

# STATES OF JERSEY

## Education and Home Affairs Panel Taser Review Hearing

**FRIDAY, 27th APRIL 2012**

**Panel:**

Deputy J.M. Maçon of St. Saviour (Chairman)  
Connétable M.P.S. Le Troquer of St. Martin  
Connétable S.W. Pallett of St. Brelade

**Witnesses:**

Mr. B. Hill (The Jersey Human Rights Group)  
Mr. N. Le Cornu (The Jersey Human Rights Group)  
Mr. E. Le Quesne (Amnesty International)

**Also Present:**

Mr. M. Haden (Scrutiny Officer)

[11:03]

**Deputy J.M. Maçon of St. Saviour (Chairman):**

Thank you very much for coming to talk to us today. We are quite open to the format. We have received some of the submissions. We are quite happy for you to present your arguments or things that you think you would like to draw attention to us to begin with and then for the panel to ask questions. If we are happy with that process, then ... Are we happy to start with that process? So which would like to go first?

**Mr. B. Hill:**

We will shoot away. Okay. As I said, in the letter that was sent to you, thank you for inviting the Jersey Humans Rights Group here. It is good that we do receive some recognition for our presence. The Jersey Human Rights Group was set up by me. I was a founding member. I had tried to get the States to take responsibility for oversight of human rights in Jersey. Unfortunately, my proposition failed but one thing I did say was if re-elected, what, 3 years ago, I would form a group because I do believe it is necessary that there should be some oversight for human rights, as indeed I think there ought to be one for discrimination as well but that is to come. But we have been ... as indeed 2 of you have been, to our meetings. The purpose of our group really is to raise awareness of the human rights issues. It is not as great as it would be in relation to some of the foreign countries but even so human rights is alive and kicking in Jersey and I see it as really a partnership between States Members and members of the public. One of the rules was we would send ... I can see Guernsey are having the same problems now with making rules about who can and who cannot do things, but one of the rules was that the Chairman would be a Member of the States and Monty has now taken over as Chairman. But the purpose here is that we have

discussed this loosely at our meetings but, more importantly, via the email and the submission that was made to you which was put together by me really is, I suppose, a collection of thoughts and feelings of us as a group. I am also conscious that I have 2 serving police officers in front of me and 2 police officers who were former police officers like me and after 30 years ... Only last week I was at a reunion for the very first police station I served in around the East End, so my views are based on evidence as, indeed, the 3 of you will come up with your views based on the evidence, and the evidence we have got is really contained within our submission. More importantly, I think it is tidied up if one can call it that, on page 3 where we say what our concerns about the introduction are and we then lay them out. But I would start off by saying we did invite the police chief to give him the opportunity to say why we think it is necessary in a relatively low crime area to introduce Taser guns to Jersey. Unfortunately, he turned down that invitation but he did suggest that maybe we come along and listen to what he has to say this afternoon. So it is sort of the cart before the horse but even so we feel that as a group it is for the police to justify the need for an additional armoury or weapon of armoury to their armoury and you have got in your line up there, your page ... I think that was just very useful ... Scrutiny matters came out I think yesterday. I got back on Wednesday night and that was there but it was very helpful so you devote almost a page to the Taser gun argument, and it may be that if we go through and look at the purpose of your remit, so to speak, and, you know, do you support the Jersey police using Tasers? Well, that is the question we all want to find out. What we really want to find out is why do you think Jersey needs to introduce Tasers. Bearing in mind I was away last week, I did read through the J.E.P. (*Jersey Evening Press*) and noticed that, you know, if we are so jumpy in Jersey, well, police officers are so jumpy in Jersey that they have to have officers with sub-machine guns stuck outside a dwelling in St. Helier because someone happens to have a screwdriver, or an allegation was made about an assault on a screwdriver, is that a good reason for us to have Tasers? I think not. But it is always justified to use Tasers on people behaving violently or using a weapon. From the policing experience, I would say no because one should always look for a way of talking someone out of trouble. We ask you and we all ask ourselves, what is a Taser? Is it a weapon of offence or is it a weapon of defence? When does it become an offensive weapon for the police officer to use it and when does it become a weapon of defence for the officer to use? If you are going to think of it logically, you only have to use a Taser, one would assume, when you have a conflict in a siege situation as, indeed, it was perceived to be a siege situation the other day. I do not know what street it was; was it Hope Street? It was somewhere around here.

**The Connétable of St. Brelade:**

Bond Street.

**Mr. B. Hill:**

Bond Street? Yes, okay, and so what would be the advantage of the States and the public paying for an additional weapon when you do not intend to use it because you say ... One would hope you never use it and at what stage would one use it? Would one use it at the beginning of a conflict or at the end of a conflict? I would hope it would never be used, but if it was going to be used it would be very much as a last resort. That is what one would have thought. So would you feel safer if police were equipped with Tasers? Well, from my point of view I do not think I would and I think the general feeling of our group was, well, what about if you are an innocent person

and someone has made an allegation about you that you assaulted someone ... Look at the scenario the other day, the man who had, I do not know how large or how small his screwdriver was, but you could have a misunderstanding as, indeed, you could do with a gun, injure someone simply because a Taser gun had been used. Now you could say what a Taser is; is it an extension of a baton or is it a gun? What is it? Now if you have a baton, and certainly I know from my personal experience I used my baton once in 30 years and I had got in a bit of trouble for it because I threw it at someone. It is the last thing you should have done but I did it but, you know, how often are instruments like batons used? That was a question we asked of the police because that is what we wanted. We have come armed to you - a good expression - with the information about what is the situation out there that demands that police have an additional weapon. Now we know ...

**Deputy J.M. Maçon:**

I apologise for jumping in but I would very much like to hear from Amnesty as well so if you could ...

**Mr. B. Hill:**

Yes, I know but you have asked us to make a submission. We have now got the figures from last night and certainly from the figures one sees and one looks at them, 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? That is a question that obviously is going to be asked no doubt today. So then you go down to the extent in which there are justifiable alternatives; that is what you want to find out but maybe just to tidy up and let Ed go on for his ... Looking at the human rights implication of use, we have discussed this. I do not think we are totally qualified to do a proper audit but what we would suggest or recommend to your group that you may think about - you may already have done - is having an audit as regards to the human rights implications of the issues of Tasers. We have only thought about it but I think it would be better to have a professional view because we do not think we are professionally capable of giving a proper audit.

[11:15]

**Mr. N. Le Cornu:**

Are we allowed to come back a little bit later on that?

**Deputy J.M. Maçon:**

Yes.

**Mr. N. Le Cornu:**

I will come back a little later on then after hearing ... Thank you very much.

**Deputy J.M. Maçon:**

Sure, and from the Amnesty perspective?

**Mr. E. Le Quesne:**

Strangely, Amnesty petitioned this morning to sign about arms control. The U.N. (United Nations) are having a meeting in July to ban or control arms sales to countries where there have been quite a lot of concern about selling arms for controlling crowds in developing countries and there are a few countries still holding out on a global U.N. treaty to control arms worldwide. But really in Jersey I think when I was asked to come and speak on this submission the first thing people said: "Why do we need it in Jersey?" It has not really been demonstrated that people are out of ... the place is out of control or needs this level of response. That is really in the submission, the second page of their submission: "Amnesty does not want to see the U.K. (United Kingdom) hurtling further down the slippery slope towards arming all officers." I think we are not very sure at all there is any great need for it. Also I think the U.S.A. (United States of America) experience is that people tend to over-react and there has been a lot of use in the U.S.A. of Tasers and found that 90 per cent of victims of Taser-related deaths were not armed, you know, that people jump in and then fire a Taser and find there was not that need so I think it must be ... make sure there is a very controlled response. Just thinking of my ... I mean I have only limited experience in Honorary Police. I was 9 years a Constable's Officer and 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 so I think it is a little bit ...

**Deputy J.M. Maçon:**

Not necessary a young lad.

**Mr. E. Le Quesne:**

Yes. 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. So a very clear record of who is using it. I think those are the main points I think we would like to stress, that it is not really needed or it is not really demonstrated it is needed and, again, people can over-react with it and it needs to be a senior person who really authorises this. I think those are our main points.

**Deputy J.M. Maçon:**

Thank you very much.

**The Connétable of St. Brelade:**

I have a question. We have had some information from the States police in terms of searches on their log in terms of number of log entries they have got for certain types of words used and I will pick out 2. One shows 200 log entries from 15th November 2011 using the word "knife" and another one shows the word "gun", 200 logs from 6th December 2010. Now I know a lot of those issues would have been dealt with by conflict resolution and they are not all fully blown incidents, but would you not accept there are circumstances when using a Taser on an armed individual - and that could be knife or gun or other weapon - is an effective method of incapacitating the threat and

would be preferable to using weapons such as a CS spray or police baton? Would you accept that there are instances where the Taser would be appropriate?

**Mr. N. Le Cornu:**

I am not sure there is much use in Jersey of firearms for example, and that kind of level of violence does not seem to exist in Jersey. It is sort of low level violence; perhaps there is use of knives and screwdrivers and would a Taser be better? I think the police should be able to use various methods of conflict resolution. There was one example in the material that was circulated of where they had used CS gas to spray someone I think who had a knife and was saying he would attack anyone who came to get him. It was a domestic dispute. My own feeling is that it is the bigger picture; it is the militarisation of the police. That is what is important. That is what is going on here. You have got a new chief police officer from London who has arrived who obviously wants to have the same set of equipment as he is used to in London. One has to ask the question, why now? Tasers have been in the possession of the U.K. police for some time, why is it being introduced now? I would suggest there is a strong link with the fact we have a new chief of police and this is seen as part of the equipment which is part of the new militarisation of the police force in advance of what is going to be a period of considerable social conflict. If you want to see a breakdown in society created by economic decline and the crisis, look at Greece where there are numerous demonstrations and the police there are extremely violent and becoming more and more violent. Maybe that is not our future in Great Britain, one hopes not, but I suspect that the political authorities certainly have that in mind now. Jersey is a place where crime is at a very low level and it would appear, and certainly there does not seem to be any use of firearms, there are no criminal gangs running around having to be dealt with, so what is the real justification for the introduction of a gun and that is what it is effectively. Whether it, you know, can be described as non-lethal, this is sophistry. Just a little story: the National Rifle Association in the United States always says, they are the great lobbyist for weapons, that it is not guns that kill people, it is people that kill people. However, as Eddie Izzard the comedian once said: "The guns do help."

**The Connétable of St. Brelade:**

But I think you are skirting on an issue there. Presumably you are not thinking that armed police officers or firearms officers are needed in Jersey. I will ask you the question: do you feel that even a firearms unit and the firearms officers are needed in Jersey? If you say the crime is at such a low level that this is not needed, are you suggesting that even the firearms unit is not needed?

**Mr. N. Le Cornu:**

I think any state that seeks to defend itself will have firearms, but the police are not the Army and the police have a different function of policing society and, yes, there is a police firearms unit but one would hope it is only deployed in circumstances where they are likely to meet a return of fire, where they are likely to face situations of weapons being used against them or there might be an attack perhaps on a diplomat or something like that. But I think generally in society this is a very calm, quiet place. There is not much violence and what there is, is pretty much confined perhaps to domestic violence, perhaps to the street outside here on a Friday and Saturday night, and can pretty much be contained by the police force. Whether they need Tasers, I am not sure. If they have got them, they are going to use them.

**The Connétable of St. Brelade:**

But, again, I will just stress the point, there are instances of gun crime in Jersey and there certainly are instances of people that have used guns in an inappropriate way. We have got to remember Jersey in terms of the number of guns per head of population ... I think we have got the highest number of guns in Western Europe. Now I think what I would ask you again is do you not accept that there will be instances where the use of a non-lethal weapon is far more appropriate than somebody facing somebody with a gun? Guns are widespread in Jersey. They might not be used for crime, but they are widespread in Jersey. It would be better for a firearms officer to have the option of a Taser rather than having to use whatever firearm he is issued with.

**Mr. N. Le Cornu:**

I personally think if someone is going to use a gun, carry it around, they should expect to meet similar. If they are going to carry out an armed robbery and they might use the weapon then they should fully expect to possibly come under fire themselves from the state. Sorry, I know that is not quite the answer you want to hear as to whether these ...

**The Connétable of St. Brelade:**

But, again, then what you are suggesting is ... Well, something that could be aimed at the police is that they were using excessive force and the idea of using a Taser is not to use excessive force, so again do you not accept that the Taser would be better than using a firearm in an instance where it could be ...

**Mr. B. Hill:**

Could I come in here? At the end of the day, if you know that someone is armed with a firearm ... and that is the difficulty we have here, is when are the police going to use them because if they are going to use a Taser as, indeed, they use guns - they did not use guns but they had guns and there were members of the public ... It was Bond Street, okay, last week? Yes, we had police officers not because they are responding to someone who was a dangerous criminal armed with a gun, but we had someone who was suspected of hitting someone else with a screwdriver. Now this is what ... We talk about low crime. We have 2 of you, probably Michel has had more policing experience; I have arrested people with having weapons. I have never taken ... I took, yes, twice took guns off someone because I found them in the car but I was never threatened with a gun, but there always will be an occasion. I accept what you are saying; there will always be the occasion but it is knowing when that occasion is and I cannot see any justification why firearms were out on the street last week when someone was not armed with a gun and, unfortunately and I am grateful to Mike for sending this, but the police circled ... they obviously submitted this, I do not know when they submitted their figures to you ...

**Mr. M. Haden:**

Earlier this week.

**Mr. B. Hill:**

Only this week, yes, well we wanted these figures so it would help us in our submission but I only got these late yesterday afternoon when Mike very kindly sent

them to me and said: "This may be answering some of the questions you are seeking" and when you look at them they are like any figures, you can dress them up as you like, and so when you look at some of the examples about the times when people were sprayed and when they were not sprayed, well I want to know why they used spray in the first place, you know, some of these things ... you know, police officers are trained in conflict management. It is part of the risk business that you enter when you are a police officer and 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. The calm, peaceful resolution is a much better way of doing it but at the same time, coming back to guns, I can remember certainly as a station officer in Brixton nearly 40 years ago that one of the things we did when we did the handover from the earlier shift, the late shift, the night shift and so on, you always went to the safe and checked out the guns. We had 4 pistols there and we had officers who were there if, indeed, we ever needed them. There were occasions when firearms were deployed. They were hardly ever, ever deployed and it seems to be here that if you are going to introduce Tasers as seen as a less lethal form of weaponry are we going downhill even further; are we moving away from what the object of a police officer is for?

**Deputy J.M. Maçon:**

Can I broaden that theme which we have referred to as the culture of policing in culture and what I believe you are touching on is perhaps more away from the conflict resolution, calming down the situation through the training, and through the talking of a situation to perhaps the situation whereby what might be argued is a quick and easy response to issue and draw a Taser. Do you think there is an issue with that? Do you think the culture of the policing in Jersey might change if the States of Jersey police were given Tasers?

**Mr. B. Hill:**

Well Ed has illustrated and, of course, we have read the information as well, you could see where they had been used. They always will be misused; there have been misuse of truncheons and that happens because policemen are still human and it depends on how they react to someone. They can overeat. We always know that; that is going to happen. But one of the interesting things I did look at yesterday from the figures the police produced - and I suppose they are going to show anyway - the nature of injuries sustained by participants.

[11.30]

Well policing is a risk business and I know certainly that some of my colleagues seem to get assaulted more often than others ... and there is a question of what is an assault. Now if someone pushes you, that is an assault, and if you are arresting someone and he pushes you and they come in and say: "What have you got your ..." "Well it's like this, Sarg, and he pushed me" and I said: "Well, he assaulted me." "No, he did not. Come on, that is rough pot; rough and tumble." When you nick someone you know they might not want to do it and you are going to have put them in an arm lock; whatever you have got to do. That is part of rough and ... Now when we have the figures here surprisingly, or not surprisingly, if I ask you to look at page one of the

police presentation where they talk about the nature of injuries sustained by participants, you see how few police officers are being injured. There is a difference between injured and being assaulted because I think it is part and parcel ... People might not want to agree with me but I do believe that when you are a police officer there are going to be occasions when people, they do not want to be arrested, I understand that, and you may will have to use what you consider reasonable force on them and it may well be that people will throw a punch at you; that is part and parcel. Now it is down to the officer as to whether they want to report it or, indeed, whether the sergeant, whoever is dealing with the offence, deals with it as an assault. It is quite easy because of criminal compensation claims by police officers ... because we found that as well when police officers were able to start claiming compensation for injuries our allegations of assault went up because policemen are human. But it is interesting to see that the assaults have suddenly risen in the last year. It seems to be, you know, 2010 there were 5 and yet we have 41 officers. You are looking around 40-odd officers a year who are assaulted but we do not know the degree of assault. We are looking at probably 5 officers who may be injured as opposed to 40-odd who may have been assaulted, and assaulted could be someone who spits at you; and I think if someone spits at you there are times when you need to arrest them for assault.

**The Connétable of St. Martin:**

We have got a police chief now that has put more police officers on the beat so one would expect ...

**Mr. B. Hill:**

More chances.

**The Connétable of St. Martin:**

... more chances of being assaulted I think. But this lead to Mr. Le Quesne, I think you were trying to give the option there that, yes, Tasers come in but strictly controlled but for your organisation, are your saying do not bring them in at all? Do not introduce or tightly controlled?

**Mr. B. Hill:**

But first preference would be ... We want to see the justification for them. If they can be justified we are back to what Mike was saying, there will always be occasions when police as a last resort might need a gun. We know full well if it is a siege situation, the guy has got a gun, you know, how are you going to combat that so there will always be the need and no doubt your evidence, your recommendations will come from the evidence that you receive, and it depends how much weight you put on the evidence you are getting from us. How much evidence you are going to get from the police chief this afternoon which I hope it would be based on actual evidence rather than this is how things are in the round rather than being specific, because being specific in Jersey I do not think there is the justification for it but that is a matter for you to come to when you resolve ...

**Mr. E. Le Quesne:**

I think we have a police report. Have you seen the police report?

**Mr. M. Haden:**

It is available on the website but I can send you a copy, yes.

**Mr. N. Le Cornu:**

Can I come back to you? One of my very vivid memories as a child is being taken by my mother back to Belfast and my uncle was a sergeant in the Royal Ulster Constabulary and he fought the IRA in the 1950s and always had lots of stories to tell me. One of the vivid memories is of going to his house and as one entered the door on the side would be his bottle green uniform with the black webbing belt and the Lugar in its holster but that holster was always open because he, as he told me, never knew who was going to come to the door and if anyone came to the door about whom he was suspicious, he would have pulled that Lugar pistol and he would have been ready for an attack. He was part of an armed special unit which had a very famous engagement with the IRA in the 1950s which led to the death of someone called Gary Owen (there is a song about it) but that is a very different form of culture of policing and militarisation of the police and that is part of Britain and for me to go there, that was part of my own politicisation because I was quite shocked to see that, the weapons being carried by the police and the intention to use them very clearly manifest. My uncle told me many, many stories about their raids on houses and their use of weapons, and not only handguns but Bren guns and Sten guns and their fights with the IRA, and that left me rather frightened of the use of weapons. I understood exactly how potent they could be.

**The Connétable of St. Martin:**

We are going to be exploring this afternoon obviously with the Chief Officer and The Minister for Home Affairs, as the Firearms Law stands at the moment, the Minister for Home Affairs has brought it to the States or is bringing it to the States, but he can introduce with the Chief Officer ... under Firearms Law Tasers could be brought into the Island without consent.

**Mr. B. Hill:**

So why are we here?

**The Connétable of St. Martin:**

Why are we here? Because the Minister's taken that decision to do it.

**Mr. N. Le Cornu:**

I think there is a recognition by the Minister that he has to finesse their entry into society, into Jersey culture, because they will be used and there will be instances of misuse. That is for certain. We know that from the use of them in the United States: they can kill people, people can be seriously injured by them, and that is bound to happen because that is the nature of the weapon and by virtue of it being a gun. Part of that finessing of the weapons into Jersey culture, Jersey society, is this instance of the Bond Street siege, front page of the *Jersey Evening Post*. Call me cynical, but I suspect that that event was very much staged, that one cannot believe that a man armed with a screwdriver even if he has used it constitutes such a threat that it needs the response of an armed group. Of course, the armed police unit is filmed and is photographed. Is that coincidence? It appears on the front page of the newspaper. What it says to society, Jersey society, is this is a dangerous and violent culture. We live in a dangerous world, therefore we should have weapons and we should most certainly have Tasers which will be a much less dangerous way of dealing with these

things. We could have brought in Tasers instead of making an armed sub-machine gun unit.

**The Connétable of St. Martin:**

I just worry about that incident. I am not sure if it has been completed by the courts yet and how far the discussion goes in relation to it. A specific ... I mean ...

**Mr. B. Hill:**

That was a good example. It is a good example. Particularly one could ask the question: is this Jersey or New Jersey?

**The Connétable of St. Martin:**

I have been, like I am sure you have, to unarmed incidents up to Inspector level and we have got ... There are 2 ways how this discussion and how the review is going to go: they are going to be implemented and someone dies after their use or is seriously injured, or they are not implemented and someone gets shot. So there is not a winner as such, is there? Either way someone is going to say: "But we told you."

**Mr. B. Hill:**

But in Jersey no police officer yet has been shot. Okay? I think ...

**The Connétable of St. Martin:**

But it could happen this afternoon. Let us hope not but ...

**Mr. B. Hill:**

It could happen but that could happen anyway. We could get run over crossing the road so if you stop cars on the road because the car runs us over, you know, it is part of life. But I think it is quite important and, again, I was grateful for Mike sending me for this because, you know, we now have some information from the police themselves because I think at the end of the day probably what will happen is because they can bring them in anyway, they are going to have them. So it is important if they do have them that every strict control is maintained and one has to ask if that is strict, how strict are they going to be with Tasers because if you are going to have guys out there, police officers, a whole posse of police officers, fully armed out in the street in broad daylight, no doubt the media informed beforehand, come along ... I am not being cynical but it does seem a bit strange that here we have a firearms situation, the police officers are there and the television cameras are there watching the police bashing the door, you know. I congratulate the media on their informants but the thing is when one looks at in the event ... I am looking at the top of page 2: "Whenever police officers deploy to a violent incident part of the response process involves a dynamic arrest assessment." We all do that; every police officer does that, okay. "Of the need for personal protection of equipment ..." Well, most officers now go around with some form of protection. It is unfortunate but they do. I say it is unfortunate; maybe it seems a lot of carrying around all that stuff you might need but: "... this will include protective vests, CS spray and ASP baton. In the event of an incident being deemed a firearms incident and the appropriate authority for deployment granted, trained firearm officers will have access to further equipment which will include ASP batons and conventional firearms." Again I think it is useful, the incident we had at Bond Street, it does not matter whether it is sub-judice or not,

the fact is it happened. But where was the justification even within their own guidelines for those officers being deployed with firearms last week? Where was it?

**The Connétable of St. Martin:**

Well, we do not know the whole background. I suppose we will have to ask the Chief Officer. We do not know the whole background on what he may have been told.

**Mr. B. Hill:**

He may well choose not to tell you because he will say: "Well, it is confidential" as indeed you are getting used to in the States now that you do not get the answer you want because it is confidential and what it is, is they do not want to tell you; just confidential but, you know.

**The Connétable of St. Brelade:**

Just going back to the proposition, part 4 clearly states in the proposition that Tasers will only be used by firearms officers. Now I know you have mentioned the U.S.A. I think the majority of instances in the U.S.A. and Canada will be put down to officers that are not firearms officers, they may have been specially trained, they may be just beat officers, call them what you will, but again it is another question and I just really want an answer from you: will you not be reassured at all by the statement that Tasers would only be used by fully trained and authorised firearm officers in ...

**Mr. B. Hill:**

Yes, but we do not ...

**The Connétable of St. Brelade:**

Hang on, let me finish ... and by saying that no creep into general use by specially trained units, using strict A.C.P.O (Association of Chief Police Officers) guidelines or possibly even stricter local guidelines. Will you not be reassured by the fact that the guidelines will be so tight and the fact that that is even included in the proposition itself?

**Mr. B. Hill:**

But the guidelines are there already. They are almost the same as what we have at the moment and yet firearms were deployed for someone with a screwdriver so are we then to say that in future any one ... I have got to take the screwdriver at the back of my car which I carry, I always carry a few tools about in my car, am I going to ... Sorry, I know I may be being a bit facetious but, you know ...

**The Connétable of St. Brelade:**

Yes, but I will put my point on that. It is easy to say it was a screwdriver. You know very well when the police are recording these incidents on the lot, if somebody is called in with a stabbing, they do not know what the stabbing is and it is easy to look in hindsight and say, well, it was a screwdriver because that is what they found but the fact is ...

**Mr. B. Hill:**

But the police officers are ...

**The Connétable of St. Brelade:**

... when the incident is called in, it is called in as a stabbing. It could be a knife, it could be a screwdriver, it could be a machete, we do not know, and the officers will not know so that is when they will make a decision to deploy.

**Mr. B. Hill:**

But we have something called intelligence.

**The Connétable of St. Brelade:**

When a call is made, there are not officers on the scene. You have got to accept that ...

**Mr. B. Hill:**

I accept that, yes, yes.

**The Connétable of St. Brelade:**

... that particular incident, when that call was made, the weapon used could have been any weapon.

**The Connétable of St. Martin:**

Mr. Le Quesne had something.

**Mr. E. Le Quesne:**

I think we are putting too much on this incident really. I think the idea of Jersey having Tasers is a step change for Jersey and we ought to be very careful before we go into this step change of having Tasers.

**Deputy J.M. Maçon:**

Mr. Le Quesne, can I ask you a question? We did ask the police to give to us the amount of times on average that they authorised firearms. They told us that they have on average about 12 to 18 deployments of firearms per annum. A portion of these may be for close protection during a VIP visit and some pre-planned operations, approximately half are spontaneous instances where the relative criteria for deployment are met. They did go on to say that the States of Jersey have never fired a shot in an authorised firearm deployment but instances have involved the pointing of a firearm at a suspect. So if you go back to the culture and you we are saying, yes, although we accept that we allow the police to use firearms but the evidence shows us that they have never used it, does your group have any comment on then what does that suggest about Tasers in that it is seen as a less lethal weapon? There is certainly evidence we have had from the public that there seems to be a greater suspicion of the wanting to use the Taser, although it would be interesting that they should be deployed at the same time as a firearm. Do either of you have any comment on that? Again, it is going back down to the step down approach.

[11:45]

**Mr. E. Le Quesne:**

Yes, step down I think, yes. I think it is a bit more than is needed. I do not think we need the Taser, the firearm is there but very rarely used. I think it would be sad to have Tasers over here as a weapon. Only if police really show it is needed and there is an upsurge in violence I think.

**Deputy J.M. Maçon:**

Can I just push you there? What criteria for the police to make the need ... For them, what are the key things in their justification would you want to see?

**Mr. E. Le Quesne:**

I want to see a number of cases of where perhaps policemen are injured or members of the public are injured because of violence which a Taser would have perhaps stopped the person doing, but I think from what Bob Hill has said there has not really been many cases at all.

**Mr. N. Le Cornu:**

I cannot think of an instant where a weapon has been fired by someone in Jersey; fired at a police officer or at someone else. I may be wrong but my impression is Jersey is not that kind of culture as far as I am aware.

**Mr. E. Le Quesne:**

There is an exception about the one last year when that stabbing took place. A Taser would not have been of much use there because it all happened by the time the police got there.

**Mr. N. Le Cornu:**

Criminals are arrested in this Island. There are drugs gangs no doubt operating here but they do not seem to be found in possession of weapons. That is not part of the culture. 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.

**The Connétable of St. Martin:**

Looking at the police officers themselves, any officer involved in a fatal shooting (and I did the firearms managers course in the U.K.) the experience they go through afterwards, I mean they are virtually treated like a criminal. They are segregated from their colleagues and if they had been able to use a Taser just to save a situation where they have not had to shoot because if they are going to shoot someone they are more than likely going to kill that person, whereas they will ... It then goes on to ... I mean if your organisation thinks ... Well, I know you think against it but if the Tasers come in, do the panel ... and this is the recommendation then from you, with very strict controls as to who uses it, who has access to these, are they going to be in a police vehicle travelling around the town 24 hours a day, 7 days a week?

**Mr. B. Hill:**

Could I just correct something you just said? Our group are not opposed to Tasers. What we are asking for is justification for them and if it can be justified then we will support it but we are looking for the justification and until we have got that it is like everything else, you say no before you say yes, you know, and we are looking for justification. We come back to ...

**Deputy J.M. Maçon:**

Just to be specific, can you tell us what are the key indicators that you think could justify ...?

**Mr. B. Hill:**

Well, if you start from the precept of common law policing, the policing should be to not get yourself into a situation where you need guns. You should be able to resolve things without the use of guns. You should be able to resolve things without the use of a truncheon, okay, and I think to come back to a question that was asked earlier, on what occasion should a gun be used? It should be life-threatening. Life-threatening to whoever that person himself ... We had the incident - I forget the guy who he is but the one who shot the police officer in the eyes and then died - now we are not sure how he died but, you know, was he life-threatening to him as the offender or was it a life-threatening situation to the people around the public, or life-threatening to the police officer? Each one of them has the right to be defended and I come back to what Michel says, on what occasion would a gun really be needed if you consider yourself in such a situation where someone is going to kill someone then that may well be the occasion. Now what we are saying is maybe if we introduce a Taser we are less likely to use it. I think that is 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.

**The Connétable of St. Martin:**

How do you think the Chief Officer and the Minister for Home Affairs should report the use or deployment of Tasers if they come in? Should every deployment be reported? Every time it is drawn and taken out, should it be recorded?

**Mr. B. Hill:**

It would be. I assume it would be. I did ask the question ...

**The Connétable of St. Martin:**

I do not know if it will be. CS spray was going to be every time and I do not know if CS spray is now notified every time to the public how often it is used. I notice one of the submissions recalls the incident in the back of a police van that took place during the football match. You know, someone has remembered that and it was used probably inappropriately. I do not know, I was not there but ...

**Mr. B. Hill:**

That is a question we did ask of the Chief Officer. We wanted to know how many times a truncheon had been used. I know certainly in my time that if you used a truncheon you had to put a report in so consequently you did not, although you still had officers who would use them because we have always had officers who are quick off the draw; that is the nature of it. Quite often they are the ones that get assaulted, do they not, because their training seems ... But could I just say something else which is important I think. Have you read R18 - it may well be worth looking at R18 - which is a complaints report by the complaints board?

**Deputy J.M. Maçon:**

We have got that, yes.

**Mr. B. Hill:**

Fine. Well done. Yes, okay. As, indeed, one can see that maybe police officers say they have been assaulted, and I do support the principle of good policing, but it is sort of interesting to know that 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 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 but, again, at the same time we all know it is easy to make a complaint. It has to be justified. I accept that and, indeed, if you are in more confrontational situations you are more likely to get a complaint.

**Deputy J.M. Maçon:**

I am very conscious of time. Do we have any final questions?

**The Connétable of St. Martin:**

No, just that we have spoken about the use of CS spray being ... I mean it is the same with handcuffs because when I joined the police force you could not have handcuffs at any time and then you could only have them if were to be hidden and that gradually crept, and now you have got the quick cuffs. It seems, you know, how things develop that everyone who is arrested, or virtually everybody, is quick cuffed and that is how the change in life has gone and I suppose that, you know, could cement your point.

**Mr. B. Hill:**

The escalation.

**The Connétable of St. Martin:**

Yes, the escalation.

**Mr. N. Le Cornu:**

Can I just make a point? It does seem that police officers may want to use a weapon rather than get involved in a physical contact. Put cynically, why not use the gun when you might possibly lose a button off your uniform? A Taser is probably so easy to use. The great fear is there will be a culture of their use; that if there is an incident where an officer is unsure and uncertain, he will just pull out his gun. Of course, YouTube, the video site, is full of these amateur camera shots of officers using Tasers with what seem to be a fairly sort of ... I will not say gung-ho fashion, but they just pull them out, there are no warnings; it seems to fire and someone is hit and they are down and it is probably very easy for an officer to do that.

**The Connétable of St. Martin:**

I think we share those concerns.

**Deputy J.M. Maçon:**

Do you have any further questions? I just invite you if you do have any final comments or anything that you feel that the panel should be made aware of now is your opportunity to do so. So I ask you in turn, Mr. Le Quesne, on behalf of Amnesty?

**Mr. E. Le Quesne:**

No, that is fine.

**Mr. N. Le Cornu:**

None, thank you.

**Mr. B. Hill:**

No, I think you are to be complimented in carrying out the review you are and I think you are probably coming in like we are, you need to be convinced and if you are convinced we hope that there will be all the stringent controls put on them and there will be justification again. So it is not about Bond Street but it does worry me, the fact that, you know, you can have a situation where because the lack of intelligence ... and even with the best will in the world the intelligence you get can be wrong. I can accept that but we do not know what information they got. But I do worry about the escalation of police actions the more you give a police officer, as Michel has said himself. I had my truncheon here and I had my whistle here and I had my blue arm band. I went to the reunion last week in London where I first policed and nothing has changed. People are still people. It is the attitude that has changed and I have concern that if they are going to be justified we will have all the stringent controls put in place and they will be monitored. Of course I would be interested to know how the monitoring comes from what happened in Bond Street.

**Deputy J.M. Maçon:**

On behalf of the panel, may I thank you for your time and your submission. Thank you. That draws a close to this hearing. May I ask the members of the public and the media please to withdraw from the room.

[11:56]