

STATES OF JERSEY



AUTHORISATION OF DEPLOYMENT AND USE OF ENERGY CONDUCTIVE DEVICES ('TASERS') BY THE STATES OF JERSEY POLICE (P.117/2021): AMENDMENT

**Lodged au Greffe on 9th March 2022
by the Children, Education and Home Affairs Scrutiny Panel
Earliest date for debate: 29th March 2022**

STATES GREFFE

AUTHORISATION OF DEPLOYMENT AND USE OF ENERGY
CONDUCTIVE DEVICES ('TASERS') BY THE STATES OF JERSEY
POLICE (P.117/2021): AMENDMENT

1 PAGE 2 –

After the words “the following principles” insert the words “and subject to a further trial period of 18 months dating from 1st March 2022”.

2 PAGE 2 –

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

- “2. to request the Minister for Home Affairs to review the impact of the use of Tasers on policing in Jersey after 1 year of the further trial period and to report to the States on the success, or otherwise, of the trial, with the report to include data in respect of –
- (a) the number of times a Taser has been used on a person under the age of 18;
 - (b) the number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode;
 - (c) a breakdown of the gender, age, and cultural and ethnic groups of the people on whom a Taser has been used; and
 - (d) the number of times a Taser has been deployed by a police officer who is on their own.
3. to agree that deployment and use of Tasers in accordance with the principles outlined in the proposition should not continue beyond the further trial period of 18 months without the prior approval of the States Assembly.”.

CHILDREN, EDUCATION AND HOME AFFAIRS SCRUTINY PANEL

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

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

1. to endorse the decision of the Minister for Home Affairs to authorise the use and deployment of Energy Conductive Devices (Taser) by the States of Jersey Police according to the following principles **and subject to a further trial period of 18 months dating from 1st March 2022:**

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

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

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

3. to agree that deployment and use of Tasers in accordance with the principles outlined in the proposition should not continue beyond the further trial period of 18 months without the prior approval of the States Assembly.

REPORT

Summary

[P.117/2021, Authorisation of Deployment and Use of Energy Conductive Devices \('Tasers'\) by the States of Jersey Police](#), (hereafter 'P.117/2021') was lodged by the Minister for Home Affairs on 15th December 2021 and is scheduled for debate on 29th March 2022. The Proposition seeks to endorse the decision of the Minister for Home Affairs to authorise the use and deployment of Energy Conductive Devices (Taser) by the States of Jersey Police according to the following principles¹:

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

Background and context

The Children Education and Home Affairs Panel (hereafter the 'Panel') previously reviewed [P.97/2020, Deployment and use of Energy Conductive Devices \('Tasers'\) by States of Jersey Police](#), and presented its report [S.R.6/2020](#) on the proposals prior to the debate of the proposition in early November 2020. As a result of the Panel's review and findings in respect of P.97/2020, the Panel proposed two amendments; both of which were adopted by the States Assembly. The [first Amendment](#) required the Minister for Home Affairs to undertake a one year's trial period of the deployment and use of Energy Conductive Devices ('Tasers') by the States of Jersey Police, in accordance with the principles outlined within the proposition. After the one-year trial, the Minister for Home Affairs was required to review the impact of the changes to the use of Tasers on policing in Jersey and to report back to the States Assembly on the success, or otherwise, of the trial. The report was required to include specific data in respect of the following:

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

¹ [P.117/2021](#)

The Panel's [second Amendment](#) required the Minister for Home Affairs to ensure that body-worn cameras were used by police officers when discharging a Taser. Furthermore, for clarity to be provided within the proposition in relation to the levels of experience of officers who would be in the position to discharge a Taser in the line of duty, however, this aspect of the Panel's amendment was rejected. The Panel's amendment was adopted as [amended](#) by the Minister for Home Affairs.

The one-year trial period

On 3rd December 2021 the Panel was informed² of the Minister's intention to lodge P.117/2021 to seek the State's Assembly's endorsement for the continuation of the Taser arrangements that had been proposed in P.97/2020. Moreover, the Minister for Home Affairs noted the decision taken to report to the States Assembly on a shortened trial period of eight months instead of the agreed one-year trial period. The rationale for the decision was resultant of the trial period only commencing on 1st March 2021 to accommodate the required prior training of the police officers. In addition, it was the Minister's intention to lodge P.117/2021 for debate within the current Government term and to avoid any potential disruption to the operations of the States of Jersey Police Force as a result of the Taser arrangements being required to revert to the previous arrangements, should the debate not be possible during the current term of Government.

The Panel raised concern regarding the proposed shortened trial period and on 11th January 2022 wrote³ to the Minister for Home Affairs to highlight its discontent and to request a deferral of the debate so that the full one-year trial period could be undertaken and reviewed in accordance with what was agreed by the States Assembly in November 2020. Subsequently, the Minister agreed to defer the debate to 29th March 2022 so that the trial period and the review thereof could be undertaken as was previously stipulated and agreed.

Noting that the Minister had already reviewed and reported on a portion of the trial period and that a further four months of the trial period would be required to be reviewed and reported on prior to the debate of P.117/2021, the Panel wrote⁴ to the Minister seeking clarity on his intention in that regard. The Panel was informed⁵ of the Minister's intention to collate the further data and present it to the States Assembly prior to the debate on 29th March 2022. It was anticipated that would be included as an addendum to the Minister's original proposition, P.117/2021, following the conclusion of the trial period on 1st March 2022.

The Panel's review of the Minister's report on the trial period

The Panel has reviewed P.117/2021 and the Minister's report based on the eight-month trial period which has been presented as an appendix to the proposition. The Panel sought further clarification regarding the trial period and the data gathered through written questions sent to the Minister for Home Affairs⁶ as well as during the Quarterly

² [Letter from the Minister for Home Affairs – 3rd December 2021](#)

³ [Letter to Minister for Home Affairs - 11th January 2022](#)

⁴ [Letter to the Minister for Home Affairs - 7th February 2022](#)

⁵ [Letter from Minister for Home Affairs - 18th February 2022](#)

⁶ [Letter – Response to Written Questions – 25th January 2022](#)

Public Hearing⁷⁸ held with the Minister on 31st January 2022; where the Chief of Police also attended as witness.

It was the Panel's intention to review the addendum report in respect of the further four months of the trial period on its conclusion and once the report had been published after 1st March 2022.

Although the further four months of the trial period was concluded on 1st March, it became apparent in early March 2022 that it was highly likely that the Minister's addendum report on the further four months of the trial period would be lodged after the amendment deadline of 15th March 2022. As such, the Panel's amendment is representative of the report in respect of the first eight months of the trial period alone. The Panel was mindful of meeting the amendment deadline of 15th March 2022 and therefore made the decision to lodge the amendment prior to receiving the addendum report on the further four months of the trial period.

Considering the above, the Panel commits to reviewing the addendum report in respect of the further four months of the trial period once lodged. Should any additional concerns come to light as a result of the further four months of the trial period, the Panel intends to present Comments ahead of the debate of the proposition on 29th March 2022.

Purpose of the Panel's Amendment

During the Panel's review of P.117/2021 and the Minister's report of the trial period, it has become clear that concerns remain and would be most appropriately addressed through an amendment to P.117/2021, to extend the trial period. In the main, the Panel's concerns are in respect of the following issues:

1. The conditions under which the trial period was undertaken, and the accuracy of the data gathered as a result

Considering that the trial period was undertaken during the Covid-19 Pandemic between 1st March 2021 and 1st March 2022, the Panel is of the opinion that the conditions may not have appropriately epitomised normal conditions in relation to societal behaviours or police operations during that time. As a result, the Panel raises concern regarding whether the data gathered during the trial period accurately reflects normal conditions in Jersey. The Panel raised this concern during the Quarterly Hearing with the Minister for Home Affairs.⁹

Deputy R.J. Ward:

... Do you think that the trial period reflected normal conditions and circumstances in relation to police operations as well the public presence and behaviour in terms of access to bars and restaurants being restricted at that time? There might not have been as many people out and about, there certainly were not as many large group gatherings for example. Can you truly say it reflected normal circumstances to curtail the trial to 8 months?

⁷ [Transcript – Quarterly Public Hearing with the Minister for Home Affairs – 31st January 2022](#)

⁸ [Letter – Response to Written Questions – Residual Questions from Quarterly Hearing – 7th February 2022](#)

⁹ [Transcript – Quarterly Public Hearing with the Minister for Home Affairs – 31st January 2022 - Pg.3](#)

Chief of Police:

Well, I think, of course, as you have probably alluded to, Chair, COVID was never normal circumstances, was it, and I do understand the premise of the question? I think it is sort of some and some and I will explain what I mean by that. Of course, we have not seen the night-time economy light up even now and therefore our demand has not been great. Although it does not necessarily mean that we were using a taser or deploying tasers as much as we had done previously. While we may have seen less of that, potentially given people who are intoxicated with alcohol, et cetera, the quid pro quo to that is that we are already seeing incidents of people suffering from mental health crisis. In one way where we might see a reduction in terms of the night-time economy and alcohol related violence and whatever, I am confident that we will see more incidents related to people who are suffering from a mental crisis.

2. *The increase in police officers attending incidences and patrolling on their own*

It remains unclear to the Panel as to whether police officers routinely patrol on their own. As a result, the Panel is concerned regarding the instances in which police officers are attending incidences or patrolling on their own and the potential increase of this occurrence as a consequence of more police officers being equipped with a Taser which will be under the autonomy of the Chief of Police.

3. *The impact of the rebalancing measures within the Government Plan 2022-25 on police operations*

During the Panel's review of the Government Plan 2022-25, it raised concern regarding the rebalancing measure, whereby the recruitment to civilian roles within the States of Jersey Police Force would be frozen to make an efficiency saving of £377,000. The Panel is concerned regarding the potential knock-on effects of this action on the operations of the police force which at the time of the Panel's review of the Government Plan 2022-25, were corroborated by the Chief of Police as probable¹⁰. Moreover, the potential unintended increased pressures on frontline police officers as a result. Therefore, the Panel raises concern, to alleviate these potential unintended pressures, whether more officers will be issued with a Taser, particularly, given the Chief of Police's autonomy to decide on the number of police officers to be specially trained to use a Taser.

4. *The Culture within the States of Jersey Police Force and the perception of policing in Jersey*

The Panel remains concerned regarding the impact of Tasers on the perception of policing in Jersey. Moreover, on the potential culture change within the States of Jersey Police Force as a result of Tasers. Particularly, when considering the recent developments of mistrust in police forces in other jurisdictions. The Panel raised this concern during the Quarterly Hearing with the Minister for Home Affairs.

Deputy R.J. Ward:

¹⁰ [CEHA Report – Government Plan Review 2022-25 – Pg. 27- 29](#)

It may not be the intention to send single officers to dangerous situations, and we really hope that would not be the case, but it is not that that is the issue. It is the fact that taser becomes routinely carried by all of our officers in case because there are more officers on individual patrol and that protection is the argument that is being used. It is a delicate balance in terms of that argument, but the unforeseen consequences are that the perception of the police will change because more officers will be on patrol using taser.¹¹

In written questions to the Minister for Home Affairs, the Panel also requested clarity regarding the number of police officers that would be trained as Specially Trained Officers (STO) to carry and deploy a Taser going forward and received the following response which provides no certainty over numbers going forward.

The SOJP have requested that the Chief Officer have the autonomy to determine the number of STO's required to protect the community and maximise the safety of officers. The Minister has endorsed this as appropriate given the operationally independent position of the States of Jersey Police. Whilst extra training of STO's would be required to maintain existing numbers (see question 5), no discussion or decisions have yet been made as to any future limit or otherwise on the number of STO's in the SOJP.¹²

Considering the above concerns, the Panel proposes the continuation of the trial period for a further 18 months. This timeframe would allow for the additional data to be gathered during a one-year period and for the Minister for Home Affairs to review the impact of the use of Tasers on policing in Jersey thereafter, in order to report to the States Assembly on the success, or otherwise, of the trial within six months of the one-year trial concluding.

As a result of proposing an 18-month trial period, the Panel highlights, should its amendment be adopted, and the trial period is extended for a further 18-month period, that the States of Jersey Police Force will not experience any disruptions to its operations. The Panel notes that its amendment takes the operations of the States of Jersey Police Force into consideration by stipulating an 18-month trial period. Therefore, to avoid any potential disruption from the continuation of the trial period, the amendment provides a six-month period, once the one-year trial has concluded, during which time the Minister for Home Affairs would be required to review and report back to the States Assembly whilst police operations can continue unchanged.

The Panel is of the opinion that the trial period could continue without any burden to the States of Jersey Police Force, as the amendment would allow for the further accumulation of the same data as was previously agreed by the States Assembly in respect of P.97/2020.

Furthermore, the Panel recalls during its Quarterly Hearing that, although not supportive of a continued trial period, the Chief of Police alluded to the importance of the data and committed to the continued collection of the data in respect of Tasers going forward irrespective.

Chief of Police:

¹¹ [Transcript – Quarterly Public Hearing with the Minister for Home Affairs – 31st January 2022-Pg.7](#)

¹² [Letter – Response to Written Questions – 25th January 2022](#)

*...I would commit to the panel, and indeed we would keep this information anyway, is all the data that we have collated and collected not only just for the panel but for our own consideration, we will continue to provide that information and happily continue to provide that information to the panel years into the future.*¹³

*... I do not think the numbers are going to be any different. What one year or, indeed, 8 months will show us would be very similar to the next year largely because the numbers are still very small. I think, picking up on your earlier question, what we will continue to do is gather that data anyway but not necessarily under, if you like, a trial period. I could provide all members with that information at periodic times whenever you should require it.*¹⁴

*Of course, we need the data - as has already been alluded to and is probably alluded to in your question, Senator - for me then to react to any changes in demand and whether or not we were using it appropriately, whether or not we see more incidents of violence and therefore protecting officers as well as Islanders.*¹⁵

Although appreciative of the Chief of Police's commitment to continue gathering the data going forward, the Panel is of the opinion that its amendment would prove beneficial to that process while providing the significant and necessary requirement for the review of an extended data set and reporting back to the States Assembly in relation to Taser use in Jersey. The Panel emphasises that although the Chief of Police noted the importance of the data gathering process¹⁶ and demonstrated his support in respect of continued data gathering going forward, in the absence of the adoption of the Panel's amendment, the review of the data gathered and, provision for the States Assembly to consider any further resultant permanent changes, or otherwise, would not be possible.

The Panel believes that the additional data gathered through the extension of the trial period would be noteworthy; considering Jersey's small size and the limitations to the level of data that can be gathered as a result. Moreover, the extension of the trial period would allow for the data to be gathered during more normal circumstances, should the Covid-19 Pandemic position continue to improve as is anticipated.

The Panel proposes this amendment as a constructive and controlled approach to provide the next States Assembly with a broader level of data (gathered and reviewed over a two-year period), to confirm whether the Panel's concerns are supported and to make a more robust and informed decision on whether the changes proposed within P.117/2021 should continue for the long term.

Financial and manpower implications

¹³ [Transcript – Quarterly Public Hearing with the Minister for Home Affairs – 31st January 2022 –Pg.3](#)

¹⁴ [Transcript – Quarterly Public Hearing with the Minister for Home Affairs – 31st January 2022– Pg. 4](#)

¹⁵ [Transcript – Quarterly Public Hearing with the Minister for Home Affairs – 31st January 2022 – Pg. 6](#)

¹⁶ [Transcript – Quarterly Public Hearing with the Minister for Home Affairs – 31st January 2022](#)

It is not expected that the adoption of this amendment will require any additional funding or resourcing in terms of personnel. It is expected that any additional research identified in the amendment would be undertaken from within existing budgets and manpower resources.