

## Education and Home Affairs Panel

### Briefing Paper - Police Use of Tasers

#### Introduction

1. The British government has lifted a ban on the export of Tasers outside the EU. This ban was imposed as Tasers could be used for torture. However, this meant that they could not be exported from the UK to the Crown Dependencies and British Overseas Territories.
2. The Foreign and Commonwealth Office has now acknowledged the need to allow the limited export of Tasers so opening up the possibility of their sale to Jersey.
3. The Minister for Home Affairs has said: *'I want the States Police to be able to deploy the lowest possible level of response to serious threats to public safety. At present there are situations in which firearms are being deployed where the lower level of Tasers would be much better. It will, however, be necessary to set appropriate procedures as to when a Taser could be deployed or used. I will not authorise their purchase or use without the approval of the States of Jersey.'*<sup>1</sup>
4. He added: *'The particular area which they are needed is if somebody is wielding a knife, Samurai sword or something of that nature. You can't get up close to them to deploy CS spray and the alternative is you end up deploying guns.'*<sup>2</sup>

#### Key concerns

5. Deputy Tadier, in an email to States members, dated 13 February 2012, expressed the following concerns:
  - A cursory internet search shows that there are many instances of the inappropriate use of Tasers (see <http://www.guardian.co.uk/world/Tasers>) including a father Tasered because he had a plastic gun in his brief case (a toy for his son) and evidence of the lethal potential of Tasers (and not 11 years ago in Canada, but recently and in the UK).
  - Secondly, we are not the UK and we do not have the 60 million population with the level of crime that they do. Surely, the question of proportionality has to be posed and related to the Jersey context. Perception is also important.
6. He also said: *'My natural instinct is that I don't think in the Jersey context we have the levels of crime that would necessitate bringing Tasers to the island.'*<sup>3</sup>
7. Mr. P. Lightbody writing to the JEP<sup>4</sup> highlighted the following concerns
  - How many incidents of confrontation with the police have occurred in the past five years?
  - What grades of incidents were involved? What was the outcome?
  - When and of what level was the last injury sustained by a police officer?

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<sup>1</sup> BBC News website 11th February 2012

<sup>2</sup> BBC News website 14th February 2012

<sup>3</sup> BBC News website 14th February 2012

<sup>4</sup> Jersey Evening Post 16th February 2012

- One of the many arguments against the use of Tasers is that they are prone to wrongful or inappropriate use by law enforcement officers.
  - The cost of purchase, initial training, recurrent training and servicing
8. He acknowledged that Tasers might provide added security for officers but said that there must be a balance of risk: the duty of care to officers must be balanced against '*the greater ideas of both human rights and civil liberty, for which all police officers and politicians are ultimately responsible.*'

### Key facts<sup>5</sup>

9. In 2004 the Home Office allowed the use of conductive energy devices (CEDs) by Authorised Firearms Officers for Police forces in England and Wales. Currently Tasers are the only authorised CEDs in the UK.
10. The police use of Taser in England and Wales is intended to provide an additional and less lethal option for police when dealing with violent or threatening situations and has contributed to resolving incidents without injury. Taser is used to resolve potentially dangerous situations, which may previously have necessitated a firearms response.
11. Taser International Inc is the world's largest manufacturer of CEDs. The name 'Taser' is an acronym which stands for 'Thomas A Swift's Electric Rifle'. Taser technology is used by agencies in 45 countries around the world.
12. In November 2008, following a twelve month trial period, the Home Secretary announced plans to widen the use of Tasers to some front line officers. These officers are 'Specially Trained Units' and must spend a minimum of 18 hours in initial training and attend annual 'refresher' courses for 6 hours.
13. Policy and guidance on the use of Taser is governed by the Association of Chief Police Officers (ACPO). The latest ACPO policy statement is provided in the appendix to this report. Full policy and operational guidance documents can be found at [www.westmercia.police.uk](http://www.westmercia.police.uk).
14. The policy clearly sets out that Taser can only be used by such specially trained units where officers would be facing violence or threats of violence of such severity that they would need to use force to protect the public, themselves and/or the subject. (para 4.2)
15. Taser was used by the police in England and Wales over 8,500 times since introduction April 2004 up to March 2010<sup>6</sup>.
16. In the vast majority of occasions where Taser is used, it is not discharged. In around two thirds of all cases (70%), drawing, aiming, or red-dotting (the red dot laser sight is activated and placed on a subject but the Taser is not fired) is sufficient to resolve and manage a violent incident.
17. There has been one recorded case in the UK of a death following the police use of Taser.<sup>7</sup> This occurred where the individual was hit three times by a Taser used by a non-firearm officer.

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<sup>5</sup> From Home Affairs Select Committee report on the Police Use of Taser and memorandum of UK Home Affairs Minister, dated November 2010:

<http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/646/646we02.htm>

<sup>6</sup> <http://www.homeoffice.gov.uk/publications/science/cast/Taser-figures-march-2010/> accessed 28.02.12

<sup>7</sup> Bodybuilder Dies after Police Blast Him Three Times with Taser Gun; The Daily Mail (London, England), August 18, 2011 – see Tony Bellow's blog below for details

## **Additional Research:**

Reference is made below to additional research carried out by the Scrutiny Office. The original papers can be accessed online through the links given in the footnotes. The following paragraphs summarise or provide selected extracts from the documents listed.

### **18. UK Home Office – website statement on Tasers, dated 08/04/2010<sup>8</sup>**

Key points:

- Tasers can be used as a less lethal alternative in situations where a firearms authority has been granted in accordance with criteria laid down by ACPO
- Deployment of Tasers has been extended to incidents where the use of firearms has not been authorised but where officers are facing violence or threats of violence of such severity that they would need to use force to protect the public, themselves or the subject.
- Figures on Police use of Taser in England and Wales are available
- Every incident in which Taser is deployed is recorded and a report sent to ACPO and Home Office to monitor
- Independent medical advice from DOMILL has concluded that the risk of serious injury from the use of Tasers within ACPO guidance and policy is very low
- PSDB reports on technical evaluation of Tasers are available

### **19. Home Affairs Select Committee : Police Use of Tasers: report dated 7 March 2011<sup>9</sup>:**

This short report focused concerns regarding the procurement of a new form of Taser weapon (X12 model) and their use against Raul Moat. It did not examine broader issues regarding the use of Tasers but noted that *'the circumstances in which Tasers can be used, the prevalence of their use, the training given to officers in their use and the extent to which they are justifiable alternatives to other methods of restraint are all important issues which would merit further investigation'* (para 3).

### **20. Home Affairs Select Committee: The use of Tasers: chapter 6 of report on the policing of the G20 protests, dated 9 June 2009<sup>10</sup>**

As part of a review of the G20 protests the Committee conducted a one-off review into Tasers. The Committee supported the use of Tasers by the police as an 'alternative to lethal force' but recommended caution about extending its use beyond firearm officers to some front-line officers and commented that *'more widespread use of Tasers would represent a fundamental shift between the police and the general public'* (para 71)

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<sup>8</sup> <http://tna.europarchive.org/20100419081706/http://www.police.homeoffice.gov.uk/operational-policing/firearms/Taser/index.html>

<sup>9</sup> <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmhaff/646/64602.htm>

<sup>10</sup> <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/418/41809.htm>

## 21. Home Affairs Select Committee Witness sessions: 9 May 2009

### (a) Mr. Oliver Sprague: Amnesty International<sup>11</sup>:

Amnesty recognises that there is a role for Tasers, especially as a stand-off for distance control against a potentially violent suspect.

Amnesty Report dated Dec 2008 examined incidence of deaths (330 people) following use of Taser by police in the USA where they are routinely deployed by all officers.

Amnesty recognise that *'there may be a case for widening Taser deployment beyond firearms officers for incidents of severe, life threatening violence but we do have severe reservations about the widespread roll-out of Tasers when the guidelines are not clear enough about when they can be used and the training they are given is not of a level of firearms standard (q10)*

### (b) Assistant Chief Constable Chesterman ACPO<sup>12</sup>:

In the USA Tasers are rolled out extremely widely (15,000 law enforcement agencies) and are used as a *'pain and compliance'* tool which is strictly forbidden over here.

In the UK ACPO is *'an overarching body which governs these things and there is very strict policy and monitoring and evaluation'* (Q39)

## 22. ACPO: Policy on extended operational deployment of Taser<sup>13</sup>

Scope: ACPO considers that Taser may be issued alongside other existing personal safety tactical options. If justifiable and necessary it could be selected and used by trained officers facing violence or threats of violence of such severity that they will need to use force to protect the public, themselves and/or the subject(s). (3.2)

Deployment: Tasers are to be deployed with Specially Trained Officers, 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 (4.2)

## 23. ACPO statement on police use of Tasers, Dec 2011<sup>14</sup>

ACPO lead for Taser comments on figures showing an increased use of the device by police officers. ACPO lead for Taser, Assistant Chief Constable Simon Chesterman, said:

"Police officers can only use as much force as is reasonable in the circumstances and officers deploying Taser must justify its use. Each and every use of Taser is reported to the Home Office which enables ACPO, the NPIA and the Home Office's Centre for Applied Science and Technology to monitor its appropriate use.

"Taser has been shown to be an effective tactical option for use against individuals who are offering such violence that force is necessary to protect the public, police officers or the individual themselves. In recent years, more officers have been trained to be able to use

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<sup>11</sup> <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/494/9050502.htm>

<sup>12</sup> <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmhaff/494/9050503.htm>

<sup>13</sup> [http://www.acpo.police.uk/documents/uniformed/2011/20110830%20UOBA%20Extended%20Operational%20Deployment%20of%20Taser%20for%20Specially%20Trained%20Units\\_Ver%204\\_Dec%202008.pdf](http://www.acpo.police.uk/documents/uniformed/2011/20110830%20UOBA%20Extended%20Operational%20Deployment%20of%20Taser%20for%20Specially%20Trained%20Units_Ver%204_Dec%202008.pdf)

<sup>14</sup> <http://www.acpo.presscentre.com/Press-Releases/ACPO-comment-on-police-use-of-Taser-129.aspx>, accessed 28.02.12

Taser as, in the majority of cases where it is deployed, the incident is resolved without the device being discharged.

“The medical implications associated with Taser are closely monitored by an independent panel of medical advisers who also look at learning from across the world. This monitoring shows that risks associated with Taser are largely secondary, as a result of falling, rather than the electricity conducted through the device.

"While these figures suggest an increase in the use of Taser by police officers, we await official figures from the Home Office."

24. **Independent Police Complaints Commission:** Report published on cases involving the use of Tasers between April 2004 and September 2008

- All complaints made to police forces involving the use of Tasers are referred to the IPCC as a matter of course
- IPCC supported the gradual and monitored extension of the use of Tasers: ‘Our conclusion when the wider roll-out was announced was that the level of public complaints about the use of Taser was low, especially when compared with the number of instances where its use has saved lives or prevented injuries. But we are very aware that the use of Taser carries the risk of misuse, and the public will rightly be concerned about this. We have therefore asked all forces to refer any complaints about the use of Taser to us. We also encourage all forces to explain to the public the circumstances in which Taser might be deployed, and that people have a right to complain if they feel the use of force was excessive<sup>15</sup>.
- 35 complaints were received – the majority were returned to individual police forces to be handled locally
- The majority of complaints concern the use of Taser in drive stun mode – this involves the discharge of a Taser directly against the body rather than from a distance. Guidance states that unless absolutely necessary to protect life the Taser should not be applied directly to the subjects neck or head
- Only two complaints were received involving the use of Taser by Specially Trained Units during the pilot period

25. **Amnesty International:** various press releases relating to concerns about rolling out of Tasers to ordinary officers in Scotland<sup>16</sup>

- Press release: Stop Tasers being given to ordinary police officers
- Sunday Herald article on dangers of Tasers – published 6 February 2010 – ‘worrying stories starting to appear following widening use of Tasers in England and Wales: 14 year old boy, 84 year old man, man Tasered 2 or three times while being punched to the ground
- Press release: Serious concerns about ‘extremely dangerous weapons’
- Press release: Dismayed over moves to arm more Strathclyde police with Tasers
- Press release: Police must not be allowed to rely on ‘discretion’ to use unapproved weapons (Taser XREP projectile and X12 shot gun)
- Press release: Taser deaths in USA hit 500 mark

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<sup>15</sup> [http://www.ipcc.gov.uk/news/Pages/pr050509\\_Tasers.aspx](http://www.ipcc.gov.uk/news/Pages/pr050509_Tasers.aspx)

<sup>16</sup> <http://www.amnesty.org.uk/content.asp?CategoryId=11111&ArticleID=3046>

26. **Guardian: Tasers: 'If officers have a new toy, they like using it'. 9 November 2011**<sup>17</sup>

Use of Taser on 41 year old suffering an epileptic fit. The IPCC concluded that officers acted correctly and nothing in ACPO or Greater Manchester Police guidelines prevented the use of a Taser against a person having an epileptic seizure.

Amnesty fears that Tasers represent a 'slippery slope' in which police become over-reliant on this quick technical fix, which makes them less engaged with – and more likely to alienate – the people they are policing. *'If you can get instant compliance by just pointing a Taser then there's a strong argument for drawing it immediately'*. Suddenly policing by consent becomes policing by compliance.

27. **Bob Hill Blog: 17th February 2012**<sup>18</sup>

Mr. Hill said 'Jersey is a low crime area'. He was saddened by the justification for the Taser on the grounds of officer safety due to its ability to be discharged at up to a distance of 21 feet.

He commented *'every step away from a suspect is a step away from traditional policing and a step away from consensus policing'*.

28. **Minister's Response to Written and Oral Questions by Deputy G. Baudains, 11th September 2007: key points**<sup>19</sup>

- Tasers will only be used by Authorised Firearms Officers (AFOs) in Jersey – strict rules of deployment will be implemented
- Authorisation of deployment can only be made by the Chief Officer or, in his absence, a designated senior officer of ATPO rank
- ECD (electronically controlled device) will be deployed as an alternative to the lethal force option, when the need for such reasonable and minimum force is identified, as required to confront someone representing a physical danger to themselves, officers or members of the general public
- SOJ Police have adopted Home Office Codes of Practice on the Police use of Firearms as 'Good Practice'.
- All training and operational deployments of firearms are conducted in accordance with the ACPO Manual of Guidance on Police Use of Firearms and the National Firearms Curriculum
- There is no room for abuse in any of the tactics described in any of these documents
- Deployment in Jersey will be in compliance with the points raised by Amnesty International
- Jersey's compliance with the Convention on Human Rights will be enhanced as a result – Article 2 on the right to life will be compromised by the use of conventional firearms
- Firearms Officers will be trained in specialist aftercare, as will custody staff. It is standard practice to deploy paramedics at the scene

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<sup>17</sup> <http://www.guardian.co.uk/world/2011/nov/09/how-safe-are-Tasers>

<sup>18</sup> <http://bobhilljersey.blogspot.com/2012/02/Taser-guns-jury-still-out.html>

<sup>19</sup> [http://www.statesassembly.gov.je/Pages/Hansard.aspx?docid=9a35e44a46c0cbc0089825c99a1a21d2\\_StatesAssembly&qtf\\_teaser:query=bcalcontent.bidxcontentlv11:%22Tasers%22](http://www.statesassembly.gov.je/Pages/Hansard.aspx?docid=9a35e44a46c0cbc0089825c99a1a21d2_StatesAssembly&qtf_teaser:query=bcalcontent.bidxcontentlv11:%22Tasers%22)

- No requirement for any additional legislation required for Jersey to be able to deploy a weapon which is a less lethal option than conventional firearms
- No legal or policy reason why the SOJ Police should not be in possession of such equipment already deployed in the UK and Guernsey.
- Number of firearms incidents per year – 17 in 2006
- How much is this going to cost? – not answered

## 29. Tony's Musings - Sparking Up – Tony Bellows Blog, 20th February 2012<sup>20</sup>

### Extracts:

Clearly the safety aspect of Tasers is one of balance between not using them, and the risks involved in using more conventional methods of policing. When there is a strict policy of only using them as a substitute for conventional fire arms, the number of cases is relatively small, and the risk to individuals less - a risk also balanced by the risk of being shot in a confrontational situation. But where that is relaxed, and the Taser becomes a weapon of choice for dealing with a belligerent and perhaps not necessarily violent individual, the greater number of cases will make fatalities more statistically likely.

Part of the problem is the "quick fix", where the Taser is deployed without adequate - and costly - training, and seen as an instrument of first resort, rather than one of last resort, because it achieves results quickly

The most controversial use of the Taser is when the subject is simply non-compliant. This could almost be termed the "Ghandi situation", where someone is offering non-violent resistance, and rather than talk them into compliance, the police resort to use of the Taser. Clearly protocols in Jersey need to be established extremely clearly to ensure that this could not happen. There need to be controls, and controls that are not worded in a vague and badly defined way to prevent this.

In 2005, reports came out that Tasers have been operating on Merseyside for more than six months without alarm, and once in place, the argument came that their use should be expanded to more widespread use by general members of the force and not just the armed response units.

It is this "second phase" which takes the Taser out of the armed response unit, and puts it in the hands of non-firearms officers that has the potential for fatalities, and for indiscriminate use of Tasers. This is a "slippery slope" of the use of Tasers, and the anecdotal evidence emerging is that away from the strict controls of trained firearms officers, there is a significant risk of making mistakes and harming members of the general public.

### Conclusions:

- (A) The use of Tasers as a weapon of choice in place of firearms by a trained firearms unit could significantly reduce fatalities and I would recommend its use.
- (B) The "Phase Two" deployment of Tasers by non-firearms officers for situations where firearms use would not be deployed poses significant risk to the general public, and the use of the slang term "sparking up" illustrates a kind of attitude that we do not want to see in Jersey. I would not recommend "phase two" under any circumstances.
- (C) If Tasers are introduced in Jersey, legislation should restrict its use to trained firearms officers in situations where firearms would be deployed.

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<sup>20</sup> <http://tonymusings.blogspot.com/2012/02/sparking-up.html>

- (D) Any change to a "phase two" wider deployment should not be a matter for operational consideration, but should require full States approval to change legislation. Without this safeguard, there are no controls by the States on a "slippery slope" in the use of Tasers.

**30. Stunning Trends in Shocking Crimes: A Comprehensive Analysis of Taser Weapons. Shaun H. Kadir, Journal of Law and Health, 2006<sup>21</sup>**

This note, which describes an American context, provides a comprehensive medical, legal, and policy analysis of Tasers. As part of this analysis, the benefits and potential risks of Tasers are weighed to determine what role the weapon should have in law enforcement and society. Issues such as officer and suspect safety, unknown health risks, training requirements, deployment protocols, police liability and accountability, government regulation, public acceptance, and comparisons of other non-lethal force are discussed in this note.

Section VII provides recommendations on the role Tasers should have in law enforcement:

- It recognises that all law enforcement agencies using Tasers have seen a dramatic decrease in police and suspect injuries
- There are legitimate concerns about the safety of Tasers
- Tasers may have adverse effects on individuals under the influence of drugs or with underlying heart conditions
- Taser's unique capabilities of incapacitating suspects, without any threat of harm to the police officer or identifiable injury to the suspect, make using force more attractive.
- If this power goes unchecked and unregulated, law enforcement officers may increasingly overuse Tasers in situations that do not warrant any force, or where traditional, less painful methods, such as dialogue and empty hand controls, would suffice.
- The majority of the risks and concerns can be mitigated by increased training, detailed use-of-force policies, and government regulated standards.
- Determinations about training requirements, medical evaluations, legal constraints, operational protocols, and use-of-force records should be written into detailed policy.
- In addition, the policy should address key issues and concerns associated with Tasers such as the number of permissible discharges; whether to use Tasers on fleeing suspects; whether to use Tasers as a tool for compliance; whether to use Tasers on persons with known or visible health impairments, such as drug intoxication or heart disease; whether to use Tasers on mentally challenged persons; and whether to use Tasers on vulnerable populations, such as children, the elderly, and pregnant women.
- The policy should also include a force continuum designed specifically for Tasers, which provides guidelines and hypothetical scenarios on when the deployment of Tasers may be appropriate.
- The use-of-force continuum should focus on using the minimum amount of force necessary to obtain lawful objectives.

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<sup>21</sup> [http://devel-drupal.law.csuohio.edu/currentstudents/studentorg/ilh/documents/Hussain\\_Final.pdf](http://devel-drupal.law.csuohio.edu/currentstudents/studentorg/ilh/documents/Hussain_Final.pdf)



### 31. Public Attitudes towards Tasers – results from UK opinion poll<sup>22</sup>

Key Findings:

- 76% had heard of Tasers
- 71% supported the police using Tasers, 12% opposed
- 73% had a great deal or a fair amount of trust that their local police used Tasers responsibly
- 50% and 48% thought that it was always justified to fire on people behaving violently or suspected of carrying a weapon
- 50% said they would feel safer if more police were equipped with Tasers

### 32. Human Rights Advice – Proposed introduction of Tasers in Northern Ireland, dated May 2007<sup>23</sup>

A comprehensive review of the legal framework, the operational need for Tasers, medical implications, policy and guidance for the use of Taser.

Key findings (with reference to paragraphs in the report):

#### **What is the appropriate legal test for the use of Taser?**

- Article 2(2) European Convention on Human Rights (ECHR) applies to the use of lethal or potentially lethal force and requires that such force be no more than is ‘absolutely necessary’ to defend a person from unlawful violence. (18, 19 and 137)
- It will be difficult to justify the use of conventional firearms as ‘absolutely necessary’ where less life threatening equipment is available and should have been used. (25)
- In our view, the proper test for the use of Taser is that it can be used where its use is immediately necessary to prevent or reduce the likelihood of recourse to lethal force. This is a test that is just below that for the use of lethal force (such as conventional firearms), but a much stricter test than that which applies for other uses of (non-lethal) force. It means that Taser can be used in circumstances where there is a threat to life or a threat to serious injury, but that threat has not quite reached the threshold where lethal force such as conventional firearms) could be justified. (143 & 144)

#### **Operational Trial in England and Wales**

- Evidence suggests that Taser has been effective in preventing incidents from escalating to the point where lethal force is required. In many incidents the threat of Taser – rather than its actual use – has made the individual become compliant. (quote from PWC Final report, May 2004) (75)
- In a high percentage of cases, the use of Tasers in England, Scotland and Wales has been against groups that have been repeatedly identified as vulnerable. Authors estimate that 57% of Taser subjects were under the influence of alcohol and 27% under the influence of drugs and that 49% may either have been suffering from mental illness or have had mental health issues. (127)
- It is clear that Taser has been discharged since its introduction [in 2004] on many more occasions than firearms were used. This tends to suggest that Taser is being used in circumstances where conventional firearms would not (or at least not necessarily) have been discharged. (174) That is not of itself surprising. If the use of Taser is lawful

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<sup>22</sup> <http://tna.europarchive.org/20100419081706/http://www.homeoffice.gov.uk/documents/mori-polls-08-09/public-attitude-to-tasers2835.pdf?view=Binary>

<sup>23</sup> [http://www.nipolicingboard.org.uk/intro\\_of\\_Taser.pdf](http://www.nipolicingboard.org.uk/intro_of_Taser.pdf)

where its use is immediately necessary to prevent or reduce the likelihood of recourse to lethal force, one would expect Taser to be used more often than lethal force (174)

### **Medical Implications**

- Overall the risk of life-threatening or serious injuries from the M26 Taser appeared to be 'very low'. (DOMILL) (65) The risk from the X26 Taser is even less than from the M26. (91)
- The risk of any adverse response in the aftermath of Taser deployment may be higher in drug-impaired individuals (84)
- On the question of the vulnerability of those with cardiac pacemakers DOMILL concluded that the effects of the Taser on the function of the pacemaker are likely to be limited and unlikely to be permanent (85)
- The risk of serious head injury (from falls) was considered to be 'low'. (91)

### **Training planning and control implications**

- The European Court has made it clear that police should have received 'clear and precise instructions as to the manner and circumstances in which they should make use of firearms'. (22 & 156)
- The relevant authorities should plan and control operations in which Taser might be used so as to minimise, to the greatest extent possible, recourse to its use. (158)

### **Making the case for the introduction of Taser**

- Clear evidence of a 'capability gap' should be provided before potentially lethal equipment is made available to any law enforcement agency. It is important to be clear that the permitted use of equipment such as Taser will fill the identified gap. (162)
- That evidence should take account of the test for the use of Taser set out above. (165)
- It should be possible to identify the types of cases that actually occur in [Jersey] where Taser might lawfully be used to prevent or reduce the likelihood of recourse to lethal force and provide some concrete examples. (168)

### **Does ACPO Policy and guidance comply with the requirements of Human Rights Legislation?**

- Authors were concerned that official bodies charged with considering the use of Taser had not publicly addressed the legal and human rights framework in which taser can or should be used
- They were concerned that ACPO Policy and Guidance (at the time) might not be sufficiently clear – about the distinction between the use of firearms and the wider use of Tasers – and might accommodate cases which would not satisfy the test for the use of Tasers set out in their report.
- Note: The current policy (dated Dec 2008) has been updated subsequently
- Policy and Guidance should reflect the test for use identified above and give clear guidance as to the manner and circumstances in which Taser can be used as required by Article 2 ECHR. (183 & 196)