

Oral Question 11 September 2007

3.12 Deputy G.C.L. Baudains of the Minister for Home Affairs regarding the deployment of TASER guns:

With regard to the deployment of TASER guns, would the Minister advise Members what restrictions, if any, will apply, such as senior officer authorisation, or will they be carried as a matter of course? What training, if any, is being given to reduce the potential risk of abuse or deaths?

Senator W. Kinnard (The Minister for Home Affairs):

May I, with your permission, ask that the Deputy of St. John answer the question, because he deals with all matters relating to firearms?

The Deputy Bailiff:

Yes, he may answer for the Minister.

The Deputy of St. John (Assistant Minister for Home Affairs):

TASER is the brand name for an electronically controlled device (ECD) which is in the process of being acquired by the States of Jersey Police, subject to U.K. export controls being negotiated. It is intended that this equipment will form part of the armoury of available weapons to the Police Firearms Unit, hence all the usual strict rules of firearms deployment will be implemented. Authorisation of deployment can only be made by the Chief Officer, or, in his absence, a designated senior officer of ATPO (Anti Terrorism and Public Order) rank. Such instructions can only be issued to authorised firearms officers who attended and passed a nationally accredited firearms authorisation course. Electronic control device training will form a standard part of an authorised firearms officer's training. ECD devices will not be routinely carried by patrolling officers, like the CS spray and the ASP expandable baton. ECD will be deployed as an alternative to the lethal force option, when the need for such reasonable and minimum force is identified, as required to confront someone representing a significant physical danger to themselves, officers, or members of the general public. I might like to add to that, that States of Jersey police officers are trained in first aid, and firearms officers will be trained in the specialist aftercare required, as will custody staff. During the development of a firearms incident it is standard practice to deploy paramedics to the scene and this would, of course, include the ECD if it is deployed.

3.12.1 Deputy G.C.L. Baudains:

I am grateful for the Assistant Minister's contribution. My concern on this issue obviously is one of public safety, because TASER guns are believed to be dangerous. I believe over 250 deaths have been attributed to their use, and some police departments are considering withdrawing them as a result. In the Minister's written question on the same subject, she stated that these weapons are well within the safety limits to have any effect on the heart, even those with pacemakers. I wonder if the Assistant Minister, could advise who supplied this information, so that we may verify its accuracy, because I do find it somewhat curious, given that even airport security measures are deemed to be possibly dangerous to such people. TASER guns do, in fact, administer many thousands of volts and do so for the entire period that the officer keeps it activated.

The Deputy of St. John:

I will check as to where that information has come from, but I understand that to be the case. In answer to his question about the numbers of deaths attributed to this weapon in the US, the information we have suggests that those deaths are not solely attributed to the use of TASER guns. There are other extenuating circumstances and reasons as to why those deaths may have occurred. In the U.K. where they have been deployed now for some three years there have been no reported incidents of death as a result of using it, but I can assure the member and the House that should the more lethal option have been adopted, i.e. conventional firearms, there would be considerably more deaths, and, indeed, that has certainly been the case in the US. This is a lot less lethal option and can be deployed in a much, much safer manner.

3.12.2 Deputy S.C. Ferguson:

How much is all this going to cost?

The Deputy of St. John:

I do not have the figures to hand but if the Deputy will give me a bit of time this morning I am very happy to advise her in the House later on today.

3.12.3 Senator B.E. Shenton:

This is Jersey. Do we really need TASER guns? **[Approbation]** Is it just another toy?

The Deputy of St. John:

Yes, I believe that we do, because we have had a number of firearms incidents last year alone. Some 17 times the unit was called upon. On at least two of those occasions the perpetrator could have very easily been, and in fact very nearly was, shot. Now, firearms officers are trained to shoot the middle part of the body between the waist and the neck, because that is the largest area of the body. Clearly that is where your vital organs are. In other words, it is highly likely that if somebody was challenged with a conventional weapon they would be killed or seriously injured. With TASER that is simply not the case. They can be apprehended in a far more controlled manner and in most cases that would be non-fatal.

3.12.4 Connétable T.J. du Feu of St. Peter:

Has the Assistant Minister received any legal advice as to the legality of this type of policing taking place in Jersey, because I believe that there is some question mark on the legality of this particular system being adopted in the Island. If he has received any, where from and from whom?

The Deputy of St. John:

The question is, in fact, if we do not deploy it, we will not be compliant in terms of human rights, i.e. Article 2, the right to life, is somewhat compromised if you deploy conventional firearms in such an incident. Therefore, with TASER that right to life is acknowledged. In other words, we would not be complying with that should we not use such equipment, as indeed other forces have, including Guernsey.

3.12.5 Deputy S.C. Ferguson:

Does the Deputy not think that perhaps there is a responsibility towards other people's lives when you are brandishing a gun, with regard to the perpetrator?

The Deputy of St. John:

Well, yes, very much so, Sir. That is why a firearms unit will be called to defuse a situation and indeed end the situation. So I do not quite know what the Deputy is getting at. But quite clearly if somebody is brandishing a weapon the public are at risk and it is the police's job to ensure that that situation is brought to a swift conclusion.

3.12.6 Deputy G.C.L. Baudains:

Yes, given the concern that there is about the possibility of death or even injury to people who may have heart conditions - and I am not sure how a police officer can determine if the object in his sights has or has not a heart condition - and given the fact, that we are told by the Minister that the weapon is virtually useless against somebody on drink or drugs, or wearing thick clothing, what is the point of having this weapon in Jersey?

The Deputy of St. John:

I do not quite know where the Deputy gets the idea that it cannot be used when somebody is under the influence of drink or drugs. Indeed, that is quite often the case, when a weapon ends up being used in this type of situation by the perpetrator. The issue of what is the person wearing - clearly, if they are wearing protective clothing, armour protective clothing, even conventional weapons would not be effective. But in most cases, these are usually spontaneous incidents and it is unlikely that the perpetrator will have clothing capable of stopping a TASER gun from piercing it. So I would also like to add that fatal shootings involving police officers attract a huge amount of public and media attention. They are very expensive in terms of loss of injury, trauma, public inquiries, independent investigations. In order to stop that sort of thing happening, Sir, the use of the TASER gun will help that situation immensely.

3.12.7 Deputy J.B. Fox:

Recognising that our laws over here, many of which are common law and we have not caught up with many statutory laws, the question that was asked by the Connétable of St. Peter I think is a good one and although an answer was given in relation to human rights, et cetera, I would ask the Assistant Minister if he would go away and cause questions to be asked on the legality through the Crown Officers, et cetera, and if he could bring back an answer to this House please. So that if this thing is brought in, if this weapon is brought in, that we have taken the necessary steps to ensure that there are safeguards and it may materialise at a later date.

The Deputy of St John:

Consultation has taken place with the Law Officers and indeed are partly due to some of the import problems that we are incurring in acquiring this piece of equipment and the information we have from the Law Officers is that there is absolutely no legal or policy reason why the States of Jersey Police should not be in possession of such equipment as indeed most U.K. forces are and indeed Guernsey is as well. I would state again that I understand there has been no legal reason why they cannot be possessed by the States of Jersey Police and indeed deployed in a similar manner to conventional firearms are at the moment. There is again no legal reason why, in exceptional circumstances that dictate if a firearm should be deployed, they cannot be deployed under our current laws and I see absolutely no need for any additional legislation to safeguard a less lethal option which indeed the TASER weapon is.

3.12.8 Deputy G.C.L. Baudains:

Unfortunately it appears the Assistant Minister is not well informed. If I may read what the answer given by his Minister clearly states in instances where it has been discharged - that is a TASER gun - and the subject has been wearing heavy clothing or under the influence of drink or drugs or indeed both, it has proved no more than a distraction. In light of that, would the Assistant Minister care to review his previous answer to my question?

The Deputy of St John:

Yes, Sir, I think if the Deputy reads the response correctly, he is talking about launcher baton guns, not the TASER weapons, a quite different instrument and it is used occasionally. It is reminiscent, perhaps, of the old plastic bullets idea that was used in Northern Ireland back in the 1970s and 1980s, a reformed version of that. It cannot be used in close quarters because of ricocheted issues and it can only be effective if it in fact hits the lower abdomen of somebody - that is the only way that it is effective. Therefore if a suspect, for example, is standing behind a sofa or the bottom part of their body is obscured, it cannot be used and indeed if they are in a building it cannot be used safely and that is what that answer to the question refers to. It is the launcher baton gun, not the TASER weapon.

Deputy G.C.L. Baudains:

In fact, the same conditions apply to the TASER gun if the Assistant Minister had studied the subject.

The Deputy of St John:

I would dispute that, Sir. The two are quite different and the information that I have, having studied the subject quite in depth in recent months, is that the TASER is far more effective, although the range is not quite the same.