

STATES OF JERSEY

Education and Home Affairs Scrutiny Panel Taser Review Hearing

FRIDAY, 27th APRIL 2012

Panel:

Deputy J.M. Maçon of St. Saviour (Chairman)
Connétable S.W. Pallett of St. Brelade
Connétable M.P.S. Le Troquer of St. Martin
Deputy M. Tadier of St. Brelade (Co-opted panel member)

Witnesses:

The Minister for Home Affairs
Chief Officer, States of Jersey Police
Chief Firearms Instructor, States of Jersey Police

Present:

Mr. M. Haden (Scrutiny Officer)

[14:31]

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

Good afternoon and thank you for joining us.

First of all, I would like to begin by thanking the department and the States of Jersey Police for the information they have provided to us. We are very grateful to have received that. Minister, if I can kick off with a question to you. What evidence is there for the claim that there has been a notable rise in incidents in Jersey requiring a firearm response in the past 2 years?

The Minister for Home Affairs:

Is that a claim we are making?

Mr. M. Haden (Scrutiny Officer):

I believe it comes from the Police report.

The Minister for Home Affairs:

What is the basis of the claim?

Chief Officer, States of Jersey Police:

Of increased incidents in firearms responses?

Deputy J.M. Maçon:

The claim that there has been a notable rise in incidents in Jersey requiring a firearms response.

Chief Officer, States of Jersey Police:

There is normally 12 to 18 deployments a year, somewhere between those, half of which are either pre-planned or V.I.P. (Very Important Person) protections and the other half are responses to spontaneous incidents, so it is in the order of between 6 and 9 per annum.

Deputy J.M. Maçon:

Has that curve been a continual one for past 5 years, shall we say, or has there been a notable spike?

Chief Officer, States of Jersey Police:

I would like to refer, if I may, to my Chief Firearms Instructor because I only have 15 months' experience in the States of Jersey and he has been our instructor since 2006.

Chief Firearms Instructor, States of Jersey Police:

2006, yes. I would not say there has been a noticeable increase, to be honest. Historically, we have run between 12 and 18 deployments annually. As the Chief alluded to some of those are pre-planned jobs where we have royal visitors and the criteria for arming is met by their presence in the Island, but historically 12 to 18 jobs per year has been, certainly since I have been Chief Firearms Instructor since 2006, the norm.

Deputy M. Tadier:

I think it is the spontaneous ones we would be particularly interested in so if you do find out the figures, maybe you can pass them on. As far as you know, you do not think there has been a particular increase in spontaneous need for firearms?

Chief Firearms Instructor, States of Jersey Police:

No, I would say confidently it has been between 12 and 18 per annum, certainly since 2006, that has been the average deployments.

Deputy M. Tadier:

Yes, and that includes the V.I.P. visits?

Chief Firearms Instructor, States of Jersey Police:

That includes both spontaneous and pre-planned, yes.

Deputy M. Tadier:

Thank you.

The Minister for Home Affairs:

Sorry about that, we seem to have a typographical mistake but you are quite right, there is a sentence in the documents the police provided which says that there has been a notable increase and clearly we are not saying that, so I apologise for that.

Chief Firearms Instructor, States of Jersey Police:

There may have been a blip in relation to that. Obviously we did have Mr. Curtis Warren here for a substantial period of time and those figures may have been a result in relation to Mr. Warren being here.

Chief Officer, States of Jersey Police:

Of which there were pre-planned authorities, quite a number of those, I would imagine.

Chief Firearms Instructor, States of Jersey Police:

Yes. We counted his movements - well we had armed police supervising his movements - as one authority. He may have moved 15 or 20 times in that time. If we were to do anything else, if we were going to take him from here to hospital or from here to the Magistrates' Court, that would be a separate authority. So we did not count every authority but there may have been a blip there with his being in the Island.

Deputy J.M. Maçon:

Thank you. Minister, would you concede that the need for the firearms deployment is relatively low in Jersey or extremely low?

The Minister for Home Affairs:

I do not know if it is relatively low because I have nothing to compare it with but we try to keep it down as much as we can, clearly.

Chief Firearms Instructor, States of Jersey Police:

May I also say as well in the last 12 months the criteria for issuing of firearms has changed as well. It used to be: possession of a firearm; access to a firearm. It now is: possession of or access to a firearm or any other potentially lethal weapon. That is the national criteria as given out by A.C.P.O. (Association of Chief Police Officers).

Deputy J.M. Maçon:

Is that because the A.C.P.O. guidelines changed?

Chief Firearms Instructor, States of Jersey Police:

Absolutely, yes. It does not just include firearms, it includes any potential lethal weapon. That could be a piece of wood with a nail in it, it could be a chainsaw or it could be a samurai sword. It has broadened the criteria for issue.

Deputy J.M. Maçon:

Thank you.

Deputy M. Tadier:

This might be an appropriate time to ask about the interplay between firearms deployment and Tasers, the envisaged use for Tasers. Sometimes they are grouped together with firearms, there is a suggestion that they should be deployed by officers who have firearms training; other times we are told that it is not appropriate to deploy Tasers in the same situation as firearms, so I think clarification would be helpful on the types of scenario.

Chief Officer, States of Jersey Police:

I have made sure I have had experience with Tasers since their introduction in reform and I have always deemed it appropriate to issue them to authorised firearms officers who are very highly trained in conflict situations, to give them the option to make a choice, together with a tactical adviser, either prior to attending a scene or at the scene to say: “Okay, the original intelligence was for firearms but now we have assessed it we have realised that is pushing it too far and a Taser is more appropriate.” The thing is Taser looks like a firearm but it is not. I would prefer that they were issued ... some forces issue them to other officers who have had specific training for Tasers but my preference has always been to issue them to authorised firearms officers because they are highly trained and can make very difficult decisions in very tense circumstances but psychologically analysed before taking such training. So in our case I would only ever seek authority to authorised firearms officers to carry the Taser to give them a choice of tool to deal with the situation we put them in.

Deputy M. Tadier:

There is a situation, we have just obtained figures (I have given them to our officer) that show currently in the U.K. (United Kingdom) 32 per cent deployments in the use of Tasers would be from non-firearms officers. Do you think that would be the case eventually in Jersey?

Chief Officer, States of Jersey Police:

No, I think we probably have 31 authorised firearms officers in the force and I deem that sufficient for the volume of calls we get and looking at the historical evidence. It would be very difficult to compare Central London where I have just spent the last decade with Jersey; it is a bit like comparing an apple with an orange. What is right for Commissioner Hogan-Howe in London might not be the case here.

The Minister for Home Affairs:

I notice in the draft proposition, paragraph 5, that we are only proposing that Tasers be used by authorised firearms officers.

The Connétable of St. Brelade:

Paragraph 4.

The Minister for Home Affairs:

Paragraph 4. Yes, sorry, I cannot read today.

Deputy M. Tadier:

Jeremy, do you want to ask the question about part (b) in that proposition as well?

Deputy J.M. Maçon:

Please, Monty, certainly.

Deputy M. Tadier:

I do not have it handy but I do have it here. The point is paragraph 1(a) is quite clear. It talks about the circumstances in which a Taser can be deployed. This of course is according to the current draft. We recognise it is only a draft; it could be subject to amendment by yourselves or by States Members potentially. It would allow firearms officers but there is also a provision in part (b) which says “or” so implies that it would not have to be carried by firearms officers and it talks about specific threats of

physical violence which we find, first of all, perhaps slightly vague, non-specific and it also allows the possibility for those who would not normally carry firearms to use Tasers. Is that the intention, Minister?

The Minister for Home Affairs:

Absolutely not. Can I just explain the generation of paragraph (b)? If you have in front of you the draft report, you will see it sets out the A.C.P.O. policy on the operational use of Tasers and you will see that the first part of that mirrors 1(a). But then you will see it has 1(b) which reads ... the authorising officer means the officer authorising the deployment of it, not the officer in possession of the item: "... where the authorising officer has reason to suppose that they, in the course of their duty, may have to protect the public, themselves and/or the subject(s) at incidents of violence or threats of violence of such severity that they will need to use force." My view and that of my Assistant Minister was that that was too wide, that in fact that could potentially be open to mis-use in the sense of: "It is Friday night, lads, we are going to have some trouble so let us take the Tasers with us" type of approach. I am sure that would not happen under Mike's leadership but potentially that was our concern. That is why (b) is an agreed re-draft, agreed between myself and Mr. Bowron, and we have tried to build safeguards in there. If you think that there are additional safeguards we could usefully build in then so be it, but the intention there is this, is at the point of the authorising officer, so this has nothing to do with the actual officer ...

Deputy M. Tadier:

What I am concerned about, Minister, is the deployment of this; I am not particularly concerned about who is giving the authority to deploy. But the way it seems to be worded with the order is it seems to allow for non-firearms officers to deploy a Taser if there is a specific physical violence which could take place outside ...

The Minister for Home Affairs:

No, no, this is referring to the deployment; this is referring to the authorisation of the thing deployed.

Chief Officer, States of Jersey Police:

There is absolutely no intention whatsoever to issue these to other than authorised firearms officers at all. Other forces in the U.K. do but we will assess the situation here. I do not think it is necessary. We have at the moment 31 authorised firearms officers.

Deputy M. Tadier:

That clarification is helpful and that is what we wanted.

The Minister for Home Affairs:

If you wanted to make it absolutely clear, the clearest thing we could say: "... where the authorising officer is satisfied that there is a specific threat of physical violence to any person which requires a Taser to be made available as a necessary appropriate level of response." That was the intention and by taking out the words "authorising officer" I did not intend to change the purpose of the section.

Deputy M. Tadier:

That is understood. I think that is helpful for the panel.

The Minister for Home Affairs:

Yes, does that help you? That might be in agreement.

Deputy J.M. Maçon:

But further on the point (b), certainly how it differs to the criteria used for armed officers, the way that it has been structured here it does seem to, because of the “or”, allow for situations whereby it may be inappropriate to deploy a conventional firearm but it allows the envelope to allow the deployment of Tasers.

The Minister for Home Affairs:

Yes, there was definitely a gap. I was discussing this with Mr. Bowron before and he will no doubt elucidate on that further but there are definitely situations in which it would not be appropriate to deploy firearms but would be appropriate to deploy Tasers.

[14:45]

Indeed, somewhere in the notes here you have I think ... no, it was not in the section we sent you but in fact we can set out the test which is applied currently in relation to when deploying a firearm is okay in practice as stated by the officer here and you will see that that is a much higher test. It is talking about somebody having a gun or a lethal weapon.

Chief Firearms Instructor, States of Jersey Police:

A potentially lethal weapon.

The Minister for Home Affairs:

A potentially lethal weapon. You can see even on the basis of that test, perhaps it would be useful if I could say exactly what that test is again, if I can find it.

Chief Officer, States of Jersey Police:

These things would only be deployed from a locked safe in a specific police vehicle or headquarters; not for overt patrol. They are sealed in a locked environment before deployment.

Deputy J.M. Maçon:

As you raised it, can I ask, how does the States of Jersey Police Department see the deployment of Tasers in the sense of you talking about the police car? At the moment, as I understand it, in order to get a firearm, one would have to go the army or the police before it would be issued. I believe the proposal is to allow Tasers to be put (although in a locked safe) inside a police car. Can you give us an idea about how many police cars? Is it one police car or is it going to be many police cars? Just give us a better understanding about how it would work.

Chief Officer, States of Jersey Police:

It would be utilising the current safes in police cars which are used for authorised firearms officers of which I believe we have ...

Chief Firearms Instructor, States of Jersey Police:

We have 3: 2 unmarked vehicles with an armoury and we have the one overtly marked A.R.V. (Armed Response Vehicle) which carries a range of weaponry, both conventional and less lethal technology, permanently. That obviously cuts down our reaction time and our delivery time by half.

Deputy M. Tadier:

Currently, the less lethal things like CS spray ...

Chief Officer, States of Jersey Police:

No, CS spray is carried by all of us as a matter of course.

Deputy M. Tadier:

Okay.

Chief Officer, States of Jersey Police:

But the less lethal option which Sergeant Machin is referring to is what is commonly known as the baton gun, the ...

Chief Firearms Instructor, States of Jersey Police:

Yes, the launcher.

Chief Officer, States of Jersey Police:

The launcher.

Chief Firearms Instructor, States of Jersey Police:

It is a rubber bullet based one.

Chief Officer, States of Jersey Police:

Which are normally deployed in conjunction with conventional firearms and authorised firearms, giving them the choice at the scene, but the baton gun is very limited with its options in what you can do.

Deputy J.M. Maçon:

So just to confirm that figure, is that 3 vehicles?

Chief Officer, States of Jersey Police:

Yes.

Chief Firearms Instructor, States of Jersey Police:

We have a permanently armed vehicle, one overtly A.R.V. We have the capability to put another 2 unmarked vehicles on the road with weapon systems in a tamper-proof safe should we need to.

Deputy J.M. Maçon:

Okay. Is the proposal then to stick to that number or is the proposal to expand the number?

Chief Officer, States of Jersey Police:

No, no proposal whatsoever to increase the number. I think it is sufficient, Jeremy.

Deputy J.M. Maçon:

Okay, thank you.

The Connétable of St. Brelade:

In terms of firearms-trained officers, how are they deployed within the States of Jersey Police at the moment? Are they on shift?

Chief Officer, States of Jersey Police:

They are doing all sorts of jobs. Because of the size of the force and the breadth of police functions we have to carry out we have double and triple-hatted officers in some cases and so we do not have full-time authorised firearms officers. We have a full-time trainer and the support staff. But, no, they will be doing other jobs as a matter of course but my responsibility is to ensure that we deploy our resources so that there are sufficient numbers available at any one time 24 hours a day.

The Connétable of St. Brelade:

I am thinking more of the case of reaction time and the fact, is there a firearms officer on on each shift?

Chief Officer, States of Jersey Police:

Well that is a constant. Yes.

The Connétable of St. Brelade:

For example, that would allow you to react in a quick manner?

Chief Officer, States of Jersey Police:

It is my responsibility to ensure that I can get sufficient firearms response 24 hours a day to any situation in Jersey. Clearly, it would not make economic sense to have a full team of firearms officers sitting around just waiting for a firearms job when you have between 6 and 9 spontaneous incidents a year. You could not justify that so they are doing other jobs but they have access to their personal equipment and will down tools, whatever their day job is, and be able to respond ... you have to be fleet of foot.

The Connétable of St. Martin:

The police car could go to the incident immediately and await the arrival of the officer from C.I.D. (Criminal Investigation Department) or wherever he may be working?

Chief Officer, States of Jersey Police:

Wherever they are working, yes. Which would mean in most cases perhaps backing off, assessing a situation, keeping the public safe until such time ... and how long is a piece of string? I cannot give an instant response time. It would depend on the time of day and the resources available but so far in my first year and a half here I have been pretty impressed with our response times but it is very normal.

The Connétable of St. Martin:

Just one thing when we started, and it covers a little bit that we have just mentioned, the criteria changed about the use and you said you follow the A.C.P.O. to put out the lethal weapon, could the criteria change if Tasers were approved: it went to the States and you have an order how they are going to be used, who they are going to be used by, could it then be changed without referral back to the States?

The Minister for Home Affairs:

Yes, it could be. It is not my intention to do that but if you had a Minister who took a more robust approach than I have done in this case, he could say: “Well I am just going to authorise a change to it.” But that is so in relation to any aspect of policing work. This is an unusual situation that we have here that in recognising sensitivities in this area I have taken the view that the right thing is to take the proposition to the States so that my colleagues can look at this. But of course there are always changes taking places in terms of police policy which will be made either at the level of the Chief Officer or at the level of the Minister.

The Connétable of St. Martin:

But you can understand the reaction of some people in the 600 submissions that have come through to the panel: there are some pro; some against, it might be quite cynical, that it has been passed through and in 6 months’ time the Chief Officer or yourself decides to change the ... and it can be like we were speaking on a little bit earlier there with the Deputy, being used by other officers who are specially trained not just firearms ...

The Minister for Home Affairs:

Yes, well I do understand that but I cannot bind my successors. I can only say what I will do as long as I am Minister what I have authorised; I cannot bind my successors.

Deputy M. Tadier:

To what extent is it an operational matter that ... I completely understand now we are considering the introduction of Tasers. It is a very new concept and I think we all agree it is right that it is levelled to a certain level of public scrutiny because it is a political issue not simply an operational one. But if changes were to take place and the police officers and the police chief in particular felt it was necessary to give a wider access of Tasers to police officers, would that decision even need to come to you or is it something that could simply be made by yourself ...?

The Minister for Home Affairs:

I think this is our policy and it is policy which is in the power of the Minister to set, certainly expressly under the new Police Force Law which allows policy to be set in relation to matters which impinge on image or reputation of the force. Clearly this is a politically-interested matter and this is clearly a matter with sufficient public interest for it to fall within that category.

Deputy M. Tadier:

The second part of the question is what I am interested in. Presumably it is purely an operational matter if the police want to decide, rather than keeping one Taser in a van which can be deployed under certain circumstances, they want to issue them to a more numerous amount of police officers. Surely that would not be for you to get involved with.

The Minister for Home Affairs:

I think it would be once I have set a policy.

Deputy M. Tadier:

Would you agree with that?

Chief Officer, States of Jersey Police:

I wholly accept that and obviously if I took a stand then to issue them to all officers it would be fairly obvious. It is bright yellow, like a firearm, and I think I would be called to account fairly swiftly. In this public environment I am happy to say that the resources I have, as of today, 31 authorised firearms officers; that would be sufficient. These would be highly trained, tactically and psychologically profiled for the job and in whom we trust to carry real firearms that fire real bullets, to have another option which is less-than-lethal in their armouries so they can make a choice at the scene that ... let me give an example. I am aware that Guernsey have had Tasers since 2006, deployed perhaps on many, many occasions but only used once and correct me if I am wrong, Sergeant Machin, but I believe it was a man armed with a samurai sword walking down the main street in Guernsey.

Chief Firearms Instructor, States of Jersey Police:

That is correct, yes.

Chief Officer, States of Jersey Police:

That would be an extreme but possible set of circumstances anywhere, so what would be the correct response to that? Firearms: unless anyone's life is in immediate danger, probably not. Baton round: again, it might be pushing it but I do not want my officers going right up to a person with a samurai sword with a baton or CS. There is a huge gap, literally a physical gap, between CS and baton, baton rounds and firearms, in my professional opinion, that needs to be closed, but extremely unlikely extreme circumstances that are nevertheless possible.

The Connétable of St. Brelade:

How was that incident resolved?

Chief Officer, States of Jersey Police:

With a Taser.

Deputy M. Tadier:

Was it deployed? Was it fired?

Chief Officer, States of Jersey Police:

It was. It is the only time they have ever used it. I also have experience from their inception in 2004 in the City of London until such time that I left and came here last January, I cannot give you the exact figure of the amount of times it was deployed in similar ... by authorised firearms officers, probably 100, 200 in that time, and only ever used once. Once.

Deputy M. Tadier:

Would it be the intention, and perhaps this is for the Minister to answer, to only use a Taser in a situation where there is an actual or reasonable suspicion of a firearm or something that could be construed as a weapon? Is that the intention?

Chief Officer, States of Jersey Police:

Yes. Perhaps Sergeant Machin can give you the criteria.

Chief Firearms Instructor, States of Jersey Police:

The criteria for issuing firearms is obviously: possession of a firearm or any other potential lethal weapon, has access to, or what they categorise as “otherwise so dangerous”. A person is otherwise so dangerous. Tactically, physically aware of what police capabilities are if for argument’s sake we had someone in here who needed to be subdued, if they have enough information about police tactics and police weaponry they could position themselves in this room whereby none of the weapons we have or the conventional forms would be suitable.

Deputy M. Tadier:

Yes, I understand that.

Chief Firearms Instructor, States of Jersey Police:

Taser may well be that stop gap.

Chief Officer, States of Jersey Police:

If I may, there is another recent phenomenon identified globally over the last few years titled “suicide by cop” where somebody has decided they want to end it all but rather than do it themselves they would rather a police officer despatch them. That is a very unfortunate set of circumstances which has occurred in the U.K., it has occurred in the States many times. I would much rather my officers had the opportunity to deal with such a set of circumstances with less lethal means.

Deputy J.M. Maçon:

Though presumably there is no evidence of that happening here?

Chief Officer, States of Jersey Police:

No, of course not. This is a safe Island but you cannot rely on the fact that it is never going to happen.

Deputy M. Tadier:

Can I just make a last point and then I will give over to the rest of the panel. The arguments we have been getting from some quarters is that ... first of all I understand that I do not think a shot has been fired in Jersey anyway. We are not in a situation where we have a high level of crime and I think you said yourself that this is not London so there is clearly a balance to be made here between the public perception and the reality of what the crime is and then be involved in a hypothetical situation. Do you accept the fact that in the Jersey context there is some opposition to this because it does seem to be overkill?

Chief Officer, States of Jersey Police:

Of course I accept it. It is a very controversial subject but I have been through this process in the city and been through this debate many times, long before 2004 when it was first noted. I have been qualified to accredit senior officers as gold commanders since the late 1990s effectively, so I understand this. I have studied less-than-lethal weapons. I am F.B.I. (Federal Bureau of Investigation) trained, I have seen a whole raft of less-than-lethal options for dealing with difficult people and so I speak with some experience. But I am proud to say that, as I say, in my 9 years in the City of

London, and I was Commissioner for the last 5 of those, it was only used once. Can I share that experience with you in terms of how that was deployed?

Deputy J.M. Maçon:

Please.

Chief Officer, States of Jersey Police:

This was a female on London Bridge who was determined to kill herself but armed with a knife. Every time the officers tried to stop her leaping off the parapet she tried to stab them. On the final attempt to jump into the River Thames, a Taser was deployed. It saved her life. It might sound a bit rough and brutal but it saved her life. It was the only ... every other option had been considered and rejected and that was it. A long-standing issue and the woman was going to try and kill herself, so that was my experience over 9 years.

Deputy J.M. Maçon:

Thank you. Minister, you gave an appreciation that this was a sensitive issue, can you just expand from your perspective what you feel the sensitive issues are regarding this subject?

The Minister for Home Affairs:

I think that the public were concerned about general deployment of it and we are not proposing that. I think that there are concerns in relation to the fact that it is possible if you Taser somebody and they have a particular health condition ... or because they sometimes will just keel over as a result of being Tasered. Sometimes I understand they will freeze where they are but other times they will just completely keel over. There is a risk of serious injury associated with that in terms of striking their head on the floor; things like that. It is one of the factors officers have to seek to take into account. I am not saying that the use of a Taser might not in some circumstances cause serious injury and that, I think, is an issue which will cause concern to the public.

[15:00]

But of course what I would say is that it is far, far, far less likely to be so than the deployment of a gun, the use of a gun, and that is the whole point of the issue. Here you have something which is not designed to kill; it is designed to incapacitate. It is not designed to cause pain. It is designed to incapacitate so the person can be arrested.

Deputy M. Tadier:

The problem we have here from one aspect is that we are being told that it is a better option than a gun but we are also being told that a gun has never been used at all in Jersey. It has never been shot in anger, apart from perhaps for training purposes, so we would need to be convinced, I think, the body of evidence we need to be given from you, Minister, and the police, is there is compelling evidence that Tasers are needed in Jersey.

Chief Firearms Instructor, States of Jersey Police:

I will give you an example of my first firearms deployment when I nearly shot somebody in 1998 in Jersey. I did my initial firearms course in 1998 in April. The October we were deployed to Trinity Arsenal to a report that an individual had contacted an ex-girlfriend, met her in town for a coffee, opened his jacket, showed her a shoulder holster with a black pistol in. He loaded the pistol from the bottom and racked the action, she said, so a semi-automatic 9 mm pistol essentially. He has then put it back in and informed her that the next bullet was going to be fired was going to be at her new boyfriend. We contained the house, there was an observation point put in. The individual comes out of the house, we challenged the individual, we were pointing guns at him, the safeties were off, our fingers on the trigger, he smiles and put his hand straight inside his jacket and looked me square in the eye, at which point I began to pull the trigger. His only saving grace is the fact that we planned and looked at contingencies and looked at backdrops, et cetera, the area we defined and the resources we had, the tactics and training we have. We took 3 or 4 paces forward, shuffled forward, and again insisted that he desisted from what he was doing. He put his hand up, took his hand out, he placed on the floor, surely enough there is a shoulder holster and a hand gun in there. If we were not trained to the standard we are there was a chance he would have got shot. That is being on the section for 6 months in 1998. You do not get to hear about these situations.

Deputy J.M. Maçon:

No, and we absolutely appreciate that. Obviously these things are not always made public and the police have to deal with extreme situations which politicians normally do not see. But just referring back to part (b), given the way it has been drafted and given what you have already told us, therefore, if this is to be used and seen as a bridge between something like CS spray and batons and then on to firearms, if this is a bridge then inevitably, presumably, there is an assumption that it will be used to a significant amount?

The Minister for Home Affairs:

Yes, there is a category of case in which you would not deploy firearms where you would deploy Tasers. That is undoubtedly so. There are also categories of case where at the moment because you do not have Tasers you would deploy firearms. Before when I wanted to compare, I have now found the right section here, the difference of the test. These, the notes tell me, are the current criteria for the deployment of armed officers; correct me if it is wrong: "A reason to suppose that officers may have to protect themselves or others from the following subjects. A person who is in possession of or has immediate access to a firearm or other potentially lethal weapon or is otherwise so dangerous that the deployment of armed officers is appropriate." That is the current revised test which is applied.

Chief Firearms Instructor, States of Jersey Police:

That is correct.

The Minister for Home Affairs:

Within that definition there are clearly occasions where we would want to deploy Tasers instead of a firearm or Tasers together with a firearm. If you then compare what we have drafted at the moment which is what we are discussing, which was intended as they say to be a tighter test than the A.C.P.O. test, a reason to suppose that there is a specific threat of physical violence, and put in there a specific threat to get

rid of the possibility under the A.C.P.O. guideline of a general threat being perceived. A specific occasion is specific ...

Deputy M. Tadier:

It does not say what a specific threat is. It says “if there is a specific threat” but we do not know how that specific threat is defined as to the issue.

The Minister for Home Affairs:

This is what we are debating: what the test should be. At the moment we have: “... where there is a threat of physical violence to any person which requires a Taser to be made available as a necessary and appropriate level of response to that threat.” That is a lower test clearly than the test which I have given you in relation to firearms. You have 2 areas of potential deployment: you have a potential area of deployment where a firearm is at the moment deployed, or might be deployed, under the firearms test and then you have another section where the firearms test would not be met but nevertheless would even still be appropriate in order to reduce the risk of harm either to police officers involved or to the individual or to third parties.

Chief Firearms Instructor, States of Jersey Police:

May I just say as well on that note, the criteria for deployment of a firearm or Taser, regardless of what the words say, is far less than the actual use of the device and that must be borne in mind. The criteria for deploying firearms into the street is set out there. The criteria for an officer to fire that firearm is far, far higher as it is with Taser. Officers walk around daily with CS and an ASP of course because they know the criteria for them to carry it and patrol with it is set as a standard. The criteria for them to use either piece of equipment is far higher than carrying it.

The Connétable of St. Martin:

That decision is then on the officer not on the chief?

Chief Firearms Instructor, States of Jersey Police:

The highly-trained officer.

The Connétable of St. Martin:

The highly-trained officer?

Chief Firearms Instructor, States of Jersey Police:

Yes.

Deputy M. Tadier:

But, Minister, I think this is the part which we potentially have a problem with (if we do have a problem) is that the test is lower; it is not necessarily clear enough. I think most people would accept the fact that Tasers could or should be deployed in a situation where there is an armed weapon or something akin to that which could render an equal amount of harm. But it is when we start to get to these grey areas of saying whether it is otherwise so dangerous, as in the U.K. legislation, or specific violence, that could mean anything. It could mean, as I have said, somebody outside Chambers is getting very violent to another member of the public or to a police officer, and I think there is an argument to be made there that any officer who is

looking after the health and safety of their officers below them would want to take a less lethal form of action to reduce harm.

The Minister for Home Affairs:

Yes.

Deputy M. Tadier:

The area of concern is this whole area of what one sometimes calls “mission creep”.

Chief Officer, States of Jersey Police:

But all officers, I think they have to consider at all times the continuum of force which starts with verbal communication. Most violent situations are resolved by either the arrival of an officer or post-arrival a bit of talk to calm him down and 95 per cent of cases are resolved that way. If that does not work then you start thinking about the continuum of force, knowing that you are accountable to the law yourself and an Independent Police Complaints Commission, and you have to start thinking about what is the most appropriate. As you ratchet up the continuum, you decide that that is not appropriate: “I have considered it; it is not necessary” and you would go up the continuum until you reached ultimately (it is very sort of high) for the Taser before that. I am not a technical expert on these matters but in terms of the CS you have somewhere between 1 and 4 metres of standoff to deliver it effectively and then I think a baton round is ...

Chief Firearms Instructor, States of Jersey Police:

Seven metres to 21.

Chief Officer, States of Jersey Police:

... 7 metres to 21 and the Taser is up to 21 because that is the length of the wires that come from the projectile, so the Taser closes that gap between 4 and 7 metres. Because at the moment there is a physical gap between 4 and 7 metres of standoff. Every officer is trained and regularly refresher trained in conflict resolution and would be expected and are accountable for their actions to work along the continuum of force, having eliminated verbal communication.

Deputy J.M. Maçon:

While we are on that subject of alternatives, Michel, would you like to ...?

The Connétable of St. Martin:

For batons, at what stage in their career is a police officer issued with a baton?

Chief Officer, States of Jersey Police:

Baton? An ASP?

The Connétable of St. Martin:

Yes, an ASP.

Chief Officer, States of Jersey Police:

Day one.

The Connétable of St. Martin:

From day one?

Chief Officer, States of Jersey Police:

Yes.

The Connétable of St. Martin:

After training then?

Chief Officer, States of Jersey Police:

They are trained during their initial probation training in the use of the ASP which your team provides.

Chief Firearms Instructor, States of Jersey Police:

That is correct, yes.

The Connétable of St. Martin:

CS spray? At what stage?

Chief Officer, States of Jersey Police:

Day one.

Chief Firearms Instructor, States of Jersey Police:

Same thing.

The Connétable of St. Martin:

They do the initial course during their ...?

Chief Officer, States of Jersey Police:

Day one. Once they have finished their initial 15-weeks training they will be trained in ASP and CS.

Chief Firearms Instructor, States of Jersey Police:

It is a rolling process. There are several periods throughout that 15 weeks whereby control and restraints, conflict management, prisoner handling and self-defence techniques are brought in.

The Connétable of St. Martin:

What reviews are undertaken every time they are used? When?

Chief Firearms Instructor, States of Jersey Police:

They do an annual officer safety programme ...

The Connétable of St. Martin:

Sorry, I meant used last night. I am off patrol, I come back, I had to use ...

Chief Officer, States of Jersey Police:

You have to complete a use-of-force. You have to submit a use-of-force form for any use of ... along the continuum immediately after the use of such force to justify it and it is a Duty to Report. Irrespective of whether there is a complaint or anything else, it is a matter of policy.

The Connétable of St. Martin:

Where does that go to? Is it to yourself or is it to the Police Complaints ...?

Chief Officer, States of Jersey Police:

It goes to the line manager or something. I would not see all those but certainly to the duty inspector.

The Connétable of St. Martin:

Just the duty inspector?

Chief Officer, States of Jersey Police:

Yes.

The Connétable of St. Martin:

Just looking there, which would be more likely to result in an injury to a suspect: being hit with a baton, with a spray of the gas or Tasered?

Chief Officer, States of Jersey Police:

From a personal point of view?

The Connétable of St. Martin:

Yes.

Chief Officer, States of Jersey Police:

I have been struck by a baton in training. If I was given a choice I would rather perhaps be CSed or Tasered than baton struck. It is exceedingly unpleasant. But the Taser is to ... it is not a punitive thing. I think there is a perception that this thing is to apply pain. It is not. It is to neutralise the threat by temporarily ... the subject lose their ...

Chief Firearms Instructor, States of Jersey Police:

Electro-muscular disruptions.

Chief Officer, States of Jersey Police:

That is the term I was looking for. For no more than 5 seconds. It can then be re-applied but for no more than 5 seconds. The thing about the Taser it has an on-board sort of computer chip which will tell you precisely when and for how long and for how many times it had been applied. If there is a subsequent inquiry, subsequent complaint, that is downloaded and it is almost like a tracking device in the use of that instrument.

The Connétable of St. Martin:

Do the police accept there is a risk with a Taser? Risk to health?

Chief Firearms Instructor, States of Jersey Police:

No. The Defence Science and Technology Lab, the Departments of Medical Indications or Less-Lethal Technology, Defence Scientific Advisory Council, H.O.S.D.B. (Home Office Scientific Development Branch) and A.C.P.O. have all done research. The last piece of research was conducted in around 2008 when they

did predicted Taser currents on cardiac rhythm, for argument's sake. They tested it, 2 types of cardiac rhythm: ventricular ectopic beats and ventricular fibrillation, and neither of those could be induced by the use of Taser.

Deputy M. Tadier:

If the Tasers are designed to fill the gap between let us say CS spray and the baton fire to close that gap, and if it is also used to neutralise the threat rather than for compliance, let us call it, although compliance is perhaps heavy-handedness or somebody is worried about it is to punish somebody before they have necessarily committed a crime. Sorry, that is not very clearly worded. What I mean is ...

Chief Officer, States of Jersey Police:

That would be a disciplinary offence and everyone accepts that.

Deputy M. Tadier:

Yes, exactly. What I am talking about, the perception is if it is to be used at a long distance then it should not ever need to be used in stun mode.

Chief Officer, States of Jersey Police:

It could be. We were discussing this a few days ago in terms of if you arrive at the situation, the person who you are trying to negotiate with suddenly rushes at you, it may well be ... it is very difficult. There are thousands of permutations of the situations. I have seen some C.C.T.V. (closed-circuit television) this morning, I cannot go into too many details, of police arriving at a scene and being immediately attacked, a man armed with a weapon. Soon as they got out of the car, physically attacked. It was on the streets of Jersey and that could well be a situation where they may have been deployed with a Taser and whoever it is has attacked them immediately. There is a proportion of all deployments in the U.K. which I think is about 5 per cent in the stun mode.

Chief Firearms Instructor, States of Jersey Police:

There is a drive-stun mode. The situation the Chief is alluding to there is this individual pursued a course of action for a long period of time, for quite a long period, before the police were able to turn up. We have a duty to respond, we have a duty of care to that individual, the general members of the public and also our own officers. In that time, had that situation been monitored by the accredited tactical commander, he may have seen the fact that this individual had a weapon, an edged weapon, and he may have said: "Yes, we will send a Taser for that." It would have stopped the officers getting injured, it would have stopped the subject getting injured and would have brought the situation to a far quicker conclusion and a safer conclusion than it did do.

Deputy J.M. Maçon:

Thank you. Can I ... sorry.

Chief Officer, States of Jersey Police:

Sorry, Jeremy, I was just going to wrap up in terms of the perceived danger to the individual Tasered. It applies to any form. It can be physical restraint, baton strike, CS, the risks and it is probably neatly covered in a quote from the Independent Police Complaints Commission who said: "Taser does not give police officers a risk-free

cure-all when tackling violent incidents. We recognise that in dealing with such situations the police do not have a safe option, and all the equipment available to them carries risk.”

[15:15]

Deputy M. Tadier:

One technical question, you talked about the Taser gun, the 5 seconds and how it is recording everything and then this is downloaded. Can you just expand about how it is downloaded, who does that, how is it kept secure?

Chief Officer, States of Jersey Police:

I defer that to Sergeant Machin to answer.

Chief Firearms Instructor, States of Jersey Police:

Certainly, yes. It comes with its own laptop and it is put into a secure housing and it downloads the data once the Taser is put back in that charge mode. It downloads it automatically to the computer which obviously then you can interrogate the computer to find out; even whether the officer has checked it before they have taken it out on duty. One of the performance checks is you arc the weapon to make sure that the battery supply is working, et cetera. It tells you from the start of the tour of duty until it is put back there exactly what has happened in relation to the safety on and off, whether the cartridge has been taken off, whether it has been arced, whether the red dot has been deployed, so it will tell you quite comprehensively exactly how it has been used.

Deputy J.M. Maçon:

There is not a way for an officer to wipe that data after it has been discharged?

Chief Firearms Instructor, States of Jersey Police:

No. Absolutely not, no. Moreover, each of the cartridge heads have standalone A.F.I.D.s (Anti Felon Identification Discs) with seal numbers on that are unique to that cartridge head. So you will sign for 3 cartridges, each of which will have a bar code and the A.F.I.D.s that are then deposited on firing the weapon will be seized. Then when you have the post-incident procedure if the A.F.I.D.s do not match the cartridge head then obviously you do not have the Taser that has been fired by someone

Deputy J.M. Maçon:

Thank you. Then just to go back, we received a submission from the Isle of Man which is very useful in that they comment that Taser gives the police force an option but they note that it is an option which is different to a conventional lethal force. It is interesting how very much in our public submissions the health concerns are very much something which you would expect that might be the agenda. I have noted that the words “less-than-lethal” although the medical research is not conclusive, it does suggest that there are certain vulnerable groups which certainly are at greater risk and I believe in your briefing paper that was made quite clear. Can I just ask then, when the police are called to a situation where there is a violent incident which could now be covered by the new guidelines, the incidents where someone is under the influence of alcohol or drugs, for example, roughly?

Chief Officer, States of Jersey Police:

The vast majority. It is very difficult to answer that, really. A proportion of incidents we attend they are under the influence of alcohol or drugs.

Chief Firearms Instructor, States of Jersey Police:

I do not know about general violence but we looked at our strategic threat and risk as a force last year and we looked at incidents where a weapon or a knife was involved. So I can only quote on that if you want me to whereby I think between 1st January 2011 and 4th November 2011 there were 82 incidents where a knife or weapon was involved. Twenty-six of those the subjects will be called E.M.D.I. (Emotionally, Mentally or Distressed Individual) and that would include either illicit drug intoxication or alcohol intoxication or some form of psychological ...

Deputy J.M. Maçon:

In that situation, the next point, linking back to the medical research, is that because if someone is under the influence of alcohol or is stressed or whatever, they are a more vulnerable group, though to what per cent and how much the evidence is not conclusive. Can you explain? It is a bit of a conundrum, in that a Taser which is potentially more risky on a potential group which the police are more likely to come across when they are discharging the Taser.

Chief Firearms Instructor, States of Jersey Police:

I would say in that case if you are looking at anybody with a medical condition or illicit drug intoxication or alcohol intoxication, then the risk of a Taser is no different to a risk either getting CSed, placed facedown in the prone position and fighting with police officers for a substantial period of time, in some cases 10 or 15 minutes of physical exertion, than opposed to a 5-second burst of Taser where you are then compliant, get up and you can walk away. There has to be a balance struck between an overweight man who is put in the prone position who is at risk of positional asphyxia, having fought for 15, 20 minutes with police with 4, 5, 6 police officers on occasion because of the level of violence he is displaying, his health is just as much at risk from that level of either drug or alcohol intoxication as he is from a 5-second burst of Taser whereby ...

Deputy M. Tadier:

But Tasers would not be used for compliance anyway, would they? It is not fair to compare ...

Chief Firearms Instructor, States of Jersey Police:

No, no. But for the outbreak of violence, if the violence reaches a level that he is deemed otherwise so dangerous where the potential is ...

The Connétable of St. Brelade:

I am sorry, I cannot see how you can compare physical exertion with being hit by 50,000 volts. I just cannot see the ...

Chief Officer, States of Jersey Police:

It is not the voltage, it is the amperage. The amperage is very low. Is it 20 ..?

Chief Firearms Instructor, States of Jersey Police:

The Taser incapacitates you. It sends you into a pliable state. It is called electro-muscular disruption. You physically cannot do anything. You clench up and you fall to the floor or you freeze on some occasions.

The Connétable of St. Brelade:

But as the Chairman said, those particular individuals that have those type of problems could be somebody on some type of drug. Those are the ones that are potentially at risk and to say grappling with them might bring on a seizure and compared with the use of a Taser, I cannot see how you could possibly say that is correct.

Chief Firearms Instructor, States of Jersey Police:

That was the prediction or that was the conclusion from the D.S.T.L. (Defence Science and Technology Laboratory) in their tests in 2008. Their conclusion was that should a person have a medical defect, they are at no more risk from Tasers than they are from any other form of exertion.

Chief Officer, States of Jersey Police:

We are not scientists ...

The Connétable of St. Brelade:

That is one report.

Chief Firearms Instructor, States of Jersey Police:

That is the report I am alluding to ...

Chief Officer, States of Jersey Police:

There are numerous reports globally on the scientific aspects of the impact of this thing and other less-than-lethal devices on individuals and from highly-qualified scientists. There is a volume of research which the U.K. followed and as a member of A.C.P.O I have read the guidelines but we are not qualified to go back over the research. The research is published and freely available. But there is a risk, as I say, from even the I.P.C.C. (Independent Police Complaints Commission) there is a perceived risk any ... we have vast powers entrusted in us by the public to apply a legitimate use-of-force to uphold the rule of law. Nobody likes to apply force, a legitimate use of force, but there are occasions when we have to. There is a risk in every style of situation and all I seek today is to close a gap. I hope that I come back here in 10 years time and we discuss how often we used Taser in the previous decade and I say: "Well we deployed it on numerous occasions but we did not use it once." That would be my hope.

The Connétable of St. Brelade:

I am just a little bit worried about one or 2 other things I have read. One of them was from the Metropolitan Police Federation website, and I do not know whether you will agree with these comments, that Taser can do anything expected of a conventional firearm yet leaves no one dead or injured and also that shows the Taser is devastatingly effective and, more worrying, easy to use and safe. I do not know whether you would agree with that comment that it does not leave anybody dead or

injured because it has left people dead and it has left people injured, so do you agree ...?

Chief Officer, States of Jersey Police:

As have restraint techniques using no weapons.

The Connétable of St. Brelade:

But do you agree with that comment?

Chief Officer, States of Jersey Police:

I am aware of in the U.K. 2, and they were quite close together in the north-west of England, instances of fatalities following the deployment of Taser in 2010 and ...

The Connétable of St. Brelade:

But it just seems to under-estimate Taser and that is from the actual Metropolitan Police Federation. I just think they are under-estimating the danger to the public.

The Minister for Home Affairs:

Can I say in my earlier statement I accepted there were circumstances in which the use of Taser could cause death or serious injury. I accept that. Forget the scientific stuff. The danger of someone freezing and going crash like that on their head in itself would be ...

Deputy M. Tadier:

But do you accept that your position has perhaps changed from when you initially went on the radio and you seemed dismissive of the fact that there had been these incidents, something that happened in Scotland perhaps 2 years ago, and it has not been verified? Do you accept that cases of fatalities ...?

The Minister for Home Affairs:

The classic one that was quoted recently which happened in Canada some years ago, that kind of anecdotal stuff is not terribly helpful.

Deputy M. Tadier:

But in the ...

The Minister for Home Affairs:

Here we are talking about a properly-structured usage with proper policies in place which, I am afraid, is not always the case elsewhere, so these are very different situations.

Chief Officer, States of Jersey Police:

Even following that, I beg your pardon, it was 24th August, it must have been 2011 because Amnesty International on the website following those 2 deaths, it confirmed that the full facts were not known regarding the circumstances, however, reaffirmed concerns that Tasers were potentially lethal. It basically went on to say that as a result Amnesty reiterated that these weapons must only be used in extremely limited circumstances, which we are proposing, and in instances where there is a serious risk of loss of life or very serious injury, as we are seeking, and those are the words of Amnesty International.

Deputy M. Tadier:

I think it is today we have learned that Amnesty have signed a request that Tasers be stopped from usage completely for the moment so that they can have a full investigation into the science of it. I think their position is perhaps more nuance than was the case in August last year.

Chief Officer, States of Jersey Police:

Yes. That was Amnesty International U.K. so maybe that is the one ...

Deputy M. Tadier:

Yes. But I wanted to move on because I think there is ... can I just find out, as a police officer when you go for your training, do you have to have CS spray put in your faces?

Chief Officer, States of Jersey Police:

Yes. I am personally immune to it.

Deputy M. Tadier:

Okay, and that is the usual ...

Chief Officer, States of Jersey Police:

I have been CSed 4 times and it has no effect on me.

Deputy M. Tadier:

You must have a high chilli tolerance then.

Chief Officer, States of Jersey Police:

Yes, probably.

Chief Firearms Instructor, States of Jersey Police:

When they do the firearms officers course they get further subjection to the all those things in particulate form, which is shotgun breaching round or smoke pellet so they have to undergo that to understand how to decontaminate yourself and to assist somebody having had CS deployed.

Deputy M. Tadier:

Yes, that is because you can be contaminated when you are deployed. Currently, as I understand it, in the U.K. it is not legal to test Tasers on a volunteer or on a police officer.

Chief Officer, States of Jersey Police:

No, and I think the thing is, with the deployment of Taser are 2 very small barbs that attach mostly to your clothing but probably the most painful exercise is removing the barbs than being incapacitated by the Taser. It is very well documented, he is not with us now, but the Chief Constable of G.M.P. (Greater Manchester Police) was very publicly Tasered on national TV about 4 years go. But it is the removal of the barbs which is probably the most uncomfortable thing.

Deputy M. Tadier:

Yes. How would the barbs themselves get removed normally if they were deployed to a member of the public?

Chief Officer, States of Jersey Police:

Just very carefully as you would a small fish hook.

The Connétable of St. Brelade:

By who?

Chief Officer, States of Jersey Police:

By an F.M.O. (Force Medical Officer); a medical officer.

The Connétable of St. Brelade:

A doctor?

Chief Officer, States of Jersey Police:

Yes. In most case they are embedded in the clothes. They do not have to make contact with your flesh. They can arc across even a duffel coat.

Deputy J.M. Maçon:

Steve, do you have any questions?

The Connétable of St. Brelade:

I just have one. Just really trying to get back into the context of Jersey Law, and we are not there yet; we are not using them yet. There are some details given to us regarding an incident in 2011 I think, it says: "Brief details of incidents regarding weapons in 2008" but we have 9 instances there. Was that all the incidents or were there any other firearms ...?

Chief Firearms Instructor, States of Jersey Police:

No, as I stated previously, 1st January 2011 to 4th November 2011, there were 82 incidents, 82 logged incidents, whereby either a weapon or a knife was mentioned and we sent unarmed officers to as a result.

The Connétable of St. Brelade:

Mentioned, but I am talking about there was physical evidence of a knife or a weapon being used.

Chief Firearms Instructor, States of Jersey Police:

Absolutely. Yes, domestic assaults, knives ...

Chief Officer, States of Jersey Police:

We had 138 grave and criminal assaults in 2011.

The Connétable of St. Brelade:

I do not deny that. What I am trying to get at, the ones that were given some brief details there ... and when we have been given these I am surprised we have not been given a full list of what was given on that date because if somebody was giving me brief details, I would be expecting brief details of seriousness rather than some of the incidents I have on here. It has come from S.O.J.P. (States of Jersey Police); I am

surprised there is not a more fuller list of some of these events because all these events were either dealt with by spray or not spray but they were dealt with by communication skills or conflict resolution. Really, what I am trying to get at is, where is the justification for the Taser?

Chief Firearms Instructor, States of Jersey Police:

Taser is one strand of a range of options.

Chief Officer, States of Jersey Police:

We did not have a Taser. It is irrelevant.

The Connétable of St. Brelade:

No, I know that and that is what I am saying: that they were resolved.

Chief Officer, States of Jersey Police:

None of those were resolved with a Taser because we did not have one.

The Connétable of St. Brelade:

They were resolved.

Chief Officer, States of Jersey Police:

Yes: "Axe. Domestic. Gone berserk. Eye-witness reports axe in possession of an individual, aggressively resisted arrest." I would not particularly want to be the first responding officer with CS spray in my pocket in that situation. We do not know the full facts, of course.

Deputy M. Tadier:

Were firearms ...?

Chief Officer, States of Jersey Police:

Or with a firearm, no.

Deputy M. Tadier:

But were firearms deployed for that incident?

Chief Officer, States of Jersey Police:

I do not believe they were.

Deputy M. Tadier:

Presumably they would not have been deployed if a Taser was.

Chief Officer, States of Jersey Police:

No, no, but you could deploy a Taser with an authorised firearms officer who would be the qualified person to deal with that.

Deputy M. Tadier:

Okay, I understand that.

Chief Officer, States of Jersey Police:

If I were an officer being sent to somebody who has gone berserk with an axe, I would feel much more comfortable with the option of a Taser or CS spray. I do not particularly want to get within 4 metres of somebody who has gone berserk with an axe.

The Connétable of St. Martin:

It changes slightly, does it not, the extension from the CS spray and the baton? The Taser is an extension of that or is the Taser an extension, the lower of a firearm?

Chief Officer, States of Jersey Police:

It is a gap between the 2.

The Connétable of St. Martin:

There is a gap between them. We have the gap between grave and criminal assault and assault because we do not have A.B.H. (Actual Bodily Harm) in the Island.

[15:30]

A lot of the grave and criminal assaults (and the Minister was seeing that in the courts as well) are not grave and criminal assaults with injury necessarily. Because if you are threatening ...

The Minister for Home Affairs:

That is correct, yes. You can have a grave and criminal assault where you threaten somebody with a serious weapon and put them in fear of being assaulted.

The Connétable of St. Martin:

Yes, that is right. Gun across the river or a knife across the river stream is a different thing.

The Minister for Home Affairs:

Yes. A cross-bow. I can remember a case of somebody trying to ram another boat with a boat and that was charged as a grave and criminal assault, so you are quite right. But we do not have a distinction in Jersey Law between assault and battery as used to exist in the U.K. Our category of assault covers both the battery i.e. the striking, the hitting and the assault i.e. the threatening, the fear.

The Connétable of St. Martin:

The weapon as well. An offensive weapon does not need to be a gun or a knife. It could be a stick with a nail.

Chief Officer, States of Jersey Police:

Anything intended or adapted to be an offensive weapon.

The Connétable of St. Martin:

Exactly.

Chief Officer, States of Jersey Police:

I do not think we have mentioned the deterrent aspect of all of this and the reason why the Taser globally is very rarely used is because it has a laser red dot attached to it. I

could point one at you right now and you would see the dot on your chest and what I would try and negotiate with you is look at your chest and you will see the red dot. That is where this thing is going to make contact if you do not comply and 99.9 per cent (I may be out by 0.1 per cent) will look at the red dot and think: "That is a jolly good idea, officer" and will comply. As I say, from 2004 until the time I left the city only once was it used on a woman determined to try and kill herself. All the other cases were resolved by the deterrent effect of seeing the laser red dot on their person and think: "This thing is pretty accurate and that is where it is going to land" and it gives you time to negotiate. Obviously you have a safe space and you can negotiate.

Deputy M. Tadier:

Yes, I appreciate that. I think the flip side of the same coin is that (and it is probably a more political consideration and the Minister may want to respond) there is a perceived threat of violence there. We are already getting into the area of it is being used for compliance, to make people comply, go along ... often you presumably do not need to draw a Taser; a threat of arrest is sufficient for many people.

Chief Officer, States of Jersey Police:

If it works, that is fine. You do not to scale it up.

Deputy M. Tadier:

My question is, it is another tool in the armoury of an already sceptical public, to play devil's advocate, in a year where the complaints received by the Police Complaints Authority has gone up very significantly, we are asking to introduce Tasers.

Chief Officer, States of Jersey Police:

It has gone down this first quarter.

Deputy M. Tadier:

Last year, 2011.

Chief Officer, States of Jersey Police:

No, that has gone down this first quarter.

The Minister for Home Affairs:

They have not gone up over a 3-year period, they have gone down. There was just a blip last year; a numerical blip.

Deputy M. Tadier:

2011.

The Minister for Home Affairs:

Some of the complaints that were made last year related to matters that did not happen last year so you cannot put one year's statistics in the ...

Deputy M. Tadier:

Nonetheless, at least the statistics have been produced independently so we would be happy to show that. The point I wanted to make is the psychological impact that there is ... clearly I understand that we talked about the threat is usually sufficient. I put it to a previous witness that it is the goodwill which exists between the police and the

public which is invaluable and if there is anything that threatens that it could be ironically counterproductive to the relationship.

Chief Officer, States of Jersey Police:

I hope you possibly noticed perhaps a change in the imagery for police from trying to promote a friendly ... and again 99 per cent of the public like that and we have gone on to survive. But there are a very small minority of people who have no respect for the police whatsoever and, as I say, the imagery I saw this morning was quite shocking in the fact that all the officers that had got out of the vehicle they came under heavy attack with a rather nasty-looking weapon. Stunned. This is the streets of Jersey. So very, very occasionally ... and I will reiterate, this is probably one of the safest places in the Northern Hemisphere but there are very rare occasions ... you cannot just say we are a safe Island as though nothing is ever going to happen. Nobody would have predicted in Guernsey, another very safe place, that somebody is going to walk down the street with a samurai sword. People occasionally flip, I am afraid, and when this happens you rely on us to go and deal with it. What I am seeking for is a full suite of tools and we will start by talking and work up appropriately if they do not want to talk. Appropriately.

The Connétable of St. Martin:

Yes. I think, were there not 11 or 12 deployments in Guernsey (Guernsey is a very safe Island like Jersey) in a 12-month period?

Chief Firearms Instructor, States of Jersey Police:

I think since Guernsey have had the Taser in 2006 they have authorised its deployment 60 times.

The Connétable of St. Martin:

Sixty?

Chief Firearms Instructor, States of Jersey Police:

Sixty times in 6 years.

Chief Officer, States of Jersey Police:

Used it once.

Chief Firearms Instructor, States of Jersey Police:

Used it once. Their other use of force with it, which is the subjects have been red-dotted. A red dot placed on the chest. It has been arced, so the cartridge has been taken off, it has been shown to the individual: "This is Taser. Stop what you are doing" or it has been physically aimed at somebody, is only another 2 to 4 occasions. That is 60 deployments: they have fired it once and used it in the term "use" another 3 times. Again, that alludes to the fact that its criteria for issue falls far below its actual criteria for use when it is physically discharging it or drawing of.

The Connétable of St. Brelade:

Really, to your credit ... and I think this is why I have asked the question why. To be fair to the States of Jersey Police, over the last few years the way you have dealt with incidents without the use of Taser has been phenomenal in terms of the way you resolve situations. It is a very safe Island and I do not deny there is the odd occasion

where a Taser would be useful but we have dealt with it without the use of a Taser so far. I would be questioning why we need to bring it in. That would be my ...

The Minister for Home Affairs:

Could we talk about the rights aspects because we have not talked about that?

The Connétable of St. Brelade:

That comes under the ...

Deputy J.M. Maçon:

We will get to that, Minister. I would like the question to be answered first.

The Minister for Home Affairs:

I am looking at Article 2 of the United Nations' Basic Principles on the Use of Force and Firearms for the States: "Governments and law enforcement agencies should develop a range of means as broad as possible and equip law enforcement officials with various types of weapons and ammunition that would allow for a differentiated use of force and firearms. These should include the development of non-lethal incapacitating weapons for use in appropriate situations, with a view to increasingly restraining the application of means capable of causing death or injury to persons." That is exactly what we are doing. That is exactly why we ...

Deputy M. Tadier:

But can I come in on that because that is going to be subject to proportionality because that is one of the Articles ... we will talk about Article 3 of the Human Rights Law which hopefully you have had a chance to consider as well.

The Minister for Home Affairs:

Yes, I have done. Yes.

Deputy M. Tadier:

Which is to do with torture. But of course we are never going to seriously come under a challenge under Article 2 because ...

The Minister for Home Affairs:

But this was not the European convention; this is United Nations' Basic Principles. It is something different.

Deputy M. Tadier:

Sure. But we are subject to the E.C.H.R. (European Convention on Human Rights) not so much the U.N. (United Nations).

The Minister for Home Affairs:

Yes, but this is a United Nations' ... it is a different principle ...

Chief Officer, States of Jersey Police:

It is a different Article.

Deputy M. Tadier:

No, I know. But I understand ...

The Minister for Home Affairs:

... which is saying and providing a reason why government should have this full range of options which is what we want to do here.

The Connétable of St. Brelade:

But is that one of the justifications for use now? It is part of it here: "... that it is incumbent on a State to take into account its human rights' obligations to provide a wider range of options to reduce the need to resort to firearms and provide a more proportionate response to threats of violence in accordance with the Human Rights Act." I presume that is where this is coming from to some degree.

The Minister for Home Affairs:

Yes, that is right. We believe that in order to be compliant with the human rights ... the one I quoted to you are United Nations and similar principles, that we should have available all the options that we have. But if we do not have and then we end up using a higher level of force that we are going to be blamed for so doing because we did not have ...

Deputy M. Tadier:

Yes, but I do not think that is the strongest argument. I think the point is that there is a range of options. There are other arguments to have Tasers for operational reasons which are quite valid so I do not seriously think we are going to come under threat and be challenged on a human rights' ground. Article 2 is to do with the protection of life and we have never used or deployed a gun in Jersey or taken anyone's life by accident and it is about proportionality.

The Minister for Home Affairs:

But if we did. If we did.

Deputy M. Tadier:

But can we talk about Article 3 which is to do about torture?

The Minister for Home Affairs:

Yes. I am sorry, I do not have Article 3 in front of me; I thought you were questioning on Article 2.

Deputy M. Tadier:

But you will be generally conversant.

The Minister for Home Affairs:

Yes.

Deputy M. Tadier:

Presumably you would have considered Article 3 and the human rights' implications of that. What is your stance on Amnesty's position, many of whose members think that Tasers are a form of torture?

The Minister for Home Affairs:

It is not a form of torture.

Deputy M. Tadier:

Or it can be.

The Minister for Home Affairs:

It is designed to incapacitate.

Chief Officer, States of Jersey Police:

The thing is, this is why there was a blanket-ban some years ago because it could be perceived as a form of torture. If I hit you with a Taser and decided just to keep you ... give you a burst every 5 seconds until you could not take any more, that would clearly be torture. But we have already explained, for the want of a better expression, the on-board computer chip, would unequivocally tell you when, for how long, how many times that things were ... and it is abundantly clear you cannot use these things as a punitive tool. It is simply to neutralise an immediate threat to life or serious harm. Once that is done, you are duty-bound to stop it. So it may only be one or 2 seconds. Once the person ... and officers have very specific training on being able to catch the individual if they are about to topple because there is a danger of someone hitting their head. But there is an audit trail over the use of these things which you would not have with a firearm. An audit trail over the issue: the fact that it was working, how it was deployed and how many times, so any subsequent inquiry over a police complaint there is an absolute scientifically-proven audit trail. If there is any allegation of torture or punishment, that would be proven or disproven in a subsequent inquiry.

Deputy M. Tadier:

I understand that but my question was really to the Minister in the sense that when bringing legislation to the States in propositions he has to get it signed off for Human Right compliance. So the question really is: have you already looked at all of these Articles, taken advice on that?

The Minister for Home Affairs:

We have not taken advice, no, because - I have not lodged a proposition yet - this is not a proposition that would require me to take advice. I understand that you are taking evidence in the eventuality for the Law Officers who no doubt will give their advice. But the advice that I have received from my States police officers is that the human rights' arguments are very compellingly in favour of the availability.

Chief Firearms Instructor, States of Jersey Police:

Can I just add there just very quickly, there are certain control and constraints techniques that officers are conversed in like the deployment of CS that if done repeatedly could fall under that.

Deputy M. Tadier:

Of course.

Chief Firearms Instructor, States of Jersey Police:

They do not do that routinely and they have those skills now. They do not stand there with a wrist lock on and deliver any more pain than is absolutely necessary so ...

Deputy M. Tadier:

Yes. Let me clarify, I am not suggesting that any of your officers use it as a form of torture. What I am asking is if *a priori* it can be considered a form of torture in itself so if ...

Chief Firearms Instructor, States of Jersey Police:

Again, so could the gooseneck hold on there ... if you were subjected to that, that could make you cry out in pain for 10, 15 minutes if the pain was kept there.

The Minister for Home Affairs:

I think that frankly there are other bits of equipment which are deployed for detaining by police officers or available for detaining which could be far more abused than this. You talk about the ASP, for instance. An ASP is deployed in particular ways and there are guidelines and so on and so forth but if an officer were minded to mis-use one, frankly, the potential for damage to an individual is far greater.

Chief Firearms Instructor, States of Jersey Police:

The guidance on ASP use is racking ... obviously it is aircraft aluminium, it is particularly light and has a lot of kinetic energy. If you are deemed to have to use it, you strike the subject with all your force. It is not a tap, it is not a half-hearted effort. It is as hard as you can hit that individual simply because the level of violence they are offering you means you need to do that. It has the potential to break bones, without a doubt.

Chief Officer, States of Jersey Police:

The act of racking it, because it gives a little ring, it is a bit like a rack, is a deterrent in itself. I have never used an ASP on anyone but I have racked it a few times and that has the desired result which is: "Oh, I do not really want to get hit by that" and you can arrest them without any further conflict.

The Connétable of St. Martin:

Can I ask the Minister why he referred this matter to the States, because you did not need to, did you?

The Minister for Home Affairs:

No, I did not need to. It is certainly within my authority as Minister to authorise the purchase. I did so simply because I was aware of the fact that there was public concern among some people. I welcome the fact that you are doing this review, and doing it in detail, because at the end of the day it is going to demonstrate exactly what the arguments are for and against. It is going to demonstrate the fact that what we are proposing is a very controlled and disciplined approach to the whole thing.

The Connétable of St. Martin:

Can you tell us why they were banned from being imported into the Island?

The Minister for Home Affairs:

That was I think because the U.K. ... well they were not banned from being imported into the Island.

The Connétable of St. Martin:

Or banned from being exported.

The Minister for Home Affairs:

The U.K. decided to put a ban on exporting them outside the U.K. and that was because of potential mis-use. I am not talking about mis-use by police force, I am talking about potential mis-use by individuals generally.

The Connétable of St. Martin:

Do you know why it was now allowed to be ...?

The Minister for Home Affairs:

Because we asked them to change it and ...

The Connétable of St. Martin:

Was that your request or the Chief Officer's?

The Minister for Home Affairs:

It was at my request.

Chief Officer, States of Jersey Police:

I think they realised that in a blanket-ban they captured places like Jersey and Guernsey. Guernsey purchased theirs just before the ban was brought in so were never subsequently able to replace the ...

Chief Firearms Instructor, States of Jersey Police:

The ammunition.

Chief Officer, States of Jersey Police:

Yes. But I think on reflection we thought that was a blanket-ban for places where human rights are not necessarily adhered to whereas on reflection they realised that they are in Jersey and therefore lifted the ban.

[15:45]

The Connétable of St. Martin:

With a firearms operation taking place in Jersey today that is likely to come off in 2 or 3 days and you have used mutual aid from Guernsey, can Guernsey bring in their Tasers at the moment?

Chief Officer, States of Jersey Police:

No.

The Connétable of St. Martin:

So they are lacking ...

Chief Officer, States of Jersey Police:

Ironically, they can bring firearms but not Tasers.

The Minister for Home Affairs:

That is because I have not authorised the bringing in. That is an interesting question.

Chief Firearms Instructor, States of Jersey Police:

There was one point where they joined the Curtis Warren patrol and the mutual aid officers that we had from Hampshire, Devon and Cornwall asked if they could bring Tasers and they were instructed they could not at this point.

The Connétable of St. Martin:

Have you had consultation with States police officers and the association?

Chief Officer, States of Jersey Police:

Yes.

The Connétable of St. Martin:

I know it is not going to be the whole force using them, it would only be the firearms trained officers, but if they ...

Chief Officer, States of Jersey Police:

But protecting them and the public.

The Connétable of St. Martin:

They are happy to use them? They think it is going to be an alternative option ...

Chief Officer, States of Jersey Police:

You have heard evidence from the Police Association this morning and ...

The Connétable of St. Martin:

Yes. An option other than a firearm rather than an option other ... because I think the association tended to indicate this morning that there would have been another option other than a firearm rather than another one in the armoury.

Chief Firearms Instructor, States of Jersey Police:

I think it is another option of less lethal technology. That is where it ...

Chief Officer, States of Jersey Police:

A firearm is pretty conclusive and I do not want to supply firearms when there is a better alternative which protects the officers to whom I have a duty of care but more importantly the public to whom I have a wider duty of care as well and the individual. At the end of the day, third on the list, is the person of threat. I have a duty to them as well.

The Connétable of St. Martin:

Chief, just one more, sorry. Chief Officer, you have spoken about the support you get in the Island from the public. This has been a very high response to the consultation at the moment and reading through every one ... and I know there will be extremes with the people supporting, totally supporting, and people quite the opposite and always will be. But there is quite an element of distrust for the police, which is very sad because I was a police officer as well, a member of the States Police. When you read through them, from lawyers - they might not be lawyers; I do not know, but they are saying they are lawyers - they are saying they are this, they are saying they are

that, and you read through and there is just this ... you cannot please everyone, I understand.

Chief Officer, States of Jersey Police:

I have 32 years of policing in 4 forces: the U.K. and here and 2 overseas and I am overwhelmed by the sheer volume of public support for the police. There will always be a vocal minority who are anti-authority, anti-police and I suppose that is what makes our job more interesting, frankly. I would not expect to be loved by everybody but I always have said: "Judge me and my force by our actions and behaviours."

Deputy M. Tadier:

I think it is also fair to say that, first of all, the political concern and the public concern is to do with how they will be deployed. I think there has obviously been an element in as soon as people hear "Tasers" they either think: "Oh great, that is a good idea. We can do with them" or: "Oh no, these are going to be used all the time." That is why it is really useful to have you in and the Minister to give these reassurances.

Chief Officer, States of Jersey Police:

To recap, all I am seeking is that these things are authorised, they are provided to authorised firearms officers in whom you trust to carry real guns that fire real bullets, and to give them an option when they are confronted at the sharp end, confronting a serious danger to the public or themselves, to make the appropriate choice for which they are legally accountable, and ultimately I am behind them as well.

Deputy J.M. Maçon:

Can I ask in that, would it be appropriate, as we are talking about the guidelines, for a Taser to be used in a public order situation with a crowd threatening violence?

Chief Officer, States of Jersey Police:

Perhaps if you saw on the national news the Essex farm where they had ... I have forgotten the name of the location now.

Deputy J.M. Maçon:

Dale Farm.

Chief Officer, States of Jersey Police:

Dale Farm. I think, to my knowledge, that is the only time I have ever seen them used in public for this situation. Whether that was right or not, that was the decision of the Chief Constable of Essex, but that is the only time I have seen them deployed in a public order situation.

Deputy J.M. Maçon:

Minister, therefore, within the guidelines that you are setting out, there would always be that possibility?

The Minister for Home Affairs:

If we stick to this wording, only where there is a specific threat of physical violence of sufficient seriousness to make Taser being credible as a necessary and appropriate level of response.

Chief Officer, States of Jersey Police:

We could deploy firearms in a public order situation or the baton gun. These things are trained for extremes and you train for the worst and hope for the best.

The Minister for Home Affairs:

I would like to explain this thus far. I asked for copies of the guidance on operational use of Tasers and this appeared on my printer and it nearly killed it; it is 50-odd pages.

Deputy J.M. Maçon:

It is a delightful read, is it not?

The Minister for Home Affairs:

Plus Deployment of Tasers for Specially Trained Units (excluding firearms incidents) and that is about another 50 pages. I am very happy to leave these with you if you want to read them.

Deputy J.M. Maçon:

We already have it, thank you, Minister.

The Minister for Home Affairs:

Oh well, there we are. But we have not gone into that sort of level of detail, frankly, nor have I tried to in a proposition to the States but merely said we would follow the current from time-to-time A.C.P.O. guidelines on that because it is so detailed.

Deputy J.M. Maçon:

We had it in our public submissions and it does come with the notion of guidelines. We have had it suggested to us that there are situations - and I do not know whether this is true or not - for example, with the use of the speed gun we have had it submitted to us that there was a situation alleged that a policeman jumped out from behind a sign or something, used a speed gun, and then the process kicked off, but under the A.C.P.O. guidelines is not deemed to be appropriate. Where is the ...?

The Minister for Home Affairs:

I know the case because the gentleman emails me regularly ...

Chief Officer, States of Jersey Police:

Stops me in the street regularly as well.

The Minister for Home Affairs:

I had an email from him, I think, overnight or this morning. Can I just state that the Royal Court, in an appeal case against one of my judgments in which I followed not only what was the text book position in relation to that speeding but also the A.C.P.O. guidelines, decided that Jersey did not have to follow that and overturned the decision I had made on that basis. That indicates, certainly in the area of speeding, that the Jersey courts do not feel bound to be bound by the U.K. courts' decisions. I do not need to go into the technical stuff unless you want me to explain it technically what it was about, but this was about the issue as to whether or not an officer had to form the opinion that a vehicle was speeding before he used a speed gun. They received wisdom prior to that case following the U.K. guidelines and, indeed, the leading text

book Wilkinson indicated that he did, and I followed that as a precedent in my decision as Magistrate, and it was overturned in relation to that. That is indicative that the Jersey courts take a more robust view in relation to the enforcement of the law and speeding than has happened elsewhere. But in fact the reason why that is not relevant is because here in this particular case this would be part of the ministerial policy and so it is not part of a ministerial policy as to what we do in relation to the use of speed guns. There is no ministerial policy that I am aware of in relation to that. But here what I am saying is if a ministerial policy is set then I would expect the police to follow that policy.

Deputy J.M. Maçon:

Just for absolute clarity, if reference is made to an A.C.P.O. guideline within the policy, it therefore has much more weight?

The Minister for Home Affairs:

That is precisely what I am saying, yes. I am sorry, it was rather a long-winded ...

Deputy J.M. Maçon:

Thank you. If we can just move on to some of the training questions. You have stated 31 or 32 ...

Chief Firearms Instructor, States of Jersey Police:

Thirty-four A.F.O.s (Authorised Firearms Officers) of which currently we have 31 active.

Deputy J.M. Maçon:

Just for the record, presumably all these officers would be trained in the use of Taser?

Chief Officer, States of Jersey Police:

I would anticipate that out of the 31 positions, I would imagine.

Chief Firearms Instructor, States of Jersey Police:

Yes, it would be part of the 7-week initial firearms course they attend before they come out. They are judged by sound judgment, knowledge and understanding of the Conflict and Management Model or the National Decision Model, as it is now, a demonstrated maturity of action in policing situations and the ability to use legitimate force in a proportionate manner before they even attend the firearms course. They then go forward for a 7-week firearms course at the conclusion of which there will be a 3-day bolt-on course for Taser. Sixteen hours' contact time and if you have read the guidance on specially trained units, that criteria has to be fulfilled by the A.F.O. in exactly the same manner. Forty-one performance criteria surrounding their use and deployment has to be met by the officer initially and then annually on top of that every single year.

The Connétable of St. Brelade:

Is it your intention to have S.T.U.s (Specially Trained Units)?

Chief Firearms Instructor, States of Jersey Police:

No. But it is exactly the same training package.

The Connétable of St. Brelade:

No. It is the same criteria but it is not essential to do that?

Chief Firearms Instructor, States of Jersey Police:

No, just using the 41 performance criteria, yes.

Deputy J.M. Maçon:

Can you just explain to us how the training is evaluated?

Chief Firearms Instructor, States of Jersey Police:

I am a nationally accredited firearms trainer. I go away then to become Taser-trained so I am subject to the 3-day course and the 41 performance criteria. I then go away to have the trainers' training which is another 5-day course. So I have the practical use of Taser and all the performance criteria that I need to use it. I then go away for a further 5 days, possibly to Hampshire, to receive the trainers' training. I then train my trainers and then the 3 of us will then disseminate all that information to the A.F.O.s on a 3-day training package which will include obviously conflict management aftercare, science management, post-incident procedures, methods of carriage, specific risk factors, your individual responsibilities, threat assessments, both planned and dynamic, powers and policies, tactical options, all the continuum of force, guidance with it, the handling and operating of the Taser, characteristics and effects, the size of your system, the operational skills, the arming, discharging, unloading, function checks, pro-placement, the failure of the actual device to work and what options they then have open to them, obviously suspect handling and then maintenance so it is really quite a complicated package we deliver.

Deputy M. Tadier:

Is there any incremental pay increase for officers who are ...?

Chief Firearms Instructor, States of Jersey Police:

No. Special priority payments they were. No, we have never had that.

Deputy J.M. Maçon:

For career progression purposes, if an officer is trained in more things, does that help them ...?

Chief Officer, States of Jersey Police:

No, we train for need, not for badge-collecting. As I say, with a force of in the order of 230, 235 officers carrying out and responsible for the same number of functions as say the Manchester Police with 8,000 officers we have to be double, triple-hatted in many cases. A public order-trained officer may also be a body-recovery expert whose day job is in fraud. But, no, it is not badge-collecting; it is training for need. Organisational need. If I need 30; I make sure I have 30. We meet the criteria.

Deputy J.M. Maçon:

It has been suggested to us by some of the public submissions, and I would ask you, how do you respond to the suggestion that it would be more cost-effective to invest in resources-improved areas such as training rather than spending the same amount of resources on Tasers?

Chief Officer, States of Jersey Police:

Maybe we should have given you the costings of Taser. I think the initial capital cost and initial training is in the order of £32,000.

The Minister for Home Affairs:

They have the draft proposition.

Chief Officer, States of Jersey Police:

But it is in the order of £32,000. We probably spend quite a bit more on training in a year and maintenance costs of £8,200, thereafter a revenue cost. But of course our priority is in training our officers to interact with the public at least by consent and use verbal means to deal with conflict. Fortunately, as I say, we are empowered to use a legitimate use of force to deal with conflict. It is what we do and our training is focussed very heavily ... the emphasis is on nice, friendly, confident policing where we can talk people out of getting into conflict situations. But, as I say, on a very, very rare occasion, a minority of occasions, we have to resort to a higher level of the conflict resolution model so I would say it is a necessary expenditure to complement the vast training we do in softer skills, if you like.

Deputy J.M. Maçon:

For the record, you say £32,000, can you just break that down a little bit more for us, please?

Chief Officer, States of Jersey Police:

Yes, I have a shopping list here, Jeremy. We have gone through this quite rigorously. As accounting officer I am very conscious of what we are spending.

The Minister for Home Affairs:

It is in the draft proposition.

[16:00]

Chief Officer, States of Jersey Police:

The capital cost for 10 units, around £1,000 each, so that is £9,950. I do not think you have that table. The power pack is £570, the download bought for downloading the data is £115. We have cartridges which have a 5-year life span. Part of the ongoing training is that the officers would need to discharge live rounds as part of the training package, so we would have to buy 400 cartridges as a 5-year investment and 400 inert training cartridges but they have to be qualified to have fired these things accurately and to see the impact of live rounds on a sort of electrical board; not on individuals, I might add. Training suits, £1,000, 400 inert training units £270, the targets I have just referred to, 100 of those, £500. The trainers' training, the courses we would be sending Sergeant Machin on and then certainly the training he delivers £1,000, giving us a total cost of £32,205. I have gone through this quite rigorously with Sergeant Machin. I think we knocked it down from an initial ...

Chief Firearms Instructor, States of Jersey Police:

A quite considerable ...

Chief Officer, States of Jersey Police:

Yes. So we hammered that down from £40,000-odd to £32,000. The ongoing revenue costs for continued subsequent training is only £160 per annum which in a £3 million or £4 million budget is probably proportionate.

Deputy J.M. Maçon:

You are quite happy that fits in with your budget?

Chief Officer, States of Jersey Police:

As accounting officer, I am.

Deputy M. Tadier:

What is the training suit, by the way?

Chief Officer, States of Jersey Police:

I will ask Sergeant Machin to explain that.

Chief Firearms Instructor, States of Jersey Police:

It is a cushioned suit that individuals wear that ... will play an aggressor and the inert cartridges can be fired at the suit without the barbs penetrating the actual person who is playing the part.

Chief Officer, States of Jersey Police:

A bit like the Michelin man so he does not get ... it is probably Sergeant Machin and he does not get ...

Chief Firearms Instructor, States of Jersey Police:

Too many pin holes.

Deputy J.M. Maçon:

Looking at the situation where they might be used again, one question is, while I appreciate that there will be training, the accuracy of such measures. Reading the research we found, it points out such as when they be inside properties and premises it is quite difficult for even a firearms officer in order to get a clear shot. Again with Tasers, does the same problem present itself?

Chief Firearms Instructor, States of Jersey Police:

Again, it all comes down to the training and looking at the contingencies. When you look and plan, prepare to go forward to either deploy firearms or any situation of conflict, you are making considerations and contingencies. So one of the things we will say, if we go into a stronghold where somebody is holding somebody hostage at knifepoint and we are looking at deploying Taser, what is the consideration? If the subject is sat down, how do we get a good shot and that may be instructing the individual by other means so he can get round to the back of the individual to deploy the Taser effectively. So shot fall is a consideration you make, but during that 3-day training they will be put through those scenario. So we will have people sat in the Taser suits sat down offering violence, or stood on tables or purposely holding something in front of them: a member of the public, a hostage, so it is all about the training and the contingencies we build into the actual operation.

The Connétable of St. Brelade:

Can I ask a question about complaints? How would any complaints (obviously in the future) about the use of a Taser be dealt with?

The Minister for Home Affairs:

In the same way as any complaints. They can either complain directly to the States of Jersey Police or they go through the Police Complaints Authority. They are then logged by the Deputy Chief Officer of Police and the Police Complaints Authority will then have oversight over the process of investigation. That so, except for complaints against the Chief Officer and the Deputy Chief Officer, which falls strictly within my purview.

Chief Officer, States of Jersey Police:

I do not intend to carry a Taser.

The Minister for Home Affairs:

Based on intending to carry a Taser.

Chief Officer, States of Jersey Police:

I would also publish as a part of the annual report, the annual performance data, any deployments and usage of Tasers as a matter of course in the public domain.

The Connétable of St. Brelade:

Under the current law, I think it is under Article 2, the Chief Officer may refer the matter in terms of a complaint to the Jersey Complaints Authority. In the U.K. all complaints made to police forces regarding the use of Tasers are referred to the I.P.C.C. as a matter of course. Do you see that there is maybe a need to refer all matters regarding Taser complaints ...?

Chief Firearms Instructor, States of Jersey Police:

I would have to change that. Not all Taser discharges are given to the I.P.C.C. Loss of life. Taser loss of life, it will be, failure in command, it will be, and danger to the public. Those are the 3 criteria when it will be referred to the I.P.C.C.

Chief Officer, States of Jersey Police:

Those 3 criteria, is absolutely right.

The Connétable of St. Brelade:

It is something that has come from a report that I have ... I do not have the top of it here so I am not sure where it has come from.

Chief Firearms Instructor, States of Jersey Police:

I think that is probably a little bit ... at the very inception of the Taser in 2004 in the U.K., yes, every Taser deployed went to the I.P.C.C. They now have knocked that right back and those 3 criteria: loss of life; danger to the public and a failure in command it will be referred to the I.P.C.C. Outside of that is down to the Chief Officer whether it goes to I.P.C.C.

The Connétable of St. Brelade:

The same rules would apply here?

Chief Officer, States of Jersey Police:

I would expect the same to apply.

The Connétable of St. Brelade:

You would expect the same to apply?

Chief Officer, States of Jersey Police:

Yes, I would.

The Connétable of St. Brelade:

Does the Minister agree?

The Minister for Home Affairs:

I personally cannot see a strong reason for applying a different criteria to that applied to any complaint.

Deputy M. Tadier:

But presumably this is put in as a safeguard?

The Minister for Home Affairs:

Because complaints ...

Chief Firearms Instructor, States of Jersey Police:

In its inception in 2004. That has been run for 8 years now in the U.K. Obviously the amount of times it has been discharged ...

Deputy M. Tadier:

No, I appreciate that. The point is though because we are introducing them to Jersey, it might be worth following the same precedent for a period of time to ... it could well be that logging all deployment of Tasers may be sufficient. But it may be worth considering for the Minister to go down the same route if and when Tasers are introduced.

The Minister for Home Affairs:

We certainly have the intention to include statistics of deployment and use in the Annual Policing Plan. I do not know if it would be particularly helpful. We used to do that in relation to CS spray, as I understand, but have not done so in recent years because that is not really ... it is the fact with all these things, when it comes in it is controversial, therefore, you explain what is happening and after we get used to it as part of the overall package.

The Connétable of St. Brelade:

But it could be seen as a safeguard and a way for the public to be comforted that all Taser discharges are dealt with and looked at.

Chief Officer, States of Jersey Police:

Arising where a complaint arises from.

The Connétable of St. Brelade:

Yes.

Chief Officer, States of Jersey Police:

But I think in terms of the anticipated statistics, it will be so rare. To be honest with you, if you got one in the next decade it ... yes.

The Connétable of St. Brelade:

Well touch wood.

Deputy M. Tadier:

I asked that before.

The Connétable of St. Brelade:

No, I know that but I am just saying the safeguard needs to be there.

The Minister for Home Affairs:

If I seem hesitant, apart from going via the complaint route to police, people can go directly to the Police Complaints Authority. When people approach me and indicate they wish to make a complaint against the police, then I will tell them to go one or other of those routes. But if you are saying it makes you feel happier in terms of that we would say that if complaints are made about the Taser, they would always be referred the Police Complaints Authority.

Chief Officer, States of Jersey Police:

As a consequence of the deployment and use of Taser, then they would be referred and noted if we got 2 of them.

The Connétable of St. Brelade:

It will not make me feel happier but it might make the public feel happier.

The Minister for Home Affairs:

No, if it makes the public feel happier, yes.

Deputy M. Tadier:

Why are there 2 methods of complaining? Would it not be more convenient to have one sole route? Similarly with your ...

Chief Officer, States of Jersey Police:

It captures them all. Some people go to the Chief, some people go to the I.P.C.C., some people might write to the Minister. People do not necessarily understand our role.

Deputy M. Tadier:

No.

Chief Officer, States of Jersey Police:

But what we have here is a catch-all option so whatever route is chosen they will come into the same conduit. People do not necessarily understand processes.

Deputy M. Tadier:

They get funnelled, though, do they not?

Chief Officer, States of Jersey Police:

Yes, they all end up in the Professional Standards Department.

The Minister for Home Affairs:

We are getting to a wider issue here but one problem that sometimes happens is that people want to complain generally but they do not intend to make a specific complaint against a specific individual. This then has an unfortunate side effect because the moment they make a formal complaint, I will then disengage from the issue and the Chief and the Deputy have to because the Deputy deals with the processing of them and the Chief will deal with the ultimate disciplinary. So sometimes this has a very unfortunate effect, that people who just want to make a general complaint and ensure that it has been taken on board, then fine. But suddenly the shutters come down from the Minister and from the Police Chief and the Deputy because it has become a formal complaint and we therefore have to distance ourselves from it. I just mention that in passing because I sometimes have to explain to people that this is what has happened and they are feeling frustrated by that.

Deputy J.M. Maçon:

Minister, can you just confirm that when the policy is finally done whether that will be a public document?

The Minister for Home Affairs:

A decision of the States will be public and I cannot see a problem with that being a public document, no. If I formally set a policy, I probably ought to make a ministerial decision in relation to that and therefore I think I should as a matter of protocol and procedure, therefore, that would become a public document that I have made a formal ministerial decision on a procedure. When we look shortly at the new Police Force Law, you will see there are 2 levels of involvement of the Minister. There is a level setting general policy but there is also a level of setting specific policies which relate to the area of image or reputation of the police force or indeed of the Island. Those sort of policies, I think, would become part of a ministerial decision. I think they should do.

Deputy J.M. Maçon:

Thank you. Any further questions?

Deputy M. Tadier:

It has been very helpful. Thank you.

Deputy J.M. Maçon:

In that case, Minister, Chief Officer, and, Sergeant Machin, thank you very much for coming and giving your evidence today; the panel appreciates it. In that case I would like to allow you any opportunity that you have in order to make any closing comments, any final things you might like to say. Perhaps you feel we might have got on the wrong end of the stick somewhere, now is your opportunity in order to say anything.

The Minister for Home Affairs:

Yes. Thank you. Can I start where we started: not very well, because I think you correctly quoted to me something which Sergeant Machin had said in his report and then he said: "That is not so" but I can see how that confusion arose. What I think we are saying ... and this is the reference about the last 2 years. In the last 2 years, of course, absolutely right, the Warren case involved the deployment of officers carrying weapons on numerous occasions and that alone will have meant that the numbers would have increased. But I think what we are saying is: that is so; we have had the Warren case. We have also of course had the issue of the Polish gentleman who is currently being tried for murder where, again, armed police were deployed around the hospital for a period while he was there. Those statistics would not have changed. What we are saying is apart from those exceptional cases, the generality of deployment has not changed. I think that is what we are saying.

Chief Firearms Instructor, States of Jersey Police:

That is correct.

The Minister for Home Affairs:

I am sorry about the confusion at the start but I think that clarifies it.

Chief Officer, States of Jersey Police:

If I may, I have 32 years' experience in policing in various forces, public order-wise I can go back to the miners' dispute of 1984, Adam Lake(?) support of the 1990s, suicide bombings of 7/7 and various other things and I can proudly say this to you, I have never struck anyone with a baton and I have never deployed CS. But there are many, many occasions that I have been rather comforted by the fact I have had them available; I have been very comforted by the fact that I have had authorised firearms officers not a million miles away from me on other occasions. I am proud that I have never had to use them but very comforted by the fact that they have been available should I require them.

Deputy J.M. Maçon:

Thank you very much for your evidence. I would like to declare the hearing closed. May I ask the members of the public and the media please to withdraw from the room as part of our protocols? Thank you very much.

[16:13]