

STATES OF JERSEY



AUTHORISATION OF DEPLOYMENT AND USE OF ENERGY CONDUCTIVE DEVICES (‘TASERS’) BY THE STATES OF JERSEY POLICE

**Lodged au Greffe on 15th December 2021
by the Minister for Home Affairs
Earliest date for debate: 8th February 2021**

STATES GREFFE

PROPOSITION

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

To endorse the decision of the Minister for Home Affairs to authorise the use and deployment of Energy Conductive Devices (Taser) by the States of Jersey Police according to the following principles:

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

MINISTER FOR HOME AFFAIRS

REPORT

Background

On 3rd November 2020 the States considered P.97/2020 *Deployment and use of Energy Conductive Devices ('Tasers') by the States of Jersey Police*. The Proposition was adopted as amended by an amendment (P.97 Amd.) lodged by the Children, Education and Home Affairs Panel, as well as by the Panel's second amendment (P.97 Amd (2)) which was approved as amended by the Minister for Home Affairs (P.97 Amd.(2)Amd.)

The overall effect of this, was that the Assembly agreed to:

Endorse the intention of the Minister for Home affairs to authorise the deployment and use of Energy Conductive Devices ("Tasers") by the States of Jersey Police Force for a trial period of 1 year in accordance with the following principles –

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

and requested the Minister for Home Affairs to review the impact of the changes to the use of Tasers on policing in Jersey after the 1-year trial period had been completed, and to report to the States on the success, or otherwise, of the trial, with the report to include data in respect of –

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

and agreed that the deployment and use of Tasers in accordance with the principles outlined in the proposition should not continue beyond the trial period of 1 year without the prior approval of the States Assembly.

The Minister has reflected on the impact of the trial period and duly presents the requested data in relation to the trial period as reported by the States of Jersey Police (See Appendix).

The Trial Period

Implementation and length of trial period

The trial period involved the introduction of Specially Trained Officers (STO) to the States of Jersey Police (SOJP). This includes a small cohort of non-Firearms Officers (previously not able to carry Taser) trained in the use of Taser and able to deploy Taser without seeking a Firearms Authority, as well as all Authorised Firearms Officers (AFOs), who previously carried Taser, and were now able to deploy their Tasers without seeking a Firearms Authority.

Due to the need to deliver required training, and implement new Standard Operating Procedures in relation to the use of Taser, the trial period commenced on 1st March 2021.

It is acknowledged that the amendment to P.97/2020 specified a 1 year trial period. However, it also stipulated that the new arrangements for Taser deployment could not continue *beyond* 1 year without the prior approval of the States Assembly.

Therefore, were the trial period to have run for the full year stipulated (until March 2022) the SOJP would have been required to temporarily cease use of Taser under the new model, and revert back to the previous arrangements for an indeterminate period until the States Assembly made a decision.

Furthermore, with the requirement for a 6-week minimum lodging period taken into account, it is highly likely that the States would not have been able to consider this matter prior to the 2022 election due to the pre-election deadline for lodging being in early March.

It would therefore fall to a new Assembly to make the decision, some 6 months after the trial period had ended and almost 2 years since the matter had originally been considered by this Assembly.

This would have caused significant operational disruption for SOJP and would have left them in an unsatisfactory and uncertain position for some months. This would not be in the best interests of public safety, nor for the operational efficiency and effectiveness of our Police Force.

The Minister has therefore decided to present to the Assembly the following, and appended, information based on 8 months' worth of data which is considered to be a sufficient basis on which to review the impact of the changes to the use of Tasers on policing in Jersey, as required by the States' decision on P.97/2020.

Use of Taser during the trial period

During the trial period STOs have drawn Taser 22 times and Taser was fired on 3 of those occasions.

In the course of the debate on P.97/2020 certain specific concerns were noted. These included use of Taser in dealing with incidents involving those under the age of 18; on those experiencing mental health difficulties; by officers deployed alone; and on ethnic minorities.

The data requested reflects these reasonable concerns.

There is good evidence from the trial period that Taser has not been disproportionately used on those under 18 or on ethnic minority groups and that use by lone officers makes up a small percentage of incidents.

Use of Taser during incidents where someone was undergoing a mental health crisis or episode are also in the minority, however these incidents do make up a more significant portion of the total. This is to a degree to be expected.

During the debate on P.97/2020 and the various briefings provided, it was explicitly acknowledged that SOJP did use, and expected to continue to use, Taser during such incidents to protect the life of those experiencing mental health difficulties.

It is an unfortunate fact that the SOJP are required to deal with an increasing volume of calls to those in distress as a result of mental health problems. Whilst these incidents are very often resolved without any use of force, on a very small minority of occasions the use of Taser is a proportionate and safe way of resolving incidents where an individual may have otherwise taken action to seriously harm themselves.

The 7 incidents in which Taser was drawn during a situation involving a person undergoing a mental health crisis or episode, represent only a small fraction of the total mental health incidents that SOJP attended during the trial period (the SOJP have attended or directly managed 816 mental health incidents so far this year, as at the 24th November). This is reflective of the fact that the use of Taser to resolve such situations is only done as a last resort, when really necessary.

A more general concern was expressed by the Assembly in relation to the effect that the change in deployment of Taser would have on the culture of Policing in Jersey, and whether it may over time erode the excellent reputation SOJP have within the community.

This is of course hard to quantify, but can be to some extent assessed by looking at the numbers of uses in total, as it was suggested that the changes could lead to a general increase in the use of Taser.

In 2020, the States of Jersey Police 'used' Taser on 45 occasions, to date in 2021 it has been 'used' 44 times. The development of specially trained officers has not therefore resulted in a significant increase in the use or deployment of Taser. Perhaps more importantly, there has not been any change in the guidance and training to Officers about the way they should consider using force, based on the principle of policing by consent.

Conclusion

The Assembly, in considering P.97/2020, were clearly wary of the impact that changes to how Taser is deployed, and by which officers, may have on policing in Jersey.

The Minister of the time was pleased to accept the Children, Education and Home Affairs Panel's amendment, which introduced the requirement for a trial period, as a reasonable and proportionate way of addressing these concerns.

The incumbent Minister is equally pleased to present the outcome of this trial to the Assembly.

It is clear from this trial that concerns around a sharp increase in the use of Taser by SOJP under the new deployment model have not materialised. Rather, the SOJP has used Taser with professionalism and discretion, and in compliance with best practice, to protect the public and ensure Officer safety.

The Minister has absolute confidence that extending the arrangements that have been in place since March 2021 will not damage the excellent relationship between our Police Force and the community that they serve. It will, however, ensure our Police Force have the correct tools to do their job and keep us all safe.

Financial and manpower implications

The SOJP are currently operating under the principles previously agreed, and therefore no additional resources would be required if this proposition were to be adopted.

Appendix – Review of Trial period of Specially Trained Officers (Taser Officers)



Report To: Minister of Justice & Home Affairs
Report Date: 20th October 2021
Report Title: Review of trial period of Specially Trained Officers (Taser Officers)
Report of: Chief Inspector Chris Beechey & Chief Firearms Instructor Chris Thomas

1. PURPOSE OF THE REPORT

- 1.1. To seek approval from the States of Jersey to substantiate the role of Specially Trained Officers (STOs) within States of Jersey Police. This is in order to allow trained officers to deploy with Conductive Energy Devices (CED), as a use of force option (work based equipment) without the necessity for a Firearms authority to be granted to support and manage the said use.
- 1.2. The proposition seeks endorsement from the States Assembly to permanently adjust the way in which Taser is deployed in the States of Jersey Police (outside of a firearms authority) according to the following principles:
 - a) A Taser will only be issued to a uniformed police officer who has completed a Taser course (national standard).
 - b) The use of Taser will be at the discretion of the police officer who is carrying the Taser and will not be subject to, nor necessitate a specific firearms authority.
 - c) Usual supervision of the use of Taser will apply and the individual officer's usage must be justified and compliant with all existing legislation and associated College of Policing Guidelines (see Taser Standing Operating Procedure – paragraph 3.4).

2. BACKGROUND

- 2.1. The States Assembly adopted P.18/2014, 'Taser: Deployment and Use in Jersey by the States of Jersey Police', on 1st April 2014. This followed a detailed Scrutiny review in 2012. The introduction of Taser was in response to a gap in the SOJP Firearms tactical response options at that time.

- 2.2. Prior to the introduction of the role of Specially Trained Officers (Taser officers) Taser could only be used when a Firearms Authority had been granted. This meant that Taser officers were unable to use, or consider using this equipment, when dealing with and managing incidents falling outside of a Firearms Authority.
- 2.3. UK Police Forces have long recognised the need to have available to them, in compliance with the Human Rights Act, a range of 'less-lethal' options to aid in the management and resolution of all conflict.
- 2.4. A use of reasonable force is also consistent with the European Convention on Human Rights.
- 2.5. Accordingly, Police Forces regard Taser as work based equipment and a tactical general use of force option for those officers who are not Authorised Firearms Officers. This use of force is managed in accordance with the National Decision Model.
- 2.6. Taser is a tactical option for officers when responding to violent incidents and in order to protect those who are at risk to themselves through welfare and mental health concerns. It assists the police to minimise risk and to maximise the safety of those involved, with the overarching principle being to save and preserve life:
- Taser is not a punishment
 - Taser protects the public, officer and offender
 - Taser provides a less lethal option that may therefore prevent the need to resort to conventional firearms
- 2.7. P.97/2020, 'Deployment and use of Energy Conductive Devices ('Tasers') by the States of Jersey Police' (hereafter 'P.97/2020') was lodged by the Minister for Home Affairs on 28th July 2020 and debated by the States Assembly on 3rd November 2020.
- 2.8. Following debate and subsequent approval, the following principles were stipulated;
- a) A Taser will only be issued to a uniformed police officer who has completed a Taser course (to the national standard) and who has also completed their probationary period.
 - b) The use of a Taser will be at the discretion of the police officer who is carrying the Taser and will not be subject to a specific firearms authority.

- c) Usual supervision of the use of Taser will apply and the individual officer's usage must be justified and compliant with all existing legislation and associated College of Policing Guidelines
- d) Any use of a Taser must, wherever practicable, be recorded on body-worn cameras by all officers attending the situation in which use occurs, with the footage to be submitted, retained and logged alongside the use of force form from the incident

2.9. The States agreed to the role of STO being introduced however subject to a trial period for 1 year. At conclusion of the trial period a specific set of data was requested in order to review the impact of the changes to the use of Taser by the SOJP.

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

2.10 It is therefore important to note that this report does not seek support for the general use of Taser. This was authorised by the States in 2014.

2.11 This report and review seeks to gain authority to permanently introduce the role of STOs in the Force, therefore permitting Taser to be carried by officers outside a firearms authority and to be utilised by officers as a general use of force option in the same way PAVA, Baton, non-compliant handcuffing, limb restraints, and hand-to-hand control skills are all currently used.

3. STATES OF JERSEY POLICE RESPONSE

3.1. Due to the need to introduce new Standard Operating Procedures for Taser, provide for the education and awareness of all SOJP employees, and train staff in the role of Specially Trained Officers, the trial period did not commence until 1st March 2021.

3.2. All Authorised Firearms Officers (AFOs) were subject to a two day Taser refresher and introduction to the role of STO. This enabled AFOs to carry Taser at all times and to use the said device outside of a firearms authority.

3.3. Non-AFOs (6 officers) were provided with a 5 day Taser course. This trained them in the use of Taser as well as providing an in depth understanding and application of the National Decision Model (NDM) and numerous practical judgemental scenarios, thus qualifying them in the national role profile of a Specially Trained Officer in accordance with the College of Policing.

3.4. In addition to the above training, the rest of the force were also provided with advice and guidance in the use and application of Taser. This ranged from the briefing of all control room staff (first line of decision making in respect to the deployment of STOs) to the education of all Tactical Firearms Commanders (TFCs) who would ultimately authorise the deployment of STOs or necessitate the authority and deployment of AFOs under a firearms authority. All frontline staff were also provided with advice and guidance in respect to the support that they may need to provide to STO's and the subject following a Taser use.

3.5. Following the training and all subsidiary training the final go live date for the deployment of STOs was 1st March 2021. This meant that trained STOs were conducting their normal day to day duties whilst carrying Taser on their body armour.

4. GENERAL SPECIALLY TRAINED OFFICER DATA / EVIDENCE (1st March to date of the report)

4.1 From the 1st March data has been collated in order to inform the States as to the impact of the role of STOs and Taser use has had on operational policing. As stated above these statistics relate to all Taser data recorded under the role of STOs and not Taser usage under a firearms authority.

4.2 STOs have been patrolling with Taser since the go live date and have frequently been deployed to incidents because they have a greater range of tactical options to non-Taser carrying officers. STOs have 'used' Taser 22 times since 1st March. **It should be noted that 'use' of Taser does not necessarily mean that Taser has been fired at a subject, indeed Taser has been fired on only 3 of the 22 occasions of 'use' during the trial.** Table 1 displays the number of times Taser has been used by STOs and the breakdown of the different levels of usage.

Type of use	Number of times	% of total uses
Drawn	6	27
Arced	0	0

Laser dot	13	59
Fired	3	14

Table 1 – STO use of Taser

5. SPECIFIC STIPULATED DATA (1st March to date of the report)

5.1 The number of times a Taser has been used on a person under the age of 18;

Subject Age	Number of times	% of total uses	Number of times fired
18 +	20	91	3
15 - 17	2	9	0
Under 15	0	0	0

Table 2

– Breakdown of subject age

5.1.1 Taser was drawn twice during the trial period against 15 – 17 year olds. It was not fired during either incident.

5.2 The number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode;

Subject undergoing mental health crisis?	Total 'uses' of Taser	% of total uses	Taser fired
Yes	7	32	1
No	15	68	2

Table 3 – Breakdown of subject undergoing mental health crisis

5.2.1 The assessment as to whether an individual is in mental health crisis is based on the information received at the time of the call and all other interaction with the subject. STO's have drawn and/or used Taser whilst dealing with subjects who are undergoing a mental health crisis on 7 occasions since 1st March 2021.

5.2.2 Of these occasions;

- Taser was drawn 3 times
- The subject was Laser dotted 3 times
- Taser was fired once

5.2.3 On the occasion it was fired, it was in response to an individual who was threatening to imminently harm themselves and allowed them to be safely detained and receive medical attention.

5.3 A breakdown of the gender, age, and cultural and ethnic groups of the people on whom a Taser has been used;

Subject gender	Number of times	% of total uses
Male	19	86
Female	3	14
Other	0	0

Table 4 – Breakdown of subject gender

Subject Ethnicity	Number of times	% of total uses
White	22	100
Black or Black British	0	0

Asian or Asian British	0	0
Chines or other Ethnic group	0	0
Mixed	0	0
Not stated	0	0
Unknown	0	0
Declined	0	0

Table 5 – Breakdown of subject ethnicity

5.4 The number of times a Taser has been deployed by a police officer who is on their own.

Officer alone?	Number of times	% of total uses
Yes	3	14
No	19	86

Table 6

Officers were alone when Taser was used

– Number of times

5.5 Other STO Taser deployments

5.5.1 SOJP STO's have discharged Taser on two further occasions since 1st March 2021.

5.5.2 Both of these deployments concerned adult male subjects, who were aggressive and violent towards Police officers and others present. On both occasions, following appropriate discharge of Taser, the subjects were safely restrained and arrested.

6. RELATED USE OF FORCE DATA

SOJP use of force between 1st March 2021 - 20th October 2021

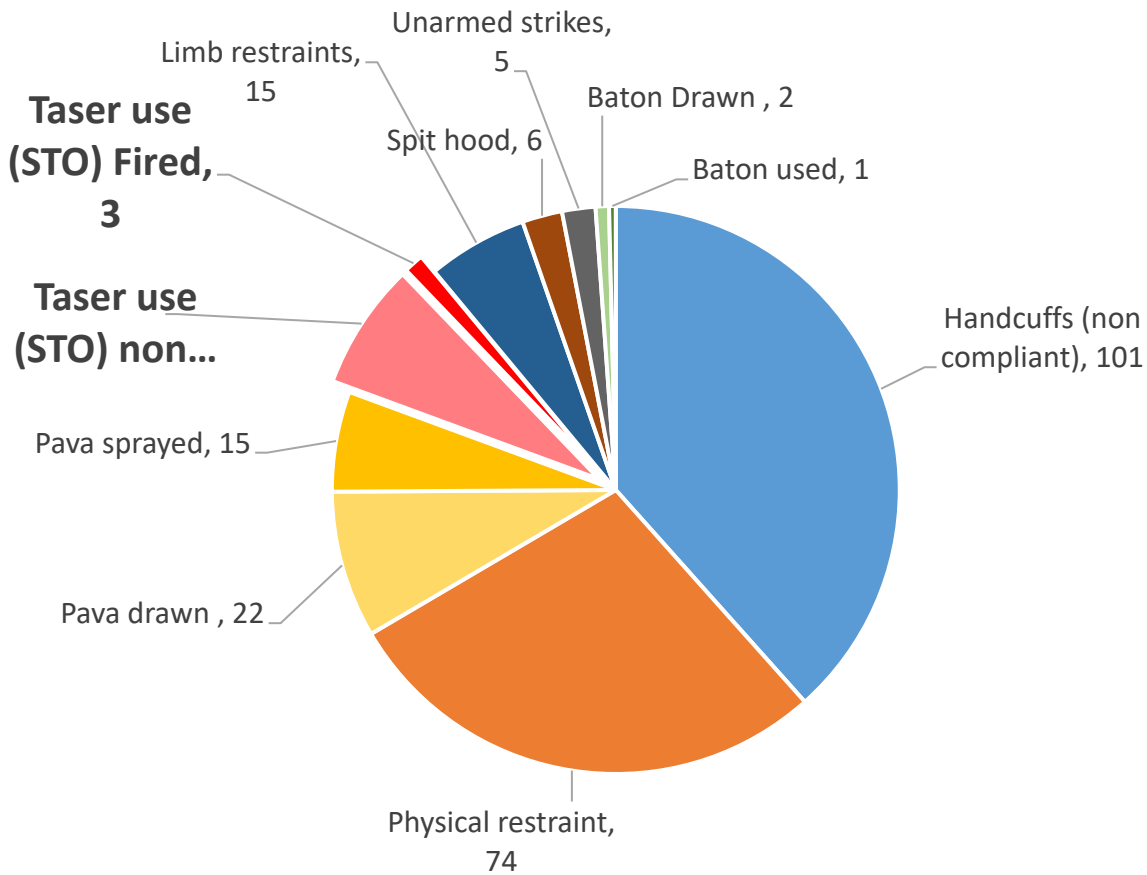


Chart 1 – Pie to show different use of force tactics used

7. CONCLUSION

- 7.1 Since 1st March 2021, SOJP officers have dealt with over 11,000 incidents. Amongst these, STO's have been deployed to or have dealt with countless numbers of incidents, however, have only 'used' Taser 22 times and only fired Taser on three separate occasions.
- 7.2 On the occasions that Taser has been 'used', the vast majority, 86%, have involved the device acting as a deterrent only and has not been fired.
- 7.3 On the three occasions that TASER has been fired by an STO, one prevented the subject from self-harm and led to the safe detention of the subject enabling immediate medical intervention.
- 7.4 The second and third discharges were used against large aggressive males who had either assaulted officers or who were of an imminent threat of violence to officers. Both discharges enabled the subjects to be safely restrained with no further injury being experienced to any and all involved.

- 7.5 When compared to other 'use of force' options as detailed in Chart 1 (paragraph 6), Taser discharge accounts for only 1.1% of the total use of force over the period by officers.
- 7.6 The ultimate aim of any incident is to minimise the risk to the public and subject(s) and to maximise the safety of officers. It is the author's opinion that the data / analysis in this report clearly demonstrates the effective use of Taser as a routine 'use of force' option in order to safely detain violent subjects and minimise the risk to those who are in mental health crisis and are causing themselves harm.

8. PROPOSAL

- 8.1 That the States continue to support the use of Conductive Energy Devices (Tasers) outside of a firearms authority by Specially Trained Officers.
- 8.2 That the number of Specially Trained Officers, appropriately trained and deployed, be entirely at the discretion of the Chief Officer of Police.

Chief Inspector Chris Beechey & Chief Firearms Instructor Chris Thomas