commented: *'We ask again what is a Taser for? Is it a weapon of offence or weapon of defence? When one looks at the number of police officers injured, it is an occupational hazard. I am not saying that we all want to go out and get ourselves beaten up but I think it is an element of risk and, again, would a Taser then be used as a means of going out on the street as we see as an extension from the baton, for handcuffs, from handcuffs to CS gas? You know, do we then see the extension from the CS gas on to a Taser?'*
123. Mr. Hill said that the principal concern was the potential escalation of use of Tasers once they were accepted into the Island: *'I think that the concern that most people would have, and certainly our group would have, is that because it is deemed to be less lethal is it, therefore, more likely to be used? That is the question. I will be here this afternoon listening to the Chief Officer because I want to know why he can justify it because I want to support him. I have been a police officer. I have been in those situations; I want to support police officers. At the same time, I also see it as an escalation.'*
124. Mr. Hill noted that there appeared to be an increasing number of complaints about excessive force being used by the States of Jersey Police in recent years, based on the annual report 2011 of the Jersey Police Complaints Authority<sup>78</sup>: *'If we have a look at the number of complaints about excessive force that in 2009 there were 5, in 2010 there were 6 and last year there were 14 so there is an increase of complaints against officers of using excessive force, and also harassment and abuse of authority and threatening behaviour by police officers. Again, the complaints are*

---

<sup>78</sup> R.18/2012, published 9 February 2012

*from 2 in 2010 to 8 in 2011. It does illustrate that possibly police officers themselves are not as diplomatic in their dealings with people.'*

125. Mr. Hill said that a calm approach to violent incidents was likely to result in a peaceful resolution rather than resorting to weapons: *'I want to ask you again, what are Tasers being issued for - to defend the police officer or to defend the public because the police officers are entitled to every protection they can get. At the same time, much can be taken out by the way in which a police officer approaches a situation, and if you are going to go in gung-ho, you are going to attract their attention.'*
126. Mr. N. Le Cornu also reiterated the concerns about an apparent trend towards increasing use of force by the police and pointed to the recent purchase of equipment by the Police in Guernsey: *'One wonders why is there this need for this step up to new types of more and more sophisticated equipment. One worrying aspect of this sort of trend in Channel Island policing is the purchase by the Guernsey police of what looks like a second-hand R.U.C. (Royal Ulster Constabulary) Land Rover with all the grills and rails and protection that would protect it from a riot in the Bogside but why on earth do they want something like that when, you know, what is the chance of a riot in Jersey? I kind of think pretty low.'*

### ***Amnesty International Jersey***

127. Mr. E. Le Quesne described the introduction of Tasers into Jersey as a 'step change' and said that we ought to be very careful before going into this. He believed evidence of an upsurge in violence was required to justify their deployment. He called for very strict controls and monitoring if they were to be introduced as the use of a powerful weapon such as Taser had a potentially significant impact on those who had it at their disposal: *'There is a famous psychological experiment that says that people who are given authority, they sometimes get very dictatorial and they like to show their authority. Give a chap a Taser, a young lad the Taser, it could be just a straight show off with it. I think if they even think of a Taser it must be very strictly controlled and in just the hands of a very senior officer and a very strong*

*chain of command about when it was drawn. So I think it has got to be proved, first of all, it is needed and then it has got to be very strictly controlled and who can have it, when it can be used, and when it can be employed. Then also I think another point our submission makes is that there must be a very clear record of its use, who is using it, when it is used, what was the reason it was used.'*

### **The States of Jersey Police Association**

128. Mr. S. Thomas, SOJPA President, said that the SOJPA supported the deployment of Tasers on the basis that they provided his membership with added protection. He acknowledged that assaults on police officers and incidence of violence were very rare and that *'up to now we have never fired a shot in anger and let us hope that continues'*. He said however that it was necessary to bear in mind that at some stage that might happen in Jersey: *'We have to be match fit for the 'what if'; we have to be ready for any event'*. He pointed out that with the use of firearms *'there is likely to be only one outcome and that is a fatal one. If the individual is Tasered clearly there is a less likely outcome of a fatality'*.
129. Mr. Thomas made it clear that the SOJPA was only supporting the introduction of Tasers to authorised firearms officers. There had been no other discussion about extending it to the wider force.
130. Mr. Thomas said that all police officers were trained in conflict resolution: *'they should always consider those tactical options when dealing with somebody who offers a level of violence or resistance. Initially it is built into what they call their post-foundation course. So when they join the police service I think about a week is set aside. Thereafter certainly once a year officers have 2-day refresher training every year, and it is non-negotiable. You do it; you have to do it.'*
131. Referring to the rising number of complaints about police behaviour, Mr. Thomas told the Panel: *'The very nature of the job you are going to attract complaints from members of the public. I think it is a reflection of how open we have become as a police service, that we would encourage and record complaints now, whereas before (I may be speaking out of turn) maybe we would not have so openly*

*encouraged those complaints and recorded them, and maybe we would have dealt with them differently. Maybe the Desk Sergeant would have dealt with them perhaps, so they would not necessarily have been recorded. But because we are becoming more transparent, everybody is becoming more accountable, not just the police service. I think anybody that makes a complaint now, it is only right that it is recorded; whereas before it may have been dealt with informally.'*

### **Honorary Police**

132. Centenier D. Scaife, Chairman of the Comité des Chefs de Police, said that the general view of the Chefs was in favour of the introduction of Tasers for the States of Jersey Police on the basis that their use should be under controlled circumstances and their authorisation would be limited to specialist groups. They believed that if using a Taser was less lethal than using a firearm then it would be better to go that route. There was no question of the Honorary Police being equipped with Tasers as they were not trained or expected to deal with situations of serious aggression and violence.
133. The Honorary Police representatives described the exposure to violent incidents which Honorary Officers faced and the training they underwent in order to deal with that. Inexperienced officers would not be put into situations where they might have to encounter such incidents; however, there were possibilities that Honorary Officers might be the first on the scene dealing with violent public order situations. Centenier Scaife said: *It is quite clear they should not be and could not be dealing with armed operations or anything like that ... The problem is that you do not know what is around the corner and it is when you are out and about and you come across an incident of a potentially violent nature and the public perception is, whether you are honorary or States Police, you should do something about it. The control room may not send you there, but that is the public perception.*

**Oral Evidence given by the Minister for Home Affairs, the Chief Officer of the States of Jersey Police and the Chief Firearms Instructor, States of Jersey Police**

***Annual Number of firearms deployments in Jersey***

134. The Chief Firearms Instructor (CFI) informed the Panel that the average number of firearms deployments by the States of Jersey Police (SOJP) in the six years between 2006 and 2011 was between 12 and 18 per annum. Some of these were pre-planned operations, such as Royal visits, where the criteria for arming are met by the presence of royalty or VIPs in the Island. Another instance of a pre-planned operation was the supervision of the movements of Curtis Warren from prison to court. Although there were 15 -20 such movements these were counted as a single authority.
135. Other deployments, approximately half the average total, were in response to spontaneous incidents of violence such as a recent stabbing that had occurred in St Helier (April 2012). The Chief Firearms Instructor confirmed that there had been no notable increase in such deployments in recent years. However, he explained that the ACPO criteria for issuing of firearms had been changed. Whereas it used to be a person in possession of a firearm or who has immediate access to a firearm; it now included: possession of or immediate access to any other potentially lethal weapon or [a person] is otherwise so dangerous that the deployment of armed officers is appropriate (emphasis added by Panel). An offensive weapon might range from a piece of wood with a nail in it to a samurai sword.
136. The SOJP confirmed in a report to the Panel that they had never fired a shot in an authorised firearms deployment but incidents had involved the pointing of firearms at suspects.<sup>79</sup>

---

<sup>79</sup> Additional information sought by EHA Scrutiny Panel, published on Scrutiny website

***Number of violent incidents***

137. The Panel asked the SOJP to provide further information on the number and nature of violent confrontations in Jersey in the past five years. In response SOJP told the Panel that to provide that information would require sifting through each record of any reference to violence in their incident recording system in order to determine the context of the incidents and whether the description of a violent confrontation was apt. Instead SOJP provided the following brief details of eight incidents involving weapons in 2011 which met the criteria for the deployment of CS spray and the police response to them:

Knife – Domestic assault on daughter. Father armed himself with knife in communal hallway to keep officers at bay. - SPRAYED

Axe – Domestic. Son gone berserk. Eyewitness reports axe in possession of son. Aggressive Resisted arrest. Axe located nearby. - SPRAYED

Baseball bat – Following assault eyewitness advise baseball bat used. Officers stopped suspects and baseball bat dropped. – NOT SPRAYED

Meat Cleaver – Eyewitness reports male holding meat cleaver to girlfriends throat. Aggressive, resisted. NOT SPRAYED

Wheel Brace – Male shoplifter threatened shopkeeper with brace before stealing. Holding brace when stopped. NOT SPRAYED

Knife – Female making threats to cut throats and use knife to cause harm. Knife not located but in home address so access. SPRAYED

Knife – Male threatening self-harm. Dropped knife when challenged but would not comply with commands and resisted. SPRAYED

Knife – Domestic. Male threatening to harm anyone who approached with knife. Knife recovered. NOT SPRAYED – ASPS also DRAWN.<sup>80</sup>

---

<sup>80</sup> Ibid

138. Similarly, SOJP were unable to provide figures on the nature of injuries sustained by participants in violent incidents without a significant review of case files. Figures were provided for the number of officers injured on duty as a result of violence against them:

2007 – 7	2008 – 9	2009 – 9	2010 – 5	2011 – 4 <sup>81</sup>
----------	----------	----------	----------	------------------------

139. Latest figures for assaults on police indicated a significant increase in the first quarter of 2012.<sup>82</sup>

140. The Chief Firearms Instructor informed the Panel that between 1st January 2011 and 4th November 2011 there were 82 incidents where a knife or weapon was involved. In twenty-six of those the subjects were defined as E.M.D.I. (Emotionally, Mentally or Distressed Individual) and that would include either illicit drug intoxication or alcohol intoxication or some form of psychological [distress].<sup>83</sup>

***Incidents where Tasers might potentially be deployed***

141. The Panel asked for an assessment of the number of instances when it might have been appropriate to have had recourse to Tasers if this had been available to them. SOJP did not respond directly to this question but replied that officers at the scene would make a ‘dynamic risk assessment’ of the appropriate equipment to deal with the situation. An incident could quickly deteriorate into a very serious violent incident and having recourse to Taser was but one option for officers seeking to deal with a specific incident.<sup>84</sup>

142. The Chief Officer, States of Jersey Police (Chief Officer) and Chief Firearms Instructor described a situation which had occurred in St Helier a few days before the public hearing in which it might have been appropriate to deploy a Taser. A police officer had been attacked by a man with a weapon:

<sup>81</sup> Ibid

<sup>82</sup> Ibid

<sup>83</sup> Transcript of public hearing dated 27 April 2012, page 20

<sup>84</sup> Additional information sought by EHA Scrutiny Panel, published on Scrutiny website

Chief Officer: *'I have seen some C.C.T.V. this morning, I cannot go into too many details, of police arriving at a scene and being immediately attacked, a man armed with a weapon. Soon as they got out of the car, physically attacked. It was on the streets of Jersey and that could well be a situation where they may have been deployed with a Taser and whoever it is has attacked them immediately.'*

Chief Firearms Instructor: *'The situation the Chief is alluding to there is this individual pursued a course of action for a long period of time, for quite a long period, before the police were able to turn up. We have a duty to respond, we have a duty of care to that individual, the general members of the public and also our own officers. In that time, had that situation been monitored by the accredited tactical commander, he may have seen the fact that this individual had a weapon, an edged weapon, and he may have said: "Yes, we will send a Taser for that." It would have stopped the officers getting injured, it would have stopped the subject getting injured and would have brought the situation to a far quicker conclusion and a safer conclusion than it did do.'*<sup>85</sup>

143. The Chief Officer said that he had been shocked by the violence in this incident in an Island considered to be one of the safest places in the Northern Hemisphere: *'you cannot just say we are a safe Island as though nothing is ever going to happen. Nobody would have predicted in Guernsey, another very safe place, that somebody is going to walk down the street with a samurai sword. People occasionally flip, I am afraid, and when this happens you rely on us to go and deal with it. What I am seeking for is a full suite of tools and we will start by talking and work up appropriately if they do not want to talk. Appropriately.'*<sup>86</sup>
144. The Chief Officer described his own experience of the deployment of Taser during his time with the City of London Police Force: *'I also have experience from their inception in 2004 in the City of London until such time that I left and came here [in 2011], I cannot give you the exact figure of the amount of times it was deployed in similar ... by authorised firearms officers, probably 100, 200 in that time, and only*

---

<sup>85</sup> Transcript of public hearing dated 27 April 2012, page 18

Note: In the Panel's view a more thorough analysis of incidents in which Tasers might have been deployed and used by the States of Jersey Police is required – see Key Finding 2 para 196

<sup>86</sup> Transcript of public hearing dated 27 April 2012, page 28

*ever used once. Once. This was a female on London Bridge who was determined to kill herself but armed with a knife. Every time the officers tried to stop her leaping off the parapet she tried to stab them. On the final attempt to jump into the River Thames, a Taser was deployed. It saved her life.*<sup>87</sup>

### **Threshold for deployment and use of Taser**

145. The Minister for Home Affairs (the Minister) told the Panel that there would be occasions where the police would want to deploy Tasers instead of a firearm or Tasers together with a firearm. He said that there was a category of cases where at the moment the police would have to deploy firearms because they did not have Tasers: ‘You have 2 areas of potential deployment: you have a potential area of deployment where a firearm is at the moment deployed, or might be deployed, under the firearms test and then you have another section where the firearms test would not be met but nevertheless would even still be appropriate in order to reduce the risk of harm either to police officers involved or to the individual or to third parties’.<sup>88</sup>
146. He was seeking to define a threshold which was slightly lower than for the deployment of firearms but which was tighter than the current ACPO guidelines: *At the moment [ACPO guidelines] have: “... where there is a threat of physical violence to any person which requires a Taser to be made available as a necessary and appropriate level of response to that threat.”* The Minister proposed to add in his proposition to the States on Tasers<sup>89</sup> reference to a specific threat of violence: ‘If you compare what we have drafted at the moment, which was intended to be a tighter test than the A.C.P.O. test, a reason to suppose that there is a specific threat of physical violence, and put in there a specific threat to get rid of the possibility under the A.C.P.O. guideline of a general threat being perceived’.<sup>90</sup>

---

<sup>87</sup> Ibid page 12

<sup>88</sup> Ibid page 14

<sup>89</sup> Draft proposition paragraph 1(b)

<sup>90</sup> Transcript of public hearing dated 27 April 2012, page 13

147. The Chief Firearms Instructor pointed out that the criteria for actual use (or discharge) of a Taser, or any other of their tactical weapons, against a suspect was far higher than for its deployment: *'Officers walk around daily with CS and an ASP of course because they know the criteria for them to carry it and patrol with it is set as a standard. The criteria for them to use either piece of equipment is far higher than carrying it.'*<sup>91</sup>
148. The Chief Officer did not rule out the use of Taser in drive stun mode<sup>92</sup> in Jersey. He said it was used in this mode in about 5% of all Taser situations in the UK.<sup>93</sup>

#### ***Limitation of Use to Authorised Firearms Officer (AFOs)***

149. The Minister's proposition on the use of Tasers in Jersey makes it clear that they would only be used by AFOs<sup>94</sup>. The Chief Officer stated that there was no intention to follow the expansion of Tasers to other front line officers or Specially Trained Units (STUs): *'There is absolutely no intention whatsoever to issue [Tasers] to other than authorised firearms officers at all. Other forces in the U.K. do but we will assess the situation here. I do not think it is necessary. We have at the moment 31 authorised firearms officers – that is sufficient for the volume of calls we get and looking at the historical evidence.'*<sup>95</sup>
150. He acknowledged that the situation in Jersey could not be compared to a major city where wider availability of Tasers might be beneficial: *'It would be very difficult to compare Central London where I have just spent the last decade with Jersey; it is a bit like comparing an apple with an orange. What is right for Commissioner Hogan-Howe [of the metropolitan Police] in London might not be the case here.'*<sup>96</sup>
151. The Chief Officer said that AFOs were highly trained and, having been psychologically analysed before taking the training, were capable of assessing the

---

<sup>91</sup> Ibid page 14

<sup>92</sup> See para 23 above for an explanation of this term

<sup>93</sup> Transcript of public hearing dated 27 April 2012, page 18

<sup>94</sup> Draft proposition para 4

<sup>95</sup> Transcript of public hearing dated 27 April 2012 page 4

<sup>96</sup> Ibid page 4

tactical options appropriate to the circumstances and making the necessary difficult decisions in very tense circumstances: *'I have always deemed it appropriate to issue [Tasers] to authorised firearms officers who are very highly trained in conflict situations, to give them the option to make a choice, together with a tactical adviser, either prior to attending a scene or at the scene to say: "Okay, the original intelligence was for firearms but now we have assessed it we have realised that is pushing it too far and a Taser is more appropriate"*'.<sup>97</sup>

152. The Chief Officer told the Panel that, apart from a full-time trainer and support staff, AFOs in Jersey were multi-functional, deployed doing other jobs across the Force: *'my responsibility is to ensure that we deploy our resources so that there are sufficient numbers available at any one time 24 hours a day. [AFOs] are doing other jobs but they have access to their personal equipment and will down tools, whatever their day job is, and be able to respond'*.<sup>98</sup>

### **Capability Gap**

153. The SOJ Police report to the Minister, which was provided to the Panel for its review, stated that the SOJP had identified a *'tactical shortfall in its ability to manage firearms' incidents safely in the absence of Tasers'*.<sup>99</sup>
154. **Taser may be used as part of a range of tactical options available to the police.** It might be deployed alongside or in preference to a conventional firearm or other authorised weapon, and would give the police the capability of deal with an aggressive individual wielding a potentially lethal weapon, such as a knife, samurai sword or other edged instrument, from a safe distance.
155. **A Taser cannot be considered as a replacement for conventional firearms.** For one thing its maximum range (up to 21 feet or 6.4 metres), being the length of the

---

<sup>97</sup> Ibid page 2

<sup>98</sup> Ibid page 8

<sup>99</sup> Minister's draft report accompanying his proposition on the introduction of Taser

wires that carry the current and electrically connect the barbs to the weapon, is a limitation when an officer is faced with a person in possession of a firearm.<sup>100</sup>

156. The Minister's report accompanying the draft proposition describes the capabilities and limitations of two of the alternative options currently available to the Police, namely CS Incapacitant Spray, which is termed a 'secondary control skill'; and the baton gun (L104A1 Launcher) which fires rubber bullets (attenuated energy projectiles) and is described as a less lethal option.
157. CS Spray is carried by all SOJ police officers as a matter of course and does not require special authorisation to be deployed.<sup>101</sup> A Taser incapacitates a subject more effectively than a CS Spray. Taser causes 'electro-muscular disruption' which causes the subject to freeze up and usually to fall to the floor.
158. The baton gun is deployed as standard equipment in every firearms incident. However, because of tactical limitations of its use, it can only ever be deployed alongside conventional firearms. It has the potential to cause fatal injuries and for this reason is not used in normal circumstances under seven metres from the subject.
159. In the majority of occasions where Taser is used, it is not discharged. A Government Steering Group examining the patterns of Taser use in England, Scotland and Wales from its introduction in 2003 until 2006 found that in around 60% of cases, drawing, aiming, or red-dotting (the red dot laser sight is activated and placed on a subject but the Taser is not fired) was sufficient to resolve and manage a violent incident.<sup>102</sup>
160. The Panel asked the Chief Officer to clarify what was meant by the term 'capability gap'. By way of example, the Chief Officer referred to an incident in Guernsey which had been resolved through recourse to discharging a Taser. It had involved a man in the street carrying a Samurai sword: *'That would be an extreme but possible*

---

<sup>100</sup> ACPO Operational Use of Taser by Authorised Firearms Officers Operational Guidance para 1.4

<sup>101</sup> Figures for the use of this weapon by the police in the past ten years are provided in a SOJP report to the Panel, published on the Scrutiny website

<sup>102</sup> Steering Group on Alternative Policing Approaches to Conflict Management: Fifth report, paras 5.35 and 5.36

*set of circumstances anywhere, so what would be the correct response to that? Firearms: unless anyone's life is in immediate danger, probably not. Baton round: again, it might be pushing it but I do not want my officers going right up to a person with a samurai sword with a baton or CS. There is a huge gap, literally a physical gap, between CS and baton, baton rounds and firearms, in my professional opinion, that needs to be closed, but extremely unlikely extreme circumstances that are nevertheless possible.*<sup>103</sup>

161. He also referred to one of the incidents which had occurred in Jersey in 2011 which was described as follows in the report provided to the Panel: "*Axe. Domestic. Gone berserk. Eye-witness reports axe in possession of an individual, aggressively resisted arrest.*" He commented: '*If I were an officer being sent to somebody who has gone berserk with an axe, I would feel much more comfortable with the option of a Taser or CS spray. I do not particularly want to get within 4 metres of somebody who has gone berserk with an axe.*'<sup>104</sup>
162. He explained that a Taser offered a less lethal alternative to the use of a firearm and generally this was a safer option for all concerned: '*A firearm is pretty conclusive and I do not want to supply firearms when there is a better alternative which protects the officers to whom I have a duty of care but more importantly the public to whom I have a wider duty of care as well and the individual. At the end of the day, third on the list, is the person of threat. I have a duty to them as well.*'<sup>105</sup>

### **Continuum of Force and Conflict Resolution**

163. A significant area of concern for the Panel regarded what was sometimes termed as 'mission creep', namely a tendency once introduced for the use of Taser to extend to a wider range of incidents beyond those originally envisaged. In its research the Panel has noted recommendations that policies on Tasers should include a use of force continuum which focussed on using the minimum amount of

---

<sup>103</sup> Transcript of public hearing dated 27 April 2012 page 10

<sup>104</sup> Ibid page 25

<sup>105</sup> Ibid page 34

---

force necessary to obtain lawful objectives.<sup>106</sup> The Panel asked the Chief Officer how this would be applied in the use of Tasers in order to avoid the situation raised in a number of submissions where officers might over-react to a violent situation or use a Taser in inappropriate circumstances.

164. The Chief Officer explained that officers were already obliged to act accordingly to a continuum of force which generally started with verbal communication: *'Most violent situations are resolved by either the arrival of an officer or post-arrival a bit of talk to calm him down and 95 per cent of cases are resolved that way. If that does not work then you start thinking about the continuum of force, knowing that you are accountable to the law yourself and an Independent Police Complaints Commission, and you have to start thinking about what is the most appropriate. As you ratchet up the continuum, you decide that that is not appropriate: "I have considered it; it is not necessary" and you would go up the continuum until you reached ultimately (it is very sort of high) for the Taser before that. I am not a technical expert on these matters but in terms of the CS you have somewhere between 1 and 4 metres of standoff to deliver it effectively and then I think a baton round is 7 metres to 21 and the Taser is up to [7 metres] because that is the length of the wires that come from the projectile, so the Taser closes that gap between 4 and 7 metres. Because at the moment there is a physical gap between 4 and 7 metres of standoff. Every officer is trained and regularly refresher trained in conflict resolution and would be expected and are accountable for their actions to work along the continuum of force, having eliminated verbal communication.'*<sup>107</sup>
165. The Chief Officer said that he hoped Tasers would never actually be used: *'Nobody likes to apply force, a legitimate use of force, but there are occasions when we have to. There is a risk in every style of situation and all I seek today is to close a gap. I hope that I come back here in 10 years time and we discuss how often we used Taser in the previous decade and I say: "Well we deployed it on numerous occasions but we did not use it once." That would be my hope.'*<sup>108</sup>

---

<sup>106</sup> Journal of Law and Health, 2006, author Shaun Kedir

<sup>107</sup> Transcript of public hearing dated 27 April 2012 page 15

<sup>108</sup> Ibid page 21

166. The use of force, he said, would be a final resort after other forms of persuasion had been tried: *'Our priority is in training our officers to interact with the public at least by consent and use verbal means to deal with conflict. Fortunately, as I say, we are empowered to use a legitimate use of force to deal with conflict. It is what we do and our training is focussed very heavily ... the emphasis is on nice, friendly, confident policing where we can talk people out of getting into conflict situations. But, as I say, on a very, very rare occasion, a minority of occasions, we have to resort to a higher level of the conflict resolution model.'*<sup>109</sup>
167. Individual officers are not in a position to make a decision to deploy a Taser – this requires the authorisation of an accredited Tactical Firearms Commander, who is an officer of the rank of Inspector or above.<sup>110</sup>
168. He added that there was an obligation on officers to report any use of force: *'[Officers] have to submit a use-of-force form for any use of force ... along the continuum immediately after the use of such force to justify it and it is a Duty to Report. Irrespective of whether there is a complaint or anything else, it is a matter of policy.'*<sup>111</sup>

### **Monitoring the use of Taser**

169. The Chief Officer told the Panel that each and every use of a Taser device was tracked and recorded: *'The thing about the Taser it has an on-board computer chip which will tell you precisely when and for how long and for how many times it had been applied. If there is a subsequent inquiry, subsequent complaint, that is downloaded and it is almost like a tracking device in the use of that instrument.'*<sup>112</sup>

---

<sup>109</sup> Ibid page 39

<sup>110</sup> Draft proposition para 2

<sup>111</sup> Transcript of public hearing dated 27 April 2012 page 16

<sup>112</sup> Ibid page 17

170. He added: *'I would also publish as a part of the annual report, the annual performance data, any deployments and usage of Tasers as a matter of course in the public domain'*.<sup>113</sup>
171. The Chief Firearms Instructor expanded on the way Tasers automatically recorded any usage: *'[Taser] comes with its own laptop and it is put into a secure housing and it downloads the data once the Taser is put back in that charge mode. It downloads it automatically to the computer which obviously then you can interrogate the computer to find out; even whether the officer has checked it before they have taken it out on duty. One of the performance checks is you arc the weapon to make sure that the battery supply is working, et cetera. It tells you from the start of the tour of duty until it is put back there exactly what has happened in relation to the safety on and off, whether the cartridge has been taken off, whether it has been arced, whether the red dot has been deployed, so it will tell you quite comprehensively exactly how it has been used. Moreover, each of the cartridge heads have standalone A.F.I.D.s (Anti Felon Identification Discs) with seal numbers on that are unique to that cartridge head. So you will sign for 3 cartridges, each of which will have a bar code and the A.F.I.D.s that are then deposited on firing the weapon will be seized. Then when you have the post-incident procedure if the A.F.I.D.s do not match the cartridge head then obviously you do not have the Taser that has been fired by someone.'*<sup>114</sup>

### **Potential for misuse**

172. The Chief Officer confirmed that any heavy-handed usage of a Taser device merely to enforce a suspect to comply or to punish before they had committed a crime would be a disciplinary offence for the officer concerned.<sup>115</sup>
173. The Minister said: *'Frankly there are other bits of equipment which are deployed for detaining by police officers or available for detaining which could be far more*

---

<sup>113</sup> Ibid page 41

<sup>114</sup> Ibid page 19

<sup>115</sup> Ibid page 18

*abused than this. You talk about the ASP, for instance. An ASP is deployed in particular ways and there are guidelines and so on and so forth but if an officer were minded to misuse one, frankly, the potential for damage to an individual is far greater.*<sup>116</sup>

### **Complaints procedures**

174. The Chief Officer said that he expected that the same rules would apply in Jersey as in the UK where any use of Taser which resulted in loss of life; danger to the public or a failure in command will be referred to the I.P.C.C. – in Jersey these would go automatically to the Jersey Police Complaints Authority.<sup>117</sup>
175. The Minister said that any complaints about the misuse of Tasers by a police officer would be dealt with in the same way as any other complaint: *They can either complain directly to the States of Jersey Police or they go through the Police Complaints Authority. They are then logged by the Deputy Chief Officer of Police and the Police Complaints Authority will then have oversight over the process of investigation. That so, except for complaints against the Chief Officer and the Deputy Chief Officer, which falls strictly with my purview.*<sup>118</sup>
176. The Panel noted that the latest report of the Jersey Police Complaints Authority indicated that there had been a significant increase in 2011 compared to 2010 in complaints against the police regarding use of excessive force and that complaints regarding harassment, threatening behaviour or abuse of authority had also increased.<sup>119</sup> The Minister however did not accept that this was a significant trend:

---

<sup>116</sup> Ibid page 30

<sup>117</sup> Ibid page 41

<sup>118</sup> Ibid page 41

<sup>119</sup> R.18/2012: the report states: While this is a significant increase compared to 2010, it is more in line with earlier years. It is also of note that the number of new cases logged in the second half of the year was nearly double that of the first half. It is too early to say, however, if this is indicative of a trend or reflecting a more pro-active policing policy.

he said that the number of complaints had not gone up over a three year period and that there had been a numerical blip in 2011.<sup>120</sup>

### **Storage of equipment**

177. The Chief Officer told the Panel that Tasers would not be deployed to Officers for overt patrol – they would only ever be deployed from a locked safe in a specific police vehicle or at police headquarters<sup>121</sup>: *[Tasers would be] sealed in a locked environment – a tamper proof safe - before deployment. It would be utilising the current safes in police cars which are used for authorised firearms officers. [The police] have 3 vehicles: 2 unmarked vehicles with an armoury and one overtly marked A.R.V. (Armed Response Vehicle) which carries a range of weaponry, both conventional and less lethal technology, permanently. That obviously cuts down our reaction time and our delivery time by half.*<sup>122</sup> There was no proposal to increase the number of armed response vehicles.

### **Training**

178. The Chief Firearms Instructor described the prescribed training for AFOs: *[The use of Tasers] would be part of the 7-week initial firearms course they attend before they come out. They are judged by sound judgment, knowledge and understanding of the Conflict and Management Model or the National Decision Model, as it is now, a demonstrated maturity of action in policing situations and the ability to use legitimate force in a proportionate manner before they even attend the firearms course. They then go forward for a 7-week firearms course at the conclusion of which there will be a 3-day bolt-on course for Taser. Sixteen hours' contact time and if you have read the guidance on specially trained units, that criteria has to be fulfilled by the A.F.O. in exactly the same manner. Forty-one performance criteria*

---

<sup>120</sup> Transcript of public hearing dated 27 April 2012 page 27

<sup>121</sup> Draft proposition para 3

<sup>122</sup> Transcript of public hearing dated 27 April 2012 page 7

*surrounding their use and deployment has to be met by the officer initially and then annually on top of that every single year.*<sup>123</sup>

179. The training would include a range of scenarios on when Tasers would be appropriate: *'It all comes down to the training and looking at the contingencies. When you look and plan, prepare to go forward to either deploy firearms or any situation of conflict, you are making considerations and contingencies. So one of the things we will say, if we go into a stronghold where somebody is holding somebody hostage at knifepoint and we are looking at deploying Taser, what is the consideration? If the subject is sat down, how do we get a good shot and that may be instructing the individual by other means so he can get round to the back of the individual to deploy the Taser effectively. So shot fall is a consideration you make, but during that 3-day training they will be put through those scenarios. So we will have people sat in the Taser suits sat down offering violence, or stood on tables or purposely holding something in front of them: a member of the public, a hostage.'*<sup>124</sup>
180. The Chief Firearms Instructor described an incident in which he had been involved in a deployment of firearms in Jersey and in which he claimed that the training he had received as a AFO had resulted in avoiding a potential fatal shooting of a suspect: *'I will give you an example of my first firearms deployment when I nearly shot somebody in 1998 in Jersey. I did my initial firearms course in 1998 in April. The October we were deployed to Trinity Arsenal to a report that an individual had contacted an ex-girlfriend, met her in town for a coffee, opened his jacket, showed her a shoulder holster with a black pistol in. He loaded the pistol from the bottom and racked the action, she said, so a semi-automatic 9 mm pistol essentially. He has then put it back in and informed her that the next bullet was going to be fired was going to be at her new boyfriend. We contained the house, there was an observation point put in. The individual comes out of the house, we challenged the individual, we were pointing guns at him, the safeties were off, our fingers on the trigger, he smiles and put his hand straight inside his jacket and looked me square in the eye, at which point I began to pull the trigger. His only saving grace is the fact that we planned and looked at contingencies and looked at backdrops, et*

---

<sup>123</sup> Ibid page 37

<sup>124</sup> Ibid page 40

*cetera, the area we defined and the resources we had, the tactics and training we have. We took 3 or 4 paces forward, shuffled forward, and again insisted that he desisted from what he was doing. He put his hand up, took his hand out, he placed on the floor, surely enough there is a shoulder holster and a hand gun in there. If we were not trained to the standard we are there was a chance he would have got shot. That is being on the section for 6 months in 1998. You do not get to hear about these situations.*<sup>125</sup>

### **Associated Risks**

181. The Panel asked for the witnesses' view on the risks of injuries associated with Taser use, particularly for those with existing health problems or under the influence of drink or drugs, which was a particular concern of many who had written to the Panel with their comments. The Minister acknowledged that the use of Taser carried risks: *'I think that there are concerns in relation to the fact that it is possible if you Taser somebody and they have a particular health condition ... or because they sometimes will just keel over as a result of being Tasered. ... There is a risk of serious injury associated with that in terms of striking their head on the floor; things like that. It is one of the factors officers have to seek to take into account. I am not saying that the use of a Taser might not in some circumstances cause serious injury and that, I think, is an issue which will cause concern to the public. But of course what I would say is that it is far, far, far less likely to be so than the deployment of a gun, the use of a gun, and that is the whole point of the issue. Here you have something which is not designed to kill; it is designed to incapacitate.*<sup>126</sup>
182. The Chief Firearms Instructor pointed out that other forms of restraint open to the police also carried a risk of injury to an aggressor: *'I would say in that case if you are looking at anybody with a medical condition or illicit drug intoxication or alcohol intoxication, then the risk of a Taser is no different to a risk either getting CSed,*

---

<sup>125</sup> Ibid page 12

<sup>126</sup> Ibid page 12

*placed facedown in the prone position and fighting with police officers for a substantial period of time, in some cases 10 or 15 minutes of physical exertion, than opposed to a 5-second burst of Taser where you are then compliant, get up and you can walk away. There has to be a balance struck between an overweight man who is put in the prone position who is at risk of positional asphyxia, having fought for 15, 20 minutes with police with 4, 5, 6 police officers on occasion because of the level of violence he is displaying, his health is just as much at risk from that level of either drug or alcohol intoxication as he is from a 5-second burst of Taser.*<sup>127</sup>

183. The Chief Officer referred to a statement made by the IPPC: *“Taser does not give police officers a risk-free cure-all when tackling violent incidents. We recognise that in dealing with such situations the police do not have a safe option, and all the equipment available to them carries risk.”*<sup>128</sup>
184. With regard to the risks to persons with a medical defect, the Chief Firearms Instructor claimed that they were no more at risk from Tasers than they were from any other form of exertion. He based this assertion on the conclusion of the latest DOMILL studies in 2008 on the Taser effects on cardiac rhythm: *‘They tested it, 2 types of cardiac rhythm: ventricular ectopic beats and ventricular fibrillation, and neither of those could be induced by the use of Taser.’*<sup>129</sup>
185. The Chief Officer acknowledged concerns about the fatalities which had been connected to Taser use, as highlighted by Amnesty International. He pointed out that the police in Jersey intended to keep to the extremely limited circumstances of use, in instances where there was a serious risk of loss of life or very serious injury, as advocated by Amnesty International.<sup>130</sup>

---

<sup>127</sup> Ibid page 20

<sup>128</sup> Ibid page 18

<sup>129</sup> Ibid page 17 Note: Further evidence for this claim can be found in a study by a group of researchers led by Geoffrey P. Alpert, professor of criminology and criminal justice at the University of South Carolina. Researchers compared injuries in use of force situations reported by two law agencies, one of whom used conductive energy devices and the other didn't. They found that the differences between the agencies in terms of the percentage of officers and suspects injured were striking. Reference: [www.nij.gov/journals/267/use-of-force.htm](http://www.nij.gov/journals/267/use-of-force.htm)

<sup>130</sup> Ibid page 22

### **Compliance with Human Rights**

186. The Minister told the Panel that the advice he had received from his States police officers was that the human rights arguments were very compellingly in favour of making Tasers available, based on Article 2 of the United Nations' Basic Principles on the Use of Force and Firearms which requires governments to develop a range of weapons, including 'non-lethal incapacitating weapons'<sup>131</sup>: He said: *'We believe that in order to be compliant with human rights we should have available all the options that we have. But if we do not have and then we end up using a higher level of force that we are going to be blamed for so doing because we did not have [the options].'*<sup>132</sup>
187. The Chief Officer acknowledged the possibility of Taser being used as an instrument of torture, which would be contrary to Article 3 of the European Convention on Human Rights (ECHR). However, as previously discussed, there was a clear audit trail which would be checked in a subsequent enquiry if there was any allegation of torture or punishment: *'If I hit you with a Taser and decided just to keep you ... give you a burst every 5 seconds until you could not take any more, that would clearly be torture. But we have already explained, for the want of a better expression, the on-board computer chip, would unequivocally tell you when, for how long, how many times that things were ... and it is abundantly clear you cannot use these things as a punitive tool. It is simply to neutralise an immediate threat to life or serious harm. Once that is done, you are duty-bound to stop it.'*<sup>133</sup>

### **Minister's responsibility for policy**

188. The Minister's draft proposition states: *'Once the deployment of a Taser has been authorised, usual supervision will apply and the individual officer's usage must be*

---

<sup>131</sup> "Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons."

<sup>132</sup> Transcript of public hearing dated 27 April 2012 page 30

<sup>133</sup> Ibid page 30

*justified and compliant with all existing legislation and associated ACPO / Service guidelines*.<sup>134</sup>

189. The Panel sought assurance from the Minister about the status of ACPO guidelines in Jersey. The Minister acknowledged that it had been revealed, in an appeal case to the Royal Court which had been against a decision he had made as a magistrate based on the UK 'text-book' position in relation to speeding and ACPO guidelines, that those guidelines did not necessarily have to be followed in Jersey. Nevertheless, he told the Panel: *'That is not relevant here in this particular case because [the use of Tasers] would be part of ministerial policy. It is not part of a ministerial policy as to what we do in relation to the use of speed guns. There is no ministerial policy that I am aware of in relation to that. But here what I am saying is if a ministerial policy is set then I would expect the police to follow that policy*'.<sup>135</sup>
190. The Panel also sought assurance from the Minister that any future change in policy in the deployment of Tasers in Jersey, such as an extension of their authorised use to STUs, would be brought to the States for debate and endorsement. The Minister said that the matter was clearly a policy decision to be taken by the Minister and, in his view it was right to seek the views of the States: *'This is an unusual situation that we have here that in recognising sensitivities in this area I have taken the view that the right thing is to take the proposition to the States so that my colleagues can look at this. But of course there are always changes taking places in terms of police policy which will be made either at the level of the Chief Officer or at the level of the Minister. I think this is our policy and it is policy which is in the power of the Minister to set, certainly expressly under the new Police Force Law which allows policy to be set in relation to matters which impinge on image or reputation of the force. Clearly this is a politically-interested matter and this is clearly a matter with sufficient public interest for it to fall within that category*'.<sup>136</sup>

---

<sup>134</sup> Draft Proposition para 5

<sup>135</sup> Transcript of public hearing dated 27 April 2012 page 37

<sup>136</sup> Ibid page 9

191. The Chief Officer also accepted that any change in policy, such as an extension of the number of authorised users of Tasers, was not simply an operational matter and would have to be agreed by the Minister.<sup>137</sup>

---

<sup>137</sup> Ibid page 10

## 10. PANEL ANALYSIS: TERMS OF REFERENCE

### *Introduction*

192. **The Panel accepts that there is a justification for providing officers, who are already authorised to carry conventional weapons with full lethal force, as well as other less lethal, but potentially fatal weapons, with the capability of Tasers a less lethal alternative to a conventional firearm provided that clearly defined boundaries are set for the deployment and use of these weapons.**
193. The case for Tasers is founded on the assumption that a serious violent incident might occur at any time in the future and the Police should be prepared for any eventuality. It is important that the States of Jersey Police clarify the nature of incidents where they believe it would be appropriate to deploy and use a Taser. The Panel does not believe that the additional information report provided to them does this adequately. The SOJ Police provided a brief description of a number of violent incidents involving weapons which had occurred in Jersey in 2011.<sup>138</sup> It is likely that Tasers would have been employed as an option in some of these incidents but the fact remains that the incidents were resolved with the weapons currently available to the SOJ Police. The case for Tasers would benefit from a clearer explanation of whether or not it might have been appropriate to deploy Tasers in these circumstances.
194. The Chief Officer referred in his evidence to the Panel to an event which had occurred very recently where he believed that the safety of his officers might have been improved with the availability of Tasers. The Panel believes that a detailed analysis of this sort of incident would be helpful. The Panel recognises that it would not be possible to refer to such examples while they were still under police investigation; also that there might be data protection issues with regard to providing details about such incidents. Nevertheless, the Panel believes that it is important that the States of Jersey Police provide fuller details of relevant incidents, in comparison to the information already provided, in order that the Panel and the

---

<sup>138</sup> See para 137 above

public might better understand the context of those violent incidents which have been described.

195. In addition, the SOJP report provides no details of injuries sustained by members of the public or suspects in the course of violent incidents, citing the necessity to undertake a significant review of case files in order to provide this information. The Panel believes that this lack of information is not acceptable.
196. **The Panel, therefore, is not satisfied that the information on violent incidents in Jersey and the nature of any injuries sustained by participants as supplied in the report by the States of Jersey Police provides an adequately strong or convincing case for the deployment of a new weapon. 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.**

**Recommendation 1**

**The Minister should include in his report an assessment of incidents in Jersey where the deployment and use of a Taser might have been considered.**

197. A principal concern for the Panel throughout this review has been the possibility of 'mission creep' in the deployment of Tasers, in other words a tendency once introduced for the use of Taser to extend to a wider range of incidents beyond those originally envisaged.
198. This tendency has been seen in the UK where the Metropolitan Police Commissioner has called for police response officers to be routinely armed with Tasers and has launched a review of the weapon's availability.<sup>139</sup> It was also recently revealed that the number of times police in Devon and Cornwall have used Tasers has nearly doubled in the past two years.<sup>140</sup>

---

<sup>139</sup> <http://www.bbc.co.uk/news/uk-england-london-15840525>

<sup>140</sup> <http://www.bbc.co.uk/news/uk-england-devon-18490935>

199. The Panel has also noted the experience of Guernsey where there was a sharp rise in 2011 in the number of times Tasers were issued.<sup>141</sup> (It should however be noted that this increase is connected with a change in the policy for deployment of armed response to large scale public events rather than an increase in the weapons being used on individuals.)
200. **The Panel believes that, if it can be clearly shown that the scope of deployment of Tasers will be restricted within prescribed limits and their use by the SOJ Police strictly controlled and monitored, then their introduction to Jersey would be more acceptable to the public.**
201. **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.**

---

<sup>141</sup> See Table 1 para 84 above

***The human rights implications of the use of Taser***

202. This section of the report provides a brief consideration of these implications. As part of its research into the use of Tasers the Panel has noted extensive studies into the human rights implications of Tasers<sup>142</sup>. The Panel also met the Attorney general to discuss this issue. The Panel is grateful to the Attorney General for his permission to publish his written comments which are available on the scrutiny website.
203. Articles 2 and 3 of the European Convention on Human Rights are relevant to a consideration of the use of Tasers. Article 2(2) protects the right to life but provides that '*deprivation of life should not be regarded as inflicted in contravention of this article when it results from the use of force which is not more than absolutely necessary*'. The requirement that the use of force is not more than absolutely necessary obliges the police to exhaust less lethal options before resorting to conventional firearms. The availability of Tasers for use by the SOJ Police would, in some situations, provide an alternative to conventional firearms.
204. It would be difficult to justify the use of conventional firearms as absolutely necessary where less life-threatening equipment could be available and could have been used. Cases brought to the European Court of Human Rights suggest that the Court will hold countries responsible in situations where less life-threatening alternatives would have been appropriate but were not used<sup>143</sup>.
205. An argument could also be made that the provision of Tasers would protect police officers' right to life because Tasers may offer protection to officers in situations which could otherwise be life threatening.
206. Article 3 ECHR prohibits the use of torture or inhuman or degrading treatment or punishment. A Taser is capable of being used in contravention of this right if it is used outside the strict guidelines established by the police. Its use for example to

---

<sup>142</sup> For example, The Police Service of Northern Ireland (PSNI)'s Introduction of Taser: Human Rights Advice, prepared by Keir Starmer QC and Jane Gordon, published 23 May 2007, see previous reference paras XXX above

<sup>143</sup> Sinsek and others v Turkey, application Nos 35072/97, 37194/97, Judgment of 26 July 2005

obtain a confession from a suspect could be considered a form of torture. In addition, an excessive discharge on a suspect or disproportionate use, in circumstances where a risk of death or serious injury is not involved, could be regarded as inhuman or degrading treatment or punishment.

207. Article 2 of the United Nations Basic Principles on the Use of Force and Firearms places an obligation on governments and law enforcement agencies to *'develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons.'* The following articles require that the use of such weapons should be carefully controlled and direct law enforcement officials to apply, as far as possible, non-violent means before resorting to the use of force and firearms.<sup>144</sup>
208. Any evaluation of a challenge to the legitimate use of Tasers in an incident would take into account the circumstances and the manner in which the device had been used. It would seek to establish that the deployment had been properly authorised, that the officer had followed relevant guidelines and that the use had been necessary and proportional. If these conditions were correctly met then a prima facie challenge in the European Court of Human Rights would not be successful.
209. In cases where a Taser is deployed as a less-lethal alternative to a conventional firearm in order to neutralise a threat of genuinely serious violence it is unlikely that the use of the device would be considered as a breach of ECHR. However, if the device was used in a non-proportionate way, where the use of a potentially lethal force would not be appropriate, for example against someone who was merely drunk and resisting arrest without carrying a dangerous weapon, the use of Taser could be open to challenge.
210. The States has a positive obligation to ensure that the rights and freedoms guaranteed by the ECHR are protected. Therefore the Minister for Home Affairs

---

<sup>144</sup> <http://www2.ohchr.org/english/law/firearms.htm>

and the States of Jersey Police must implement clear and robust policies which set out an appropriate threshold test and conditions for the use of Taser. (The appropriate test and conditions are discussed further below.) Furthermore, the Minister and the States of Jersey Police must ensure that members of the public are aware of the right to make representations directly to the Minister or the JPCA in the event of any perceived misuse of force or over-reaction by the police.

211. If a Taser is used outside of policy guidelines set by the Minister there might be a breach of Article 2 (Right to Life) and/or Article 3 (Prohibition of Torture) of the European Convention of Human Rights (ECHR). A person who believed that the States of Jersey Police had violated his or her Convention rights would be able to seek redress under the Human Rights Act (Jersey) Law 2000.
212. Under article 21 of the Police Force (Jersey) Law 1974 the Chief Officer of Police is responsible for the negligent actions of a police officer in using a Taser<sup>145</sup>. The Minister would be responsible for providing funds to meet any award in damages.
213. A complaint by a member of the public that a police officer had used unreasonable force or abuse his authority in the use of a Taser (or with any other weapon) would be dealt with under the Police (Complaints and Discipline) (Jersey) Law 1999. This law provides that the Chief Officer might resolve the complaint informally or report the matter to the Jersey Police Complaints Authority (JPCA) if it appears to the Chief Officer that a police officer might have committed a criminal offence or a disciplinary offence. The allegation would then be investigated by the JPCA and a report submitted and copied to the Chief Officer and, in the case of a criminal investigation to the Attorney General.<sup>146</sup>

**Recommendation 2**

**The Minister must ensure that anyone subject to the use of Taser 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**

---

<sup>145</sup> Mirrored in Article 25 of the new Police Force law

<sup>146</sup> Police (Complaints and Discipline) (Jersey) Law 1999 Articles 7 - 10

complaint about any perceived misuse of Tasers by the police to an independent body.

***The circumstances in which Tasers might be used***

214. The Panel notes and endorses the Minister's intention to permit the deployment of Tasers in Jersey in more limited circumstances than allowed by current ACPO guidelines.<sup>147</sup> To this end the Minister has introduced the wording '*where there is a specific threat of violence to any person*' to the wording of his proposition. The Panel agrees with this addition but suggests that the Minister should consider going further in his proposition. **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.**
215. The wording recommended above by Thomas Braidwood QC could be adapted for this purpose.<sup>148</sup>

**Recommendation 3**

**The Minister should further define the threshold for the use of Taser by adding the following wording to paragraph 1 of his proposition:**

**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:**

- (c) no lesser force option has been, or will be, effective in eliminating the risk of bodily harm; and**
- (d) de-escalation and/or crisis intervention techniques have not been or will not be effective in eliminating the risk of bodily harm.**

<sup>147</sup> Draft Report accompanying Minister's Proposition

<sup>148</sup> See para 71 above

216. The Panel also notes the Minister's intention that Tasers should be available for use by police officers in circumstances where a firearms authorisation would not currently be granted. There is a potential here for a broader use of Tasers, which might appear to undermine the Minister's intention to provide a tight definition of use, as stated above.

**Recommendation 4**

**The circumstances of the use of Taser, outside of the terms of a firearms authorisation, should be more clearly defined in the Minister's report.**

217. **The Minister's draft report accompanying his proposition on Tasers is clearly written from the perspective of the States of Jersey Police. It presents the case for an additional capability in its range of weapons in very straightforward and logical terms. However, it fails to address many of the key issues which have arisen in the minds of the public who have responded to the Panel's survey.** For example, the report simply states: '*Due to the diverse nature of policing operations it is not possible to provide a definitive list of circumstances where the use of Taser would be appropriate*'. It goes on to state that the States of Jersey Police will rely on operational guidance already written *Operational guidance on police use has been written to inform and support decision making, stipulating training, deployment and use.*
218. This statement is not sufficient to allay public concerns about the deployment and use of Taser. These concerns have been evident from the large number of responses to the Panel's online survey as well as the number of written submissions received during this review. The Panel believes that the Minister's report should specifically address these concerns and clarify in more detail how the Police will operate the weapon. The report should include, for example, discussion of sensitive issues such as:
- *The number of permissible discharges*
  - *Whether to use Tasers on fleeing suspects*
  - *Whether to use Tasers as a tool for compliance*

- *Whether to use Tasers on persons with known or visible health impairments, such as drug intoxication or heart disease*
- *Whether to use Tasers on mentally challenged persons*
- *Whether to use Tasers on vulnerable people, such as children, the elderly and pregnant women*<sup>149</sup>

**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.**

219. There is no doubt that fatalities and injuries have occurred in the aftermath of a person being shocked by a Taser. The public response to the proposal as shown in comments received by the Panel in its survey and in written submissions indicates that the public is very aware, through internet tools such as YouTube, of these outcomes. The Minister's draft report acknowledges that Taser technology is 'less lethal' but is not 'less than lethal' or 'non-lethal'; however, this issue merits further discussion in the report.

**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.**

220. The duration of the initial discharge and the number of any subsequent discharges is a significant consideration in relation to the medical risks associated with the use

---

<sup>149</sup> Suggested in the paper by Shaun Kadir: Stunning Trends in Shocking Crimes: a comprehensive analysis of Taser weapons See para 66 above

of Taser<sup>150</sup>. There are concerns that multiple applications of the discharge – whether repeated five-second cycles from a single device or from more than one device at a time - are particularly dangerous and may increase the risk of death. It is accepted that multiple discharges may be required on occasions when an initial discharge is ineffective<sup>151</sup>; however, the officer(s) must be conscious of the potential effects of their actions.

**Recommendation 7**

**The Minister’s report should state that officers will be required to assess continued resistance after each standard five second cycle and should limit the use of Taser to no more than three standard cycles.**

221. The Panel is concerned about the use of Taser in ‘drive stun mode’.<sup>152</sup> This aims to inflict extreme pain on a subject to make them ‘give in’ - seems highly questionable. No other police tactic is intended to do this – physical holds are to restrain, batons/baton rounds to incapacitate, firearms to kill in extremis to protect others. ‘Stun drive mode’ would mean police officers inflicting pain on citizens with no apparent justification. Public attitude to the police could change dramatically if this came in.

**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.**

---

<sup>150</sup> See paras 41 above

<sup>151</sup> ACPO: Operational Use of Taser by Authorised Firearms Officers, Operational Guidance, Dec 2008, para 5.1 – 5.5

<sup>152</sup> See para 23 above for an explanation of this term

222. The Jersey Rights Group suggested that the Minister provide a list of circumstances where it would not be appropriate to use Tasers. The Panel agrees with this and recommends that such a list could include the following:

- For crowd control or street violence;
- Where there is an affray;
- When an individual has his back to the SOJP or is walking away.

**Recommendation 9**

**The Minister's report should define circumstances in which it would not be appropriate to deploy Tasers.**

223. The Panel notes that the Chief Officer and the President of the Police Association referred in their evidence to the importance of Tasers in protecting the safety of officers as well as members of the public and the person wielding an aggressive weapon. There is research available to support this claim which could add weight to the Minister's case for the introduction of Tasers.<sup>153</sup>

**Recommendation 10**

**The Panel recommends that the Minister's report should draw attention to the justification of Taser in terms of safety for officers, members of the public and the violent subject individual.**

224. The Panel has reservations about the deployment of Tasers in the two police armed response vehicles (ARVs)<sup>154</sup>. There could be a perception that if Tasers are readily available in Police vehicles it would be easy for the SOJ Police to deploy Tasers to deal with lower levels of violent incidents (for example, a violent scene outside a night club on a weekend in St Helier).

---

<sup>153</sup> [www.nij.gov/journals/267/use-of-force.htm](http://www.nij.gov/journals/267/use-of-force.htm) for example

<sup>154</sup> See para 171 above

**Recommendation 11**

**The Minister's report should clarify how ARVs 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.**

225. The Panel noted that the introduction to the Minister's draft report stated: *'there has been a notable rise in incidents requiring a firearms response in the last two years'*.<sup>155</sup> When the Minister was asked to justify this, however, it became apparent that this statement was not supported by evidence.<sup>156</sup> The Chief Firearms Instructor confirmed that there were normally 12 to 18 deployments a year since 2006 and no significant change. He pointed out however that the criteria for issuing of firearms had changed from *'possession of a firearm or access to a firearm'* to include now *'access to any other potentially lethal weapon'*.<sup>157</sup>

**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.**

226. The Panel notes that the Chief of Police will include figures for the deployment and use of Taser in his Annual Report. The Panel believes that Chief Officer's report should also include reference to :
- The safety of officers, members of the public and the suspect

---

<sup>155</sup> Draft Report accompanying Minister's Proposition

<sup>156</sup> Transcript of public hearing dated 27 April 2012 page 2 and see para 135 above

<sup>157</sup> See para 131 above

- Lesser force options and or crisis invention techniques that had been considered or attempted
- Assurance that the weapon had been deployed as a last resort

**Recommendation 13**

**The Chief Officer’s annual report on Tasers should clarify the circumstances of any incident in which Taser would be 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.**

227. Following every incident where it is deemed necessary to deploy or use a Taser, there are stringent procedures set out by ACPO Guidance for post incident evidence recovery. These include:
- Examination of wires, probes and A.F.I.D.s (Anti Felon Identification Discs), which identify each cartridge head and data port download recording Taser use.
  - The person Tasered should be examined by an F.M.E. (Forensic Medical Examiner).
  - A specific Taser Evaluation Form is required for national records in addition to the usual use of force report. The Taser Evaluation Form must be forwarded to ACPO.
228. The Minister’s draft report refers to this Guidance and states that ‘procedures (as detailed in the Taser Policy) will be put into place for post incident recovery.’ The Panel believes that the Minister’s report should go further than this. The public needs to be assured that the circumstances and reasons for any usage of Tasers are thoroughly and independently investigated.

**Recommendation 14**

**The Minister’s report should spell out the stringent procedures which according to ACPO policy must be followed on every occasion when Taser would be used in a policing operation as well as any Jersey specific conditions.**

229. In view of the known medical risks associated with the use of Taser<sup>158</sup> it is essential that anyone who has been the subject of this use should be carefully observed for signs of distress and should be medically examined at the earliest opportunity. Paramedics should be called to the situation as soon as a decision is taken to deploy Tasers in response to a threat to physical violence.<sup>159</sup> A Forensic Medical Examiner (FME) should examine the subject as soon as practicable.<sup>160</sup> Detailed procedures for the aftercare of a subject are set out in ACPO Operational Guidance. The Panel believes that the Minister should draw attention to these procedures in his report.
230. Furthermore, anyone who has been subject to Taser by the SOJ Police should receive a detailed explanation of the medical implications and of their human rights and a visit as soon as possible from a representative of an independent organisation to ensure that the person fully understands these matters. This independent organisation might be the Jersey Police Complaints Authority (JPCA) or another suitable organisation designated by the Minister,

**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.**

231. The Minister's report states that the Jersey Police Complaints Authority will automatically consider any incident in which the discharge of Taser:
- results in death or serious injury
  - caused danger to the public; or

---

<sup>158</sup> See para 41 above

<sup>159</sup> The States of Jersey Ambulance Service informed the Panel that all ambulance personnel were trained as part of their basic training to deal with the conditions associated with the use of Taser by Police officers (fractures, spinal injuries, head injuries, soft tissue injuries and hytherthermia). The only extra training required would be a safety brief following the deployment of a Taser, the safe removal of the probes and recognition of those patients who might require assessment/treatment from the Emergency Department.

<sup>160</sup> ACPO Operational Use of Taser by Authorised Firearms Officers, Dec 2008, para 12.7

- revealed failings in command

232. The Panel believes that the role of the JPCA should be extended. In view of the considerable public interest in the deployment of this weapon, the Panel believes that any use of Taser<sup>161</sup> should be referred to the Jersey Police Complaints Authority for investigation. This body is an independent organisation set up to investigate matters in an impartial and thorough manner and the Panel expects that this monitoring role should help to reassure the public about the proper use of Taser.
233. This would reflect the role of the Police Complaints Authority in the UK when Taser was first introduced in 2003. Any incident in which Taser was discharged was referred to the Police Complaints Authority (subsequently the Independent Police Complaints Commission). As the number of Taser uses increased however the referral policy became increasingly impractical and the criteria for referral was changed to be consistent with the referral for firearms generally.<sup>162</sup> In the Panel's view it is highly unlikely that the number of Taser uses in Jersey will ever make this an impractical task for the JPCA.

**Recommendation 16**

**The Jersey Police Complaints Authority should routinely monitor every use of Tasers by the States of Jersey Police.**

**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 detailed report to the States thereon and annually thereafter.**

---

<sup>161</sup> The term 'use' includes any of the following actions: drawing, sparking up (also known as 'arcing'), aiming (also known as 'red-dotting'), discharging of barbs and application in 'drive stun mode'.

<sup>162</sup> See para 36 above

- 
234. The JPCA should consider in each case the circumstances in which the weapon was used and whether policy guidelines had been properly followed. Once a decision has been taken by a senior police officer<sup>163</sup> to issue a Taser the decision to use the Taser is an individual one for which the particular officer will be held accountable. ACPO guidelines stipulate that *'the duration of the initial discharge and any subsequent discharge must be proportionate, lawful, appropriate, necessary and non-discriminate in all the circumstances'*.<sup>164</sup> An officer who breaches these guidelines would face an internal disciplinary investigation and could possibly face criminal charges.

**Recommendation 18**

**The Minister's report should specify that the individual officer using a Taser will be held accountable for the use of Taser.**

235. Complaints about the actions of the Police are received in different ways, whether by the Police, the Minister or directly to the Jersey Police Complaints Authority. The Panel believes that the public would be reassured that any complaint about the police use of Taser would be treated with due independence if it was referred automatically for consideration to the JPCA who would consider whether the matter might constitute a disciplinary or criminal offence or that there was no case for the police to answer.

**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.**

---

<sup>163</sup> Tactical Firearms Commander

<sup>164</sup> ACPO Operational Use of Taser by Authorised Firearms Officers Operational Guidance para 10.2

***The training provided to officers in the use of Tasers***

236. As part of their Human Rights obligations, the Minister and Chief Officer must ensure that States of Jersey police officers authorised to use Tasers are given appropriate training to enable them to comprehend the full implications of the international human rights standards and to recognise their obligations to act within the European Convention on Human Rights.
237. In addition officers must be trained to understand the consequences of use of Taser in inappropriate circumstances, for example, in situations where a non violent response would be more effective or where they are dealing with vulnerable groups of people.
238. The Panel notes that current Jersey based Authorised Firearms Officers will be trained in the use of Taser as part of an ACPO approved training package.
239. ACPO guidance on the training of officers sets the requirement of 18 hours per student delivered over a three day period and subject to a summative assessment (pass / fail). Thereafter, officers would need to re-classify twice yearly to retain their authorisation to use Taser. This would be built into the training programme already established for authorised firearms' officers in Jersey.<sup>165</sup>
240. ACPO guidance also stipulates that tactical training in the use of Tasers should include:
- Emphasis on precautions in relation to the specific risk factors,
  - Conflict Management,
  - Awareness of the dangers associated with the conditions known as 'positional asphyxia' and 'acute behavioural disorder', and
  - Appreciation of the physical and psychological effects of conducted energy devices.<sup>166</sup>

---

<sup>165</sup> Draft Report accompanying Minister's Proposition

<sup>166</sup> ACPO: Operational Use of Taser by Authorised Firearms Officers, Operational Guidance para 9.2 – 9.4

241. Scenario-based training where officers are placed in real-life situations and evaluated on their use of force within those situations, particularly the risks to vulnerable groups: people under the influence of medication or drugs or underlying health issues is an essential element in training for AFOs in Jersey.<sup>167</sup>
242. An understanding of the risks associated with Taser, the necessary precautions and de-escalation and/or crisis intervention techniques is an essential element of the additional criteria the Panel has proposed to the Minister for the utilisation and deployment of Taser<sup>168</sup>. **Tactical training in the use of Taser must provide officers with an understanding of the risks associated with Taser, the necessary precautions and de-escalation and/or crisis intervention techniques.**

***The costs of providing Taser capability to the States of Jersey Police***

243. The Panel notes that the overall start-up cost for the introduction of Taser, inclusive of all associated equipment and training costs would be £32,205. The breakdown of these costs was provided in the Minister's draft report:-

**Table 2: Costs of providing Taser to the States of Jersey Police**

10x	Taser units (minimum of 8 for firearms' officer deployment / 2 reserve and for other appropriate deployment)	£9950
15x	Digital power pack	£570
1x	Data download port	£115
400x	Live cartridges	£9400 (5 year life span)
400x	Inert training cartridges	£9400
2x	Taser training suit	£1000

<sup>167</sup> See para 179 above

<sup>168</sup> See paras 212 above

4x	Inert Taser training unit	£270
100x	Taser targets	£500
-	Trainers training	£1000
	Total Cost	£32,205

244. After the initial purchase of equipment and the required capability training for authorised firearms officers the annual revenue cost would be in the order of £8,160 to cater for reclassification training cartridges for AFOs. To put this within the context of current expenditure, the current operating equipment budget for the Firearms Training Department amounts to £22,400<sup>169</sup>. The annual costs for equipping the police with Tasers would require an uplift to £30,560 for the Firearms budget, which would represent 0.13% of the entire 2012 Policing budget. There would be no impact on exiting insurance premiums charged to the States of Jersey Police, or the States of Jersey, should Tasers be introduced.
245. **The Panel noted that the Police Chief was satisfied, as an accounting officer, that the costs for Taser were proportionate within his overall budget for the policing training and operations. The initial capital outlay for Taser represents 0.14% of the 2012 Policing Budget of £23.6 million. The additional annual revenue cost of £8,160 would be met from existing police budgets.**

<sup>169</sup> The budget consists of £16,000 for equipment and a separate ammunition budget of £5,900. Figures provided by SOJ Police

## 11. CONCLUSION

246. Finally the Panel acknowledges that there was no strict requirement on the Minister to bring his proposal for the introduction of Tasers to the States Assembly for endorsement. The Panel believes that the Minister was correct to do given the level of public interest in this controversial subject. The Panel hopes that its research into the issues will reassure the public that every precaution will be taken to ensure that the device is deployed and used by the States of Jersey Police with the strictest of limits. The Panel believes that the Minister should reassure the public that any future change to the principles set out in his proposition, such as the extension of the use of Tasers beyond Authorised Firearms Officers to Specially Trained Units (as has occurred in the UK), should be brought back to the States for endorsement.

### **Recommendation 20**

**The Panel recommends that the Minister's 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.**

## **12. Appendix 1 – Public attitudes towards Tasers – Results from Online Survey**

### **Background**

This paper outlines the results of the online survey conducted by the Education and Home Affairs Scrutiny Panel as part of its call for evidence for its review of the Police use of Tasers in Jersey.

The survey posed 13 questions exploring public awareness of Tasers; support for and trust in the police to use Tasers responsibly; comparison with other forms of restraint; and situations in which it would be considered appropriate to use Tasers. Advice was taken from the Statistics Unit on the style and wording of the questions. In addition the survey provided an opportunity for comments to be added.

The survey was available on the Scrutiny website from 29th March 2012 until 1st May 2012. A total of 428 individual responses were received (see final note below).

### **Main Findings**

The following section outlines the main findings of the survey. There follows a brief analysis of the main reasons given in written comments for and against the proposal.

It should be noted that the survey does not claim to provide a reflection of public attitudes across the whole population as there was no attempt to ensure that responses were obtained from a random representative sample. Respondents to the survey were self selecting.

Some respondents commented that some of the questions were too restrictive; for example comparing the safety of a Taser with a gun or other weapon depended on the context in which the weapons were used. Similarly they considered that a proper answer to the questions regarding when it might be appropriate to use Tasers would require the opportunity to define what was meant by 'in some circumstances'.

Nevertheless, the survey provided the public with an opportunity to give their opinion on the proposal to introduce Tasers into the Island and to record their written comments in free

form. The fact that a large number of people made use of the opportunity bears witness to the widespread strength of feeling on the matter.

***Knowledge about Tasers***

55% felt that they knew a fair amount about Tasers (28% a great deal; 16% a little and 1% nothing)

***Overall support***

Just over 50% were opposed to the introduction of Tasers (51% against; 44% in support; 5% not sure)

54% disagreed or strongly disagreed with the statement: I would feel safer if the Police in Jersey were equipped with Tasers – 36% agreed or strongly agreed; 10% neither.

48% disagreed, strongly disagreed or not at all with the statement: I trust the States of Jersey Police to use Tasers responsibly'. 44% strongly agreed or agreed; 8% neither.

***Comparison with other forms of restraint***

67% thought Tasers were safer than firearms (28% No; 5% don't know)

41% thought Tasers were safer than batons (52% No; 7% don't know)

26% thought Tasers were safer than CS spray (59% No; 15% don't know)

***Circumstances in which Tasers might be used***

61% would support the use of Tasers on a person behaving violently always or in some circumstances – but 39% said never

82% would support the use of Tasers on someone using a firearm always or in some circumstances - 18% said never

66% would support the use of Tasers against someone suspected on carrying a firearm always or in some circumstances - 34% said never

71% would support the use of Tasers against someone using a weapon other than a firearm (such as a baseball bat or knife) always or in some circumstances - 29% said never

48% would support the use of Tasers on someone resisting arrest always or in some circumstances – 52% said never

51% would support the use of Tasers on someone threatening to harm themselves always or in some circumstances – 49% said never

***The main reasons against the use of Tasers***

- Heavy handed policing and potential over use by the Police
- Low levels of violence in Jersey
- Risks to health of vulnerable individuals
- Cost
- Potential for the use of Tasers to proliferate beyond current agreed guidance

***The main reasons for the use of Tasers***

- Safer alternative to other weapons, in appropriate circumstances
- Added public and police safety
- An effective piece of equipment used by police worldwide
- Mutual aid not immediately available
- Strict monitoring in place – Officers are held to account for its use

***Final Note on the survey:***

A total of 640 responses were received by 1st May 2012 when the online survey was closed. However, it was noted that there were a considerable number of multiple responses from four IP addresses.

A particular spike of responses (over 100) overnight on 14th April was noted. This spike led to a significant shift in the profile of responses (from 60-40 against to 60-40 in favour of the introduction of Tasers).

This occurrence was followed up by questions to SurveyMonkey. The survey was set up so that multiple responses from the same computer were not allowed; however, it is not possible to have the SurveyMonkey tool blocking an IP address automatically on recurring IPs. It is only possible to block a certain IP address from answering to the survey by identifying that IP address in advance or once it has been identified.

It seemed clear from the timing of the spike in responses (starting at 3am and continuing continuously for four hours) that the respondent had used a single computer despite the restriction that had been set up. SurveyMonkey said that this could have been done by deleting the cache and cookies from the computer each time to be able to answer the survey multiple times.

In view of the above the multiple responses from the same IP addresses were deleted from the survey. This brought the total responses down to 428.

## 13. Appendix 2 - Selected Responses

This section reproduces a sample of the written comments from respondents. A complete copy of all responses received is available on the Scrutiny website at [www.scrutiny.gov.je](http://www.scrutiny.gov.je)

### Support for use

#### ***Against the introduction of Tasers:***

##### *Health Risks:*

There are an alarming number of deaths attributed to Taser use, especially in cases where individuals already have a history of heart or other nervous disorders, however minor.

They are not as dangerous a fire arms but just under and this is that fake relative safety that makes them extremely dangerous as a "social weapon". This is the weapon which has been the most abused worldwide.

##### *Heavy handed policing*

We need more interaction with our police - not less - the Taser will only provide them with another means of fixing a problem at arm's length.

The Taser Gun is not a safe device. This is Jersey for goodness sake. Our Police are already held in poor enough regard as it is. Please don't let them make the situation worse. IF the Taser Gun is introduced, I'll put good money on with Honest Nev that there will be a request for an armoured vehicle, (can't have our Guernsey boys getting one up on us Eh! ) within a six month.

Will be abused by Jersey Police officers who are already overzealous in many situations and cannot be held accountable!

In my eyes there are too many power hungry police on this island. If this goes through I believe there will be a rise in police brutality in jersey

States police will not stick to ACPO guidelines just as they don't when using speed laser guns they hide and jump out on vehicles. That is an example. And try getting a copy of

those guidelines ... Police will not supply a copy of acpo guidelines on request and I do not trust they will follow guidelines. For example if they used a Taser on someone and they requested a copy then they should be given a copy.

There are many examples of police in the UK using weapons (of any nature) which is very questionable (and firearms officers in Jsy seem to jump at the chance to use their HK's showing a display of force which is often unnecessary).

*Low level of violence in Jersey*

On the whole, I do not believe Jersey police officers require Tasers, as the infrequent, dare I say it, close to being nonexistent events on the island require these devices. No doubt the Chief of Police will band lots of statistics out obviously from the UK & USA to propose the use of Tasers, but our island crime and everyday happenings certainly do not come close, not in a million years to crime, gangs and open access to firearms and knife incidents in the said parts of the World.

I think that the level of very violent crime on the island is such a small percentage that I do not agree with the need for Tasers. I believe that this will certainly change the relationship between public and police.

*Cost*

Where is all the money for training and equipment coming from our hospital is in dire need of funds?

How many firearm offenses are there in Jersey per year? Does this number warrant the expensive of Tasers?

*Potential for proliferation of use*

I cannot remember our police shooting anyone in my lifetime in Jersey, that means that our police have successfully managed to diffuse situations and arrest individuals that were armed, whether with a firearm, knife or other weapon, without the need to discharge their own weapons. If our police have Tasers they would be more likely to use them as they are seen as non lethal, increasing the risk of death or injury to those they are used on, therefore making them a less safe alternative.

***In favour of the introduction of Tasers***

*Effective piece of equipment*

I feel that this is an "operational" matter and if the Police Chief feels that the use of Tasers in Jersey is appropriate then their use should be allowed. I am aware that the Minister for Home Affairs has asked for input from the States but care must be taken by politicians to not involve themselves in operational matters.

In the UK when an officer produces a Taser, the suspect 99.9 times out of 100 complies straight away. The police do a difficult job and should be equipped accordingly.

In my opinion the Taser is no different from a range of other weapons that the States of Jersey Police have in their armoury to be used by specially trained officers when dealing with a violent or potentially violent situation. ...The Taser offers an alternative to other weapons and the majority of the time will not be fatal, however there is an acknowledge risk when using the device. If in a particular incident the Police had the choice of using a lethal firearm or a Taser then the use of a lesser weapon would be of great advantage. At the end of the day which ever weapon any Police Officer uses whether it be an Asp or a rifle the use of that weapon has to be justified otherwise the Officer is held to account.

*Added public and police safety*

Jersey needs to wake up and support this as an added safety measure for the public. Jersey has no immediate mutual support available if the wheel comes off.

Officers in Jersey do not have a long range way of disabling hyper aggressive people without using pepper spray which also tends to affect the officer to a small degree, with a Taser the officers are at a safe distant from them and are able to handle the situation fully while being safe themselves, the UK have them the rest of the planet has them there is no good reason why our police force should not.

Of course police should have Tasers: Tasers are better and safer for the public (we are better protected from criminals), better and safer for the criminals (less likely to be severely injured than with batons or police firearms) and better and safer for the police (who are better protected than with battens & CS spray.) Most importantly, if a PC has the option to use a Taser instead of a gun, he is unlikely to suffer the trauma of having killed a criminal

or a bystander. Why is Jersey wasting time with an inquiry when many other jurisdictions have already evaluated and accepted Tasers?

### **A safer alternative to other Police weapons?**

The Police carry weapons in order to do their job. The weapons are different and their use dependant on the set of circumstances they are attempting to deal with at the time. It's a bit like asking a soldier - should you carry a machine gun or rifle or hand gun or knife. Circumstances are so important when making decisions as to how to deal with a situation.

CS spray is an insidious product and is illegal in many jurisdictions. Batons are traditional and are probably the safest alternative.

Police batons are actually more lethal than Tasers, so it seems strange that people are more worried about Tasers.

None of the above are safe. Use force and it can injure or kill.

It depends on how the above weapons are used. Each of the above can kill someone in certain circumstances. The real question not asked yet, is how long before the Police want firearms on a permanent basis.

Taser is safer than all the above, firstly it is a no brainier when compared to firearms, Chance of death from firearm - Very High, chance of death from Taser - No recorded direct deaths from its use. Chance of injury from baton strike - high, no lasting injuries from Taser. Chance of cross contamination from CS spray- very high, chance of cross contamination from Taser -none, therefore it only targets the subject in question. Taser better all round, but must be used appropriately.

What does 'safer alternative' mean? Safer for the Police? Safer for the Public? Safer than what? This needs an initial assessment of the risk. i.e. If the SoJP face no or very low, evidenced, current risk then how can we say that Tasers are a 'safer' alternative? These are very poor questions - assuming that the question is about protecting the SoJP officer from perceived harm; I have answered 'no'.

It is wrong to ask 'is a Taser safer than a gun.' The obvious answer will be 'yes', but this depends on how often they are used and how. A police gun that never gets used is safer than a Taser which gets deployed on a weekly basis.

Of course a Taser is safer - it doesn't kill you. But that's not to say it should be used just because it's safer - in some situations a gun would be more appropriate (hopefully that would not often be the case in Jersey!). Batons can kill people if used carelessly, so a Taser may be a safer option. Then again, that's more down to the user than the weapon. My main concern is that the police will get Tasers on the grounds that they are safe, but that they will then use them too often, zapping every drunk person that shouts at them.

### **Perceptions of when it is appropriate to use Tasers**

I think if this is available as an option it will be used whenever police find it quicker and easier to restrain someone and not for the few exceptional circumstances when it would be appropriate. In many situations less of the bully boy attitude would get a lot of them a lot further. Police have amazing communications skills, when they want to use them and they could go far enhancing their attitudes, behaviours and communications before resorting to a quick fix.

Meeting force with force is not a solution; having an option to use force leads to a reduction of training and skills to use alternative solutions to force.

We need to trust the Police and have faith in their judgement. They are there to protect us and are well trained to deal with these situations.

The use of a Taser on someone with a possible mental or physical illness could be far more dangerous than what they are doing. However the option should be there for the officer to use a Taser in case the person decided to attack the officer.

The circumstances of individual incidents should dictate the safest way to deal with the situation. It should not be the case that EVERY time someone resists arrest, they will be Tasered, but there will undoubtedly be an occasion where it is the safest way to deal with it.

Should only be used in cases where the officer's or a member of the public's life is threatened

These situations are far too general to say 'always' or 'never'. It is completely circumstantial. I believe a Taser should be used only in an extreme case.

### **Perceptions of safety and confidence**

If only trained firearms officers are permitted to use Tasers in circumstances when they would use firearms, I'd trust them to be deployed responsibly; otherwise they would be used by officers simply not trained enough.

Jersey needs an independent police complaints department as soon as possible.

I think strict guidelines need to be applied

Tasers would become the norm and used for circumstances that didn't warrant it, this is shown by the media worldwide.

I am totally in favour of the Police being "armed" with Tasers and provided they are trained in the proper and proportionate use of them then I think they are a welcome addition.

I am sure that I am one of a long list that distrust the SOJP. This is NOT the road to go down.

I do not trust the police with Tasers, I think they would abuse them completely from how I have seen the police react in difficult situations and even non-difficult situations. When I was younger, me and a couple of my friends were having a few beers at the beach, we were around 16-17 years of age, and not disturbing anyone in any way, just peacefully having a beer on the beach. 2 police vans pulled up, and we explained to them that we meant no harm and were just having a social gathering. After that, the police suddenly turned on us and begun threatening us with pepper spray and their batons, so we decided to move on. If we didn't move on, that situation could have turned nasty, but there are youngsters in Jersey which wouldn't have moved on and would have been hurt for no reason at all. This is why I think that Jersey police are NOT to be trusted with Tasers.

I have found the SoJP to be a professional organisation; I cannot imagine that officers would use Tasers irresponsibly; given the scrutiny that would follow any discharge/operational use. I consider Tasers to be a far less lethal weapon than regular firearms, therefore, safer for both officers and suspects/members of the public.

## **14. Appendix Three - Terms of Reference**

To review the proposal to allow the States of Jersey Police to acquire Electronic Conductive Devices – known as Tasers. The review will take into account:

- The extent to which they are justifiable alternatives to other methods of restraint already used in Jersey
- The human rights implications of their use
- The circumstances in which they might be used
- The training provided to officers in their use
- The costs of providing this capability to the States of Jersey Police

To make recommendations to the States on the above proposal

### **Panel membership**

Deputy Jeremy Maçon, Chairman

Connétable Michel Le Troquer

Connétable Steven Pallett

Deputy Montfort Tadier (co-opted for this review)

## **15. Appendix Four - Key reference documents**

Association of Chief Police Officers: Independent Evaluation of the Operational Trial of Taser, May 2004

ACPO Strategic Firearms and Conflict Management Taser Trial by Specially Trained Units (STUs), November 2008

ACPO: Operational use of Taser by Authorised Firearms Officers – Policy and Guidance – December 2008 version 4

Home Affairs Select Committee report – Policing of the G20 Protests – Eighth Report of session 2008-09, June 2009

Home Affairs Select Committee – Police Use of Tasers, Fifth Report of Session 2001-11, February 2011

Independent Police Complaints Commission: report on cases involving the use of Taser between April 2004 and 30 September 2008

Police Service of Northern Ireland: The Proposed Introduction of Taser: Human Rights Advice, May 2007

Public Attitudes Towards Tasers – results from an opinion poll, Home Office, February 2010

Restoring Public Confidence, Braidwood Commission on Conducted Energy Use, June 2009

Stunning Trends in Shocking Crimes: a comprehensive analysis of Taser weapons, S.H. Kedir, Journal of Law and Health, 2006

Use of Taser Figures, Home Office, March 2011