

Minister for Home Affairs Justice and Home Affairs



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Deputy Robert Ward
Chair, Children, Education and Home Affairs Panel

By email

25 January 2022

Dear Chair

Change of deployment of Taser by the States of Jersey Police Force – Review of Trial Period

Thank you for your letter of 11th January regarding P.117/2021 *Authorisation of Deployment and use of energy conductive devices ('Tasers') by the States of Jersey Police*.

I have noted the Panel's concerns in respect of the trial period, and I acknowledge the situation is less than ideal. As I referenced in my previous letter to you, the timelines around lodging prior to the election have been particularly influential in this issue arising.

You have requested that I defer the debate on this proposition to allow a further period of data collection on the trial period. I have accordingly asked that the debate be delayed until 29th March, and I understand my Private Secretary has communicated this to your Officers. I will seek to provide Member's with further data to supplement that already available in advance of the debate.

Please find below answers to the Panel's follow up questions below.

Trial Period Timeline

- 1. P.97/2020 was endorsed by the Assembly as amended and proposed a one-year trial period. It's our understanding that an eight-month trial period has been undertaken. Although understanding of the rationale for reviewing the deployment model in respect of eight months to avoid disruption to the States of Jersey Police (SoJP) Force and to allow for the uninterrupted continuation of the current deployment model, if agreed by the States Assembly, could the process have been approached differently to ensure that the review of the entire year was possible, considering the Proposition was passed in November 2020?**

It is not considered that a different approach would have allowed sufficient time for both appropriate training to be delivered before the trial commenced, and sufficient time after the trial concluded to consider the output and lodge in time for this to return the States before the election.

In order for the role of STO to be appropriately implemented, it was necessary to complete substantial training of the new officers, introduce a new Standard Operating Procedure and Policy (that had to be written and authorised) and educate the whole force as to their roles and responsibilities in support of the new STO's.

To ensure that a high standard was and is maintained, and in order to maximise the safety of officers both carrying and using Taser and those colleagues working alongside them, this education and training process had to be thorough. The decision was taken in advance of the States debate in 2020 not to complete this work before the States had considered the proposals in case it was not subsequently required, and to avoid pre-empting the decision of the Assembly.

All of the above was documented and detailed during the consultation phase with Ministers. Therefore, members were hopefully aware that there was going to be an appropriate delay before the actual deployment of the new STO's.

2. Why did Police Officer training only commence in March 2021 and why was concern not raised at that point in respect of the consequence on the length of the trial period and its review?

The SOJP training did not commence in March, this was the 'Go Live' date for the role of STO *i.e.*, *Taser not requiring a firearms authority*, to be deployed. All training took place after the States endorsed P.97 in November and before the 1st March. Therefore, there was a delay from the States considering, and endorsing, P.97 and the beginning of the actual review period.

It is unfortunate that, in considering arrangements for the trial period, it was not recognised that the pre-election lodging deadline would present an issue. However this would not have obviated the need for sufficient training to be undertaken prior to commencement of the new deployment model.

3. The Assembly approved P.97/2020 as amended and therefore approved the review of a one year trial (not an 8-month trial), has consideration been given to the impact thereof on the newly proposed position?

It is acknowledged that an 8-month trial, instead of a one year trial, is not ideal. However, upon reviewing the options, the Minister and SOJP agreed that the eight month period has provided sufficient time to determine that the governance arrangements in respect to the management and deployment of STO's has been successful.

As explained in an earlier answer, all appropriate arrangements were in place prior to the commencement of the trial, and it is the SOJP's position that the data and analysis presented in its States submission demonstrates an effective, well managed and appropriate trial.

Rationale for the change

Part of the rationale for the proposed change to Taser deployment was to improve the governance arrangement of Taser deployment in respect of the States of Jersey Police operations, by removing the requirement for a Firearms Authority to authorise any Taser deployment.

4. During the trial period what impacts, both negative and positive, have been identified as a result of the removal of the requirement for the Firearms Authority?

Moreover, the provision of Taser as a further tactical option as part of police officers' personal protective equipment was provided as rationale for the change.

The report notes that **six non- authorised firearms officers** were provided the required Taser training to qualify them as Specially Trained Officers which would allow them to conduct their normal day to day duties whilst carrying Taser on their body armour.

Answer

One of the biggest positives of the new role of STO is the ability for officers to deploy and use Taser outside of a firearms authority. Prior to this, if an incident was such that Taser was deemed the most appropriate response to deal with the subject, it required a full firearms authority to be granted and then of course the deployment of armed officers.

Of the 22 Taser uses during the trial period, 14 of these would most likely have attracted a full firearms authority. Incidents include subjects in possessions of a knife self-harming or threatening to harm themselves or others. Because of the introduction of STOs these incidents did not attract a firearms authority, and officers armed with firearms were not deployed. This highlights that the introduction of STOs is now reducing the number of times officers are deployed with firearms. Whilst there is every confidence in the structure, governance and training of firearms officers when they deploy, there is always the potential for a firearm to be discharged in response to a threat.

Similarly, the appropriate use of STO's / TASER outside of a firearms authority will of course reduce the number of occasions on which authorised firearms officers will be deployed to an incident 'under' such a firearms authority. This in association, will reduce the overall risk to the subject and the public whilst providing an appropriate level of protection for the responding officer(s) i.e., maximising their safety.

There have also been incidents where subjects have armed themselves with knives in the presence of the STO officers and they have therefore immediately been able to draw Taser and challenge the subject. Historically, officers would have either had to withdraw from the situation, or face the threat with their standard PPE, baton or PAVA. Given that they were in possession of a Taser, they were immediately able to react and deal with the threat.

The SOJP Professional Standards Department have not received any formal complaints relating to Taser use during the trial period. The Firearms Training Department who oversee Taser training have similarly received no negative feedback from the public or officers.

5. Can you confirm the current number of police officers able to carry Taser during their daily duties as a result of the adoption of the P.97/2020? *(During the Panel's review it was identified that 27 firearms trained officers had the ability to deploy taser and the intention was for an additional 20 police officers to be trained as a result of the adoption of the proposition)*

Taking into account the training that has taken place during the trial period, retirements and departmental moves the table below details the current number of trained officers and where they are deployed.

	Taser Trained	Where located			
		Response	Community	Firearms Training	Non Uniform
AFO (Firearms officer)	29	17		4	8
STO (Taser officer)	7	6	1		
Total Trained	36				

A further 2 STO's are to be trained in early February, both of whom will be based on the 24/7 response teams.

6. Should the current position regarding deployment of Taser continue permanently beyond the trial period, is it anticipated that further police officers would be trained to carry and deploy Taser and, if so, how many?

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.

7. Noting it is proposed that the number of Specially Trained Officers, appropriately trained and deployed will be entirely at the discretion of the Chief Officer of Police, what safeguards will be in place to manage the number of officers deployed with Taser within Jersey going forward?

The SOJP maintains an Operational and Strategic Firearms Group structure, in order to effectively manage and govern the use of firearms, including Taser and STO's, in the community. The OFG is chaired by the Chief Inspector Community Policing, the SFG the Deputy Chief Officer.

The aforementioned groups manage and develop firearms policy and procedure, professional standards, and training. All work is linked to the Policing Plan and administered via a Firearms Strategic Threat & Risk Assessment.

Numbers of AFO's and STO's will be managed through these structures and aligned to the given threat and risk of policing the community at any given time.

All STOs will have been required to successfully complete the 5 day initial course and thereafter an annual refresher. All Taser incidents are reviewed by the Chief Firearms Instructor and any 'firings' are reviewed by the CFI and the Professional Standards Department to ensure they are proportionate, lawful, accountable, necessary and the least intrusive tactic available. Any developmental matters are raised at the Operational Firearms Group and feedback provided directly to the officer concerned.

8. What impact, both positive and negative, has been observed during the trial period as a result of Taser being included as an officers personal protective equipment?

To date there has been no known negative impact. Officers are positive about the training and are positive in respect to the reassurance it brings and the additional tactical option it provides. As previously stated, it has reduced the number of deployments of armed officers which is considered a positive outcome. There have been no known negative impacts or complaints from the public.

Taser provides a tactical option to officers where they can deal with a threat from a standoff position, thus maximising the safety of the officer as well as reducing the risk to the subjects. This tactic allows officers to appropriately intervene at the point of self-contact thereby reducing the need to use the baton or other hand to hand tactic which could resort in injuries to the subject or officers.

Have any concerns been raised through officers or members of the public during the trial period?

No concerns have been raised by officers and no formal complaints have been registered by the Professional Standards Department of the SOJP. The Minister has received no correspondence from the public in respect of the change.

- 9. Has it been possible to identify data in relation to instances where Taser was not used but would have provided a better tactical option as a result of the trial period? It was agreed within the Ministerial response to the Panel's scrutiny report (S.R6/2020), that although perhaps difficult to record, these statistics would be useful. What effort, if any, has been made to identify these statistics during the trial period and will this be reported on within the States of Jersey Police Force Annual Report. (*The Minister agreed to recommend that the Jersey Police Authority consider this when preparing the SoJP annual report*)**

Such data remains extremely difficult to assess given the number of incidents attended by officers over the period.

What can be stated is that during the review period there were 192 'use of force' forms submitted. These are required whenever an officer uses force, from physical restraint, non-compliant handcuffing, use of baton, PAVA, Spit hoods.

Although it is not possible to determine whether Taser would have been used at any of these events or indeed any other incident attended by officers had they been in possession of the tactic at the time they needed to use the said force, the forms highlight the number of times that force was actually used and recorded.

The use of any force is entirely at the discretion of the officer and must be justified in all circumstances. Other officers have not had the experience of the 5-day training course for STO's and so are unable to determine whether or not Taser would have provided a better tactical option in the given circumstances.

Perception of Policing in Jersey

During the Panel's review of P.97/2020, concern was raised regarding the potential change in deployment of Taser on the public's perception of policing in Jersey. In the Ministerial Response to the Panel in relation to the Panel's scrutiny report, the Minister agreed to **ensure that a qualitative approach to assessing the public perception of the changes to policing** is undertaken prior to

any further proposals being brought to the Assembly. The Minister commented that the qualitative data will inform part of the report back to the Assembly following the one-year trial (by end of 2021).

10. Minister, what assessment of the public perception of the changes to policing have been undertaken, what qualitative outcomes have been observed as a result and how/when will this be reported upon?

The previous Minister agreed that qualitative data would form part of the report back to the States following the trial period. The report presented has focussed on quantitative data, as there is a lack of qualitative data available in this area.

It is this Minister's view that complaints, or correspondence from the public more generally, would constitute a source of qualitative information to assess public perception.

However, as stated above, neither SOJP or the Minister have received any formal complaints in relation to the use of Taser during the trial period and the Minister has not received any correspondence on this matter. This suggests minimal change in public perception of the changes to policing as a result of this change.

11. Have any concerns from members of the public been identified over the trial period regarding Taser deployment, or any benefits of the change been highlighted by members of the public?

No formal complaints have been made to the SOJP Professional Standards Department relating to the use of Taser during the trial period. Similarly, the SOJP is not aware of any benefits of the change being highlighted by members of the public.

It may be that this highly operational, and relatively technical, amendment to *how* SOJP use a piece of equipment already in use has not made a significant impression on the public.

12. What feedback, if any, has been received from newly Specially Trained Officers regarding their experiences of deployment of Taser during the trial period and the impacts on the perception of policing in Jersey?

All STO's have been de-briefed by line managers and on occasion the firearms training team, following any 'use' of Taser in the trial period. All officers have reported positive experiences. None have reported any adverse impact on the perception of policing in Jersey.

Officers who have completed the initial Taser course have all stated that it has provided them with a greater awareness of the National Decision Model and therefore a better situational awareness and tactical approach to conflict situations. This in turn both maximises the safety of the attending officer and the needs of the subject and the community when considering any 'use of force'.

Impact on vulnerable people and young people

During the Panel's review of P.97/2020 concern was raised regarding the deployment of Taser on vulnerable people and young people. In the Ministerial Response to the Panel in relation to the

Panel's scrutiny report (S.R6/2020), the Minister agreed to undertake further research to identify the impact of proposals within P.97/2020 on vulnerable individuals in Jersey. It was noted this research would be provided within the report presented to the Assembly following the one-year trial period (end 2021).

13. Minister, what research has been undertaken to identify the impact on vulnerable individuals in Jersey?

The previous Minister committed to the inclusion of further information regarding the impact on vulnerable individuals in Jersey to be included. The report duly includes data in relation to Taser use on under 18s and those experiencing mental health difficulties.

14. The data recorded and presented in the SoJP report shared with the Panel, identifies that on seven occasions Taser was used in a situation where an individual was undergoing a mental health crisis and on two occasions in relation to incidents involving young people between the ages of 15- 17 years of age. Considering the concern raised during the Panel's review regarding the impact of deployment of taser on those experiencing mental health crises and on young people, what follow up procedures, if any, were undertaken in respect of these incidents in which Taser was used to further understand the immediate and longer-term impact on the wellbeing of these vulnerable groups or to identify any support required as a result of the impact of Taser deployment on these groups?

Significant emphasis is placed on the 'after-care' of any individual subject to a Taser 'use' during the training and assessment of all STO's.

If an individual is detained following a Taser use then they are examined by a Forensic Medical Examiner on arrival at the Police Station and subject to a comprehensive risk assessment process prior to their release. The use of Taser will be reviewed by the CFI and the body-worn camera footage assessed for the appropriate application of 'after-care' and any related impact.

Should the individual be taken straight to the hospital then they will be given appropriate care at that location.

As above, no formal complaints have been received by the SOJP that relate to Taser use during the trial period.

Body worn cameras

15. Of the 22 incidences reported during the trial period were body worn camera's activated in all incidences and, if not, why not?

The body worn camera was activated on every occasion.

16. In all 22 instances where taser was used and it was practicable to be recorded, has the recorded Taser footage been submitted, retained, and logged alongside the use of force form from the incident?

All Body worn footage is managed in accordance with the SOJP BWV policy and linked to the 'use of force' form via the Masterfile number.

Police Officer Attending Incident on Own

17. In the three instances where Taser was used by an officer attending an incident alone, was the Taser use a direct result of the officers reporting to the incident alone?

The first incident related to a male who had been acting in a disorderly way at a Government building. Had Taser not been an option, it is likely that the confrontation would have resulted in a violent struggle. It is not possible to state whether Taser would have been used had there been any other officers present, however given the aggressive demeanour of the male it is highly likely it would have been used in a similar manner.

Secondly, (in respect of another incident) not knowing if the male was still in possession of the knife and given that his hands were in his pockets, Taser would highly likely have been used in the same manner if more officers were present. This once again enables the officer to deal with the subject from a standoff position, rather than going hands on and ending in a 'scuffle' with someone who may have a knife in their possession and within easy reach.

Finally, officers were called to a male exposing himself. It is anticipated that the officer would have drawn his Taser regardless as to whether he was on his own or had colleagues with him. He anticipated a threat of violence and was therefore justified in doing so.

18. If the officers had attended with an accompanying officer would Taser still have been deemed an appropriate method of response on those three occasions?

On all three occasions Taser would still have been deemed an appropriate method of response to the threat posed. See above for more detailed account of each incident.

Data Gathering and Reporting

19. What process was used to collect the data reported within the report of the trial's review and at what stage during the incidents was the data collected and recorded?

Any use of force is documented on a 'Use of force form' and submitted prior to the officer going off duty. This incorporates the use of Taser. In addition, the officer also submits the National Taser use form. The Taser usage data is drawn from these forms. The data in respect to the subject is taken from both these forms and from Police systems that document self-defined ethnicity and cultural backgrounds. This data is updated when the subject is booked into custody or any other SOJP online system is accessed.

Each Taser use is then reviewed by the Chief Firearms Inspector and any firing is scrutinised further. Both through review of BWV and speaking to the officers involved.

20. What data, if any, was provided directly by the data subject (on whom Taser was deployed) and/or identified by the Police Officer present and/or through other means? If it was provided by the data subject directly, in what context did the data subject provision the data?

The ethnicity and gender of the subjects in question have been taken from the submission of the use of force forms (Officer perception of both). The data is then cross referenced with the subject's existing record on the Police system (if one exists), which records the self-defined ethnicity. This information is taken from the subject when they have been booked into Custody or from previous Police engagement, such as a stop check or incident.

21. In respect of data on gender, the categories included within the report are Male/Female/Other. Was the data regarding gender self-reported by the data subject, identified by the Officer at the incident or by other means?

See above answer (number 20)

Ethnicity Statistics

Considering that ethnicity/cultural background is predominately dependent on the individual and may be perceived differently from one person to the next. Someone could identify their ethnicity with that of their country of birth and another could identify their ethnicity with the jurisdiction in which they have lived for many years. In addition, parental and cultural heritage may impart a different perspective on ethnicity as well.

See below data reported by the SoJP regarding the 'subject ethnicity' in respect of the review undertaken.

22. Can you outline how the data on ethnicity of individuals was identified and collected - was it directly self-reported by the data subject involved in the Taser incident?

See above answer (number 20)

23. We note that the data provided within the police report of the trial's review identifies several ethnicity categories. How were these categories for reporting decided upon? Is a standard for reporting on ethnicity data used and, if so, what standard is used?

The categories for the recording of ethnicity and culture is taken from the Home Office approved 16 + 1 Ethnic Classification System, with the addition of White - French / Polish / Portuguese. These are the same categories used on all SOJP systems.

*N.B. In the original submission, the data table only included the subject's ethnicity, but the sub class was omitted in error. The information was recorded at the time of the incident. The amended data table is detailed below.

24. In respect of the Panel's amendment to the P.97/2020, which was endorsed by the Assembly, it requested specific data to be reported back to the Assembly. The data was to encompass in addition to age and gender the cultural and ethnic group of the individuals on whom Taser was deployed during the trial period. Considering the data recorded and reported it can only be surmised that 22 'White' individuals were impacted by the deployment of Taser during the trial period. That is not what the

amendment aimed to achieve. How does the category for 'white', as depicted within the report, appropriately identify or provide a breakdown for cultural and ethnic group?

Subject Ethnicity	Sub Class	Number of times	% of total uses
White	British	20	91%
	Irish		
	French		
	Polish Portuguese	2 (Portuguese)	9%
	Any other white background		
Black or Black British	Caribbean		
	African		
	Any other Black background		
Asian or Asian British	Indian		
	Pakistani		
	Bangladeshi		
	Any other Asian background		
	Thai		
Chinese or Other Ethnic Group	Chinese		
	Any other Ethnic group		
Mixed	White & Black Caribbean		
	White & Black African		
	White & Asian		
	Any other mixed background		
Not Stated	Not Stated		
Unknown	Unknown		
Declined	Declined		

25. The Panel, in its amendment, asked for the *breakdown of cultural and ethnic group* to highlight any potential disproportionate impact. Considering Jersey's resident population encompasses minority groups that would perhaps identify within the 'White' category, however, may also choose to identify based on cultural heritage (Portuguese, Polish, Romanian, South African and French, to name a few), has the data gathering process provided an opportunity for individuals to identify in respect of ethnicity and cultural heritage (if they so wished) and, if so, why has no data been recorded in that regard? If the opportunity was not provided, why is that the case?

See answers to questions 23 and 24

26. The results of the 2011 Jersey Census (the results of the 2021 census is not yet published provides a breakdown for ethnicity of Jersey Residents in a more inclusive manner and clearly identifies the breakdown of various ethnicities/cultures within the White, Asian, Black and Mixed categories in respect of Jersey. This demonstrates that it's possible to acquire this data and that people do identify by ethnicity beyond race only. Was a similar approach considered for the gathering of data during this trial and, if not, why not?

See answers to questions 23 and 24

I hope this provides the Panel with sufficient information to consider this Proposition, prior to debate on the 29th March. If I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

**Deputy Gregory Guida
Minister for Home Affairs**