

STATES OF JERSEY



CHANGE TO THE DEPLOYMENT OF TASER BY THE STATES OF JERSEY POLICE FORCE (S.R.6/2020) – RESPONSE OF THE MINISTER FOR HOME AFFAIRS

**Presented to the States on 13th January 2021
by the Minister for Home Affairs**

STATES GREFFE

**CHANGE TO THE DEPLOYMENT OF TASER BY THE STATES OF
JERSEY POLICE FORCE (S.R.6/2020) – RESPONSE OF THE MINISTER
FOR HOME AFFAIRS**

Ministerial Response to:	S.R.6/2020
Ministerial Response required by:	10th December 2020
Review title:	Change to the Deployment of Taser by the States of Jersey Police Force
Scrutiny Panel:	Children, Education and Home Affairs Scrutiny Panel

FINDINGS

	Findings	Comments
1	The recommendation to change the manner in which Taser is deployed by the States of Jersey Police arose from a 2017 City of London Police Force Report into the States of Jersey Police Force’s Firearms Capability.	Agreed. It should also be noted that these recommendations were supported by the observations and experience of SOJP’s Senior Management Team and Firearms Trainer.
2	Whilst Jersey is acknowledged as a safe place to live, the Island is not without serious incidents and the States of Jersey Police have been required to deal with an increase in violent crime and people with mental health issues.	Agreed.
3	The primary purpose of the proposed change is not in relation to extending the use of Tasers but in order to address the current governance arrangement which could delay the use of Taser in situations which may require a timely response.	Agreed.
4	It is perceived by the Chief of Police that the current governance arrangement, whereby a Police Officer is required to gain a firearms authority before deploying Taser, adds in a level of bureaucracy that does not exist in other jurisdictions and ultimately does not keep the public safe. However, a number of submissions to the Panel highlighted the requirement to gain an authority as a necessary safeguard in Jersey and should be retained.	Agreed.
5	There is widespread agreement that Tasers are both an adequate Personal Protective Measure for Police Officers and a tool to increase public safety. It is felt that the proposed	Agreed.

	Findings	Comments
	change would protect life and extend the range of options open to an (appropriately trained) Officer responding to an incident.	
6	The evidence also suggests that Police Officers should be equipped with equipment and training in order to perform their duties effectively.	Agreed.
7	Taser is currently categorised as a firearm, and therefore the data collected in relation to its deployment is included within overall firearm deployment data including conventional firearms.	Agreed.
8	Of the five instances where a Taser was fired prior to 2020 none of these have resulted in an official complaint.	Agreed.
9	The current proposals alter the manner in which Taser is utilised in Jersey and further clarity is required as to the impact this will have on the Policing Model in Jersey.	It is not anticipated that the changes agreed by the Assembly in voting for P.97/2020 as amended will lead to significant changes to Policing in Jersey. However, the Minister is confident in SOJP's ability to adapt their Policing Model should this become necessary.
10	Further clarity is required over the policies relating to Police Officers attending incidents on their own. This also extends to whether the changes proposed would lead to an increase in instances of this occurring.	No Comment.
11	There are currently 30 firearms trained Officers who have the ability to deploy Taser. It is intended that an additional 20 Police Officers (four from each operational team) would be trained if the Proposition is adopted. This would mean that 50 Police Officers out of approximately 200 would be eligible to deploy Taser. It is intended that there will only be 15 Taser units available and it is expected that on any given shift between four and six Officers would be in possession of Taser.	There are currently 27 firearms trained Officers who have the ability to deploy Taser. It is intended that up to an additional 20 Police Officers (four from each operational team) would be trained if the Proposition is adopted. This would mean that up to 50 Police Officers out of approximately 200 would be eligible to deploy Taser. It is intended that there will only be 15 Taser units available and it is expected that on any given shift between four and six Officers would be in possession of Taser
12	There are conflicting views from the submissions received over whether the proposed changes would lead to Taser being utilised more readily than as a tool of last resort.	Noted.
13	There is substantial information in relation to the training that is undertaken by Police Officers in order to be able to deploy Taser. From the information provided to the Panel,	Agreed.

	Findings	Comments
	the training appears to be highly adequate and appropriate	
14	Body-worn cameras are seen as an important safeguard when an Officer deploys Taser. The Chief of Police explained that the use of body-worn cameras is built into policy and widely used by Officers prior to engaging in a situation. There is, however, no mention of their use or requirement to be used within the Proposition.	Agreed.
15	Deploying Taser on individuals dealing with mental health crises could have a disproportionately negative affect on their wellbeing. Further research and data is required in relation to the impact of Taser on vulnerable individuals in Jersey.	Noted.
16	Whilst it is not desirable to use Taser on children or young people, it cannot be guaranteed that this would never be required in the event that there was a threat to the safety of the young person, the Police Officer or members of the public.	Agreed.
17	A number of submissions have suggested that Taser use on Children and Young People should be prohibited entirely.	No comment.
18	Research across the United Kingdom has pointed towards an increase in use of Taser on children and young people, especially in situations where young people may be violent, threaten violence or are congregating in large groups. Further research is required as to whether this increase would also apply to Jersey should the Proposition be adopted.	Agreed.
19	It is the view of the Minister for Home Affairs and other key stakeholders that the changes proposed by P.97/2020 will not have a negative impact on the public perception of policing in Jersey. This should, however, not be taken for granted and engagement with the community in respect of policing should be maintained.	Agreed.

RECOMMENDATIONS

	Recommendations	To	Accept/Reject	Comments	Target date of action/ completion
1	The Minister for Home Affairs should ensure that any data	Minister	Accept	Now that the States	Ongoing.

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
	<p>relating to the use of Taser is recorded outside of conventional firearms use data, regardless of whether the Proposition is adopted or not. Any data collected in relation to the use of a Taser should include:</p> <ul style="list-style-type: none"> • The age of the person on which it has been used (whether fired, red-dotted etc.) • The justification for the use (e.g. violent behaviour or protection from self-harm etc.) • Further demographics of the person involved (e.g. gender, age, ethnicity, cultural group etc.) 	for Home Affairs		Assembly have agreed to this proposition, it is possible for SOJP to collect data about Taser use separate to conventional firearms data, as they now have the ability to use Taser outside of a firearms authority.	
2	The Minister for Home Affairs should ensure that the States of Jersey Police record and publish the data in relation to instances where Taser was not used but would have provided a better tactical option. This should be published on an annual basis within the States of Jersey Police Force Annual Report.	Minister for Home Affairs	Partially accept	This was raised on several occasions during the review of P.97/2020 and the Minister accepts that these statistics would be useful. However, the reality is that they are difficult to record as they rely on subjective judgements of officers. It should also be noted that the States of Jersey Police Annual report is prepared by the Police Authority on behalf of the Minister. The Minister will recommend that the Authority consider this recommendation when preparing their report.	End of 2021
3	The Minister for Home Affairs should ensure a review is undertaken to identify whether the changes, if adopted by the States Assembly, have resulted in more Officers being required to attend incidents on their own. This review should be undertaken by the end of 2021.	Minister for Home Affairs	Accept	This will be included in the report back to the States following the one-year trial period.	End of 2021

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
4	The Minister for Home Affairs should make details of the training undertaken by Police Officers in respect of Taser publicly available and circulate them to all States Members prior to the debate on P.97/2020.	Minister for Home Affairs	Accept	These details were circulated prior to the debate on P.97/2020 as recommended.	Completed
5	The Minister for Home Affairs should clarify the policy around the use of body-worn cameras by the States of Jersey Police Force. Use of body worn cameras should be clearly associated with the deployment of Taser and activated by all Officers involved in an incident. Following this, all footage should be submitted, retained and logged alongside the use form.	Minister for Home Affairs	Reject	It is the Minister's policy not to interfere with the operational independence of the States of Jersey Police. Use of body worn cameras is an operational matter, policies for which should be set by the Chief of Police. However, it the Minister is supportive of the spirit of this recommendation and notes that use of body worn cameras is standard for Officers attending any incidents.	N/A
6	Should the proposals be adopted by the States Assembly, the Minister for Home Affairs should undertake further research to identify their overall impact on vulnerable individuals in Jersey. This should be reported back to the States Assembly by the end of 2021.	Minister for Home Affairs	Accept	This will be included in the report back to the States following the one-year trial period.	End of 2021
7	If the Proposition is adopted by the States Assembly, the Minister for Home Affairs should ensure that further research is undertaken to identify whether the changes have led to an increase in use against people under the age of 18. This should be reported in the States of Jersey Police Force Annual Report.	Minister for Home Affairs	Accept	This will be included in the report back to the States following the one-year trial period. It should also be noted that the States of Jersey Police Annual report is prepared by the Police Authority on behalf of the Minister. The Minister will recommend that the Authority consider this recommendation when preparing their report.	End of 2021
8	On balance the Panel understands that in some exceptional circumstances Taser may be	Minister for Home	Reject	It is the Minister's policy not to interfere with the operational independence of	N/A

	Recommendations	To	Accept/ Reject	Comments	Target date of action/ completion
	required to be used on people under the age of 18. However, the evidence received has also highlighted that Taser use on people under the age of 18 should be prohibited entirely and this has been linked to the United Nations Convention on the Rights of the Child. The Minister for Home Affairs should therefore identify and bring forward a policy whereby any Taser use on a person under the age of 18 years is subject to a full investigation by the Children's Commissioner.	Affairs		the States of Jersey Police. Whilst the Minister finds this a sensible and proportionate recommendation, policies on the use of Taser by SOJP fall into the realm of operational matters. It is not appropriate for the Minister to become involved in operational matters. Nevertheless, the Minister would support the Chief Officer working with the Children's Commissioner on this.	
9	The Minister for Home Affairs should ensure that a qualitative approach to assessing public perception of changes to policing is undertaken prior to any further proposals (especially in regards to the deployment of Taser) being brought to the States Assembly.	Minister for Home Affairs	Accept	Qualitative data will form part of the report back to the States following the one-year trial period.	End of 2021

COMMENTS

I am grateful to the Children, Education and Home Affairs Panel for their robust scrutiny of P.97/2020 and commend the Chairman, Panel Members and their Officers on a thoughtful and helpful report.

As agreed by the States Assembly, I will bring a report back to the States on the impact of the changes to the use of Tasers on policing in Jersey after the 1-year trial period has been completed. It is therefore intended to bring this back to the States before the end of 2021.

This report will duly include: the number of times a Taser has been used on a person under the age of 18; the number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode; a breakdown of the gender, age, and cultural and ethnic groups of the people on whom a Taser has been used; and the number of times a Taser has been deployed by a police officer who is on his/her own.

It is hoped that this will address many of the concerns expressed in the Panel's report.

I am grateful to the Assembly for passing this proposition which will allow the States of Jersey Police (SOJP) to keep islanders safe using the most appropriate method in any given situation and look forward to reporting back after a year has elapsed.

I brought this proposition to the Assembly out of deference to the Assembly's role in the introduction of Taser to Jersey in passing P.18/2014, which was brought by the Home Affairs Minister of the time. That proposition, in response to some nervousness within the Assembly, included very specific provisions about how and when Taser was to be deployed. Indeed, the Minister's choice to bring this issue to the Assembly arose from an awareness that at that time introducing Taser to Jersey was a controversial decision.

It is this Minister's view that SOJP have proven that they use Taser responsibly, proportionately and to the benefit of islanders. It is also this Minister's view that the operational independence of SOJP is crucial to the effective and efficient functioning of the Police Force and I note that it is unusual for the legislature to be called upon to decide on the operational policies of a police force in such detail.

More broadly, I hope that going forward the issue of use and deployment of Taser in Jersey can move away from being a matter for consideration by the Assembly, and returned to the Police Chief to make decisions as he or she may see fit, according to their expertise and experience, and always with respect for the specific policing environment that Jersey presents.