



Children's Commissioner for Jersey

Promoting and Protecting Children's Rights

Use of Tasers on Children

Having analysed the CRAE (Children's Rights Alliance for England) briefing on Tasers and children's rights and the United Nations' *Guidance on Less-Lethal Weapons in Law Enforcement*, there are four key issues around the use of Tasers¹ on children. These are as follows:

1. Contravening the rights of the child
2. Lack of research and risk of harm
3. Appropriate usage and training
4. Discrimination

Ultimately, the CRAE recommends that the use of Tasers on children be completely eliminated; failing that, there should be a 'strong presumption' against their use on under 18s.

1. Contravening the rights of the child

The CRAE emphasises that, 'like all public institutions, the police are bound by children's human rights standards.'

In 2016, the UN Committee on the Rights of the Child examined the UK. Consequently, they made a '**clear recommendation that the use of Taser on children should be prohibited**'. This recommendation is based on concerns around the impact of the Taser on children's physical and mental health. In May 2019, the UN also recommended that the UK '**provide clear presumptions against the use of Tasers on vulnerable groups, such as children and young people**'. The 2020 UN *Guidance on Less-Lethal Weapons in Law Enforcement* emphasises that, 'law enforcement policies, instructions and operations must give special consideration to those who are particularly vulnerable to the harmful consequences of the use of force in general and to the effects of specific less-lethal weapons; such persons include children...'².

Ultimately, police officers should only ever use the Taser on children when it is considered 'proportionate, lawful, accountable and absolutely necessary' as per the Human Rights Act 1998 and College of Policing guidance. For example, in situations where an officer has reason to believe they may have to protect the public, themselves, and/or the child or young person from serious violence or threats of serious violence.

To use a Taser on a child without due reason is against the recommendation of the UN Committee and is in direct contravention of children's human rights standards.

2. Lack of research and risk of harm

These issues are at the core of the UN Committee's recommendation. The CRC clearly states at Article 17 the right of the child to be to be 'protected from all forms of violence'. Furthermore, Article 37 notes, 'children must not be tortured' — in 2013, the UN Committee raised serious concerns about Tasers, noting, 'the use

¹The College of Policing describes the use of a Conducted Energy Device (CED or Taser) as a "less lethal weapon system" designed to temporarily incapacitate a subject through use of an electrical current which temporarily interferes with the body's neuromuscular system and produces a sensation of intense pain.

²*United Nations Guidance on Less-Lethal Weapons in Law Enforcement*, OHCHR, 2020, p.6, (2.7)

of these weapons causes severe pain constituting a form of torture... in some cases it may even cause death.'

The CRAE touches upon the 'worrying lack of research into the risks of using Tasers on children and the physical and mental damage they can cause'. The development of new 'double shot' Tasers also raises further concern — these could more easily penetrate clothing or skin, which is particularly relevant to children, whose smaller body mass index means that there is the potential to penetrate deeply into the skin more easily. This concern is echoed in the UN guidance; 'children and slender adults may be at greater risk of internal injury from tissue-penetrating barbs, as their body wall is generally less thick'³. The predecessor to SACMILL (Scientific Advisory Committee on the Medical Implications of Less-Lethal Weapons), DOMILL (Defence Scientific Advisory Council Sub-Committee on the Medical Implications of Less-Lethal Weapons) found that children may be at greater risk of injuries to the lung and liver; brain injury from skull-penetrating barbs; and penetration or damage to the eyes. The UN raises similar concerns, stating 'particular consideration should be given to assessing the potential effects of using less-lethal weapons... against individuals who may be especially vulnerable'⁴.

Furthermore, the psychological damage of the Taser must also be considered. The CRAE notes that, 'even when Tasers are not actually fired, the threat of a police officer drawing a weapon is extremely disturbing for children and young people'. SACMILL highlighted that the longer-term psychological implications of exposure to an extremely painful Taser discharge, especially among children, remains unexplored.

3. Appropriate usage and training

There is serious concern that Tasers will not be used as a last resort. In 2018, Freedom of Information requests revealed reasons for use of Taser such as 'to effect arrest' and 'to avoid escape'. This is not in line with the '*proportionate, lawful, accountable and absolutely necessary*' guidance. For example, the UN guidance states, 'in the case of a person fleeing arrest, particular attention must be given to the principle of proportionality; the degree of force used to prevent the escape must be balanced against the seriousness of the threat posed by the person fleeing.'⁵

The CRAE report also notes that in the UK, 'in 2008, after the devices were introduced, officers used them on children nine times. This compares to the period April 2018 – March 2019 where there were 783 uses of Taser on children. In the first 10 months of 2019, there were already 1009 uses of Taser on children.' This is an alarming upward trend in the UK. It is worth noting that in Jersey, since tasers were introduced in 2013⁶, it has been used 170 times in the last three years. The police are unable to provide data on the ages of the people the taser has been used on, and therefore cannot say how many times it has been used on children and young people.

Ultimately, Officers must consider other, less dangerous options before resorting to the use of Taser and must be able to justify why these options were discounted.

4. Discrimination

Finally, the CRAE notes that 74% of Taser use by the Metropolitan Police Service was on BAME children. When considered in line with the UN guidance which states, 'law enforcement officials shall not discriminate against any person on the basis of race, ethnicity, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, disability, property or birth, or other similar criteria,'⁷ this clearly merits urgent research.

³United Nations Guidance on Less-Lethal Weapons in Law Enforcement, OHCHR, 2020, p.33, (7.4.6)

⁴United Nations Guidance on Less-Lethal Weapons in Law Enforcement, OHCHR, 2020, p.14, (4.2.2).

⁵United Nations Guidance on Less-Lethal Weapons in Law Enforcement, OHCHR, 2020, p.21, (6.1.1)

⁶States of Jersey, Jersey Police Complaints Authority: Annual Report 2019, 2019, p.16

⁷ United Nations Guidance on Less-Lethal Weapons in Law Enforcement, OHCHR, 2020, p.7, (2.11)

As Jersey currently lacks any statistics on the demographics of Taser usage, this would be a key priority when considering the expansion of responsible, non-discriminatory Taser use — particularly concerning children.

Conclusion

As a signatory to the UNCRC Jersey should follow the advice given by the UN Committee and therefore the use of Taser on children should be prohibited and set out in guidance should be clear presumptions against the use of Tasers on vulnerable groups, such as children and young people.

Ultimately, police officers should only ever use the Taser on children in extreme situations when it is considered 'proportionate, lawful, accountable and absolutely necessary' as per the Human Rights Act 1998 and College of Policing guidance. For example, in situations where an officer has reason to believe they may have to protect the public, themselves, and/or the child or young person from serious violence or threats of serious violence. In such situations the officer should seek approval from a senior officer.