

STATES OF JERSEY



TASERS: DEPLOYMENT AND USE IN JERSEY BY THE STATES OF JERSEY POLICE

Lodged au Greffe on 17th February 2014
by the Minister for Home Affairs

STATES GREFFE

PROPOSITION

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

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 in accordance with the following principles –

1. A Taser will only be deployed in circumstances where Firearms Officers are authorised to carry firearms.
2. The deployment of a Taser shall require authorisation by an accredited Tactical Firearms Commander.
3. Tasers will be available for deployment –
 - (a) from the Armoury at Police Headquarters; or
 - (b) from a locked safe contained in a Police vehicle.
4. Tasers will only be deployed to and used by Authorised Firearms Officers.
5. Once the deployment of a Taser has been authorised, usual supervision will apply and the individual Officer's usage must be justified and compliant with all existing legislation and associated ACPO/Service guidelines.

MINISTER FOR HOME AFFAIRS

REPORT

Introduction

I support the view of the last 3 Chief Officers or Acting Chief Officers of Police that it is highly desirable that the States of Jersey Police Force (SOJP) be able to deploy Tasers in appropriate circumstances. However, I am aware that this issue is controversial and, therefore, I indicated some time ago that I would not authorise the deployment of Tasers in Jersey without first bringing the issue to the Assembly for endorsement of my decision.

My view and that of the current Chief Officer of Police is that Tasers are urgently required to allow the States of Jersey Police to comply with the Human Rights (Jersey) Law 2000 and to manage a proportionate response to incidents where hitherto authority to deploy firearms has been given.

This Proposition sets out the manner in which Tasers could in appropriate circumstances be deployed and used. In setting these out in the Proposition, I am seeking to assure the Members of the Assembly and the general public that appropriate safeguards will be put and kept in place.

Background

The core functions of Policing are to save life and to prevent crime and disorder. Police, as guided by the Peelian principles have, on occasion, a need to use force in the pursuance of their duties. The use of force by Police is controlled, but authorised by 3 elements – common law, the Police Force (Jersey) Law 1974 and the Police Procedures and Criminal Evidence (Jersey) Law 2003. A use of reasonable force is also consistent with the European Convention on Human Rights.

At present, SOJP have a clear gap in their considered tactical response options while Taser continues to be absent from the local equation. This is a position which leaves SOJP, and its Officers, vulnerable to challenge both morally and legally should the Force ever have to take the life of, or seriously injure, an individual through the use of conventional weaponry where, upon review, Taser would have been the most appropriate response. Taser, as a valid tactical option, has been available to all UK Police Forces since 2004, and Jersey remains the only Police Force in the British Isles which does not hold Taser amongst its response options.

Although the deployment of conventional firearms by Police on the streets of Jersey is relatively infrequent, an incident which may attract a Taser deployment in a UK Force might receive a conventional firearms response in Jersey given that Taser is not available. This places SOJP, and the individual Firearms Officers, in a difficult position – one where a suitable mechanism for dealing with dangerous incidents is available to them, but which they are prohibited from possessing. The very same Officers who would be asked to carry Taser are already highly trained and entrusted to carry conventional firearms which deliver, potentially, a lethal payload.

Police Authorised Firearms Officers (AFOs) are highly trained, and during regular training are taught that firearms are to be used only when absolutely necessary after conventional methods have been tried and failed or must, from the nature of the circumstances, be unlikely to succeed if tried.

Conventional Firearms are not part of the routine equipment carried by Police in Jersey. Over the last 3 years there has been a rise in the number of incidents where firearms were deployed, although many of these incidents were for high-profile prisoner transport, Court security and for Royal Visitors to the Island, and not in response to a more dangerous society; and it is important to note that one authority may allow several deployments over a number of days or weeks, but which are constantly reassessed on the basis of threat and need. The national guidance for firearms deployment has recently been broadened in terms of the authorisation criteria for senior Officers¹ and has been adopted in Jersey recognising the criteria as being best practice. The former wording stated that a firearms authority could be granted if a person is *'in possession of, or has access to a firearm'*. The revised national authorisation wording² now sets an authorisation criteria where a person is *'in possession of, or has access to a firearm or any other potentially lethal weapon'*.

National Police Forces, under the guidance of the Association of Chief Police Officers (ACPO), 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 them in the management and resolution of conflict. Police, rightly, continue to be required to justify any use of force and Officers must show that the use of such force was proportionate, lawful and necessary at the time of the act. This is never more so the case where lethal, or potentially lethal, force may be used – the discharge of a conventional firearm in the response to an incident is the most significant and serious action the Police can take in the course of their duty.

SOJP have sought to add Taser to the local continuum of force options for the last 6 or 7 years, but due to export restrictions between the UK and Jersey for such items, it has not been legally possible to pursue. Legislation was passed in the UK in 2012 which lifted the export ban to overseas territories. Once this ban was lifted, SOJP requested approval for the acquisition of Taser from the Minister for Home Affairs, who indicated his intention to take a Proposition on this subject to States Members for debate.

The Education and Home Affairs Scrutiny Panel then conducted a review of the subject, and heard evidence on 27th April 2012 from the following bodies –

- The Jersey Human Rights Group
- Amnesty International Jersey Group
- The States of Jersey Police Association
- The States of Jersey Police
- The Honorary Police.

An online survey was also made available to gauge public opinion, and several letters and comments were received by the Panel setting out the view of individuals.

A report was released to SOJP on 9th July 2012, in which the Scrutiny Panel identified 8 key findings and 20 recommendations. Soon after, SOJP and the Minister for Home Affairs completed a Ministerial response document which contained comment on the findings.

¹ The rank of Inspector and above.

² The full National Deployment Criteria is set out on pages 5 and 18 of this document.

Given the relative brevity of that document, it is now supplemented by this wider report which seeks to elaborate on areas where the States and Jersey Police and Minister for Home Affairs are either at variance with the Panel's observations, or where SOJP believe that clarification should be provided, or where the Scrutiny Panel have requested more information; and also provides the Members of the Assembly and the general public with detailed background information in relation to this Proposition.

SOJP's current authorised firearms capability rests with 30 Officers who are deployed in other full-time roles across the organisation – there is no full-time firearms response capability in Jersey. These 30 Officers are known as Authorised Firearms Officers (AFO). SOJP propose that Taser would sit firmly within the bounds of a firearms authority so as to give the appropriate and relevant safeguards. This is not the case in much of the UK, and in many parts of the country Taser is a piece of standard issue personal safety equipment for patrol Officers following the completion of a 3 day course.

A firearms authority can only be issued to Police Officers trained in their use where a trained senior Officer has '*reason to suppose that an Officer may have to protect themselves or others from any person who may*' –

1. *Be in possession of, or have immediate access to a firearm or other potentially lethal weapon.*
2. *Be otherwise so dangerous.*
3. *Or as an operational contingency for a specific operation*
4. *Or for the destruction of animals who are suffering unnecessarily or are dangerous.*³

Taser will not be authorised for deployment in Jersey outside of the terms of a firearms authority or to Officers who are not trained AFOs. It will never be appropriate to authorise and issue Taser to Police Officers where the National Deployment Criteria for firearms are not met, and Taser will never be authorised for general policing incidents and lower-level routine matters. The purpose of a firearms authority process is to test and ensure that due care is applied in the assessment of the information and facts available, by an Officer of at least the rank of Inspector, at the time and before any approval to issue firearms (or Taser) is made.

The current position

It is clear that without Taser in its armoury, SOJP has a tactical shortfall in its response options in relation to less lethal technology, which leaves it (and its Officers) vulnerable to challenge both morally and legally should the Force ever have to take the life of, or seriously injure an individual, through the right equipment not being available. SOJP already holds a complement of conventional firearms which are nationally approved for Police use, and have a highly trained group of 30 Authorised Firearms Officers (AFOs) and 11 Tactical Firearms Commanders (TFC). SOJP is of the firm opinion that the continued absence of Taser could, one day, lead to an avoidable fatal shooting in Jersey.

Looking back, it is difficult to identify specific incidents where Taser would have been considered for deployment, because it would never have featured in the thinking of those Officers giving authority to issue firearms at the given time. However, it is safe

³ The Taser device does not apply to point 4 of the criteria and has no place, or tactical ability, in the destruction of animals – explained later in this report.

to say, as a generalisation, that less lethal technologies are always factored into any firearms operation, unless the currently available less lethal technology is simply not safe or practical to issue given the environmental factors. To qualify that statement, one of the current less lethal technology items in place within SOJP is the 'L104A1 Launcher' which, in simple terms, is a rubber bullet and is not suitable for use in confined spaces or areas where ricochet is possible, such as expansive indoor environments (airport, schools and shops). Therefore, had Taser been available to SOJP it would have been issued to nearly every event where conventional firearms have been authorised as a valid tactical option to combat the current gap in the Police response.

It is important to note that there is no correlation between the need for SOJP to acquire Taser and the level of violence in our local society today. Such a suggestion was evident from the letters received by the Panel, where it was often stated that Jersey is too safe to need Taser – this argument, sadly, is not a valid deduction. Jersey is safe, but the need for Taser stems from a requirement to be compliant with Human Rights legislation and to bridge an existing tactical gap for that scenario which might one day present where SOJP are ill-equipped to deal with it through the absence of suitable less lethal technology. Furthermore, the fairly recent tragic events in Jersey of multiple deaths through stabbing bear witness to the fact that even in a generally safe community, individual instances of extreme violence may occur.

In Jersey, as is the position in the UK, a firearms commander at the rank of Inspector or above will set the initial working strategy in response to a spontaneous firearms incident, which is to be followed by Firearms Officers when they are deployed. The strategy will always revolve around the need to minimise any risk and maximise the safety of those involved, with the overarching principle being to save and preserve life – not to take life.

Between 1st January 2011 and the beginning of November 2011, the Firearms Training department collated records on each incident that SOJP attended where violence or a weapon was mentioned in the initial information provided by the caller to Police. Given the broader ACPO authorisation criteria, as mentioned earlier, firearms, including Taser, could reasonably have been considered as a deployable option upon initial information receipt to 79 incidents identified during that monitoring period but, on the basis of further information, a thorough decision-making process to assess the threat and risk, and sometimes a rapid de-escalation upon Officer arrival, a firearms authority was rarely pursued. During the same period, SOJP recorded 13,333 incidents which required Police attention. The 79 incidents where a firearms authority could have been considered therefore equates to a ratio of 1 in 169 incidents, which serves to demonstrate the rarity of such a need to consider these options. Of those 13,333 incidents, just 10 firearms authorities were granted during the period, which equates to a ratio of just 1 in 1,333.

What follows is a selected series of brief sanitised incident reports which took place in Jersey during a 4 month period in 2013, and is a mix of incidents where a firearms authority was sought and authorised, and in which case had SOJP had Taser it would have also been authorised as a less lethal option, and some incidents where firearms could have been considered, and were not requested or not authorised on the basis of threat and risk assessments.

June 2013 – A male threatens 3 other males with a small hand-gun in a car park on the outskirts of St. Helier in the early evening. A firearms authority is granted by a senior Officer and an armed response vehicle is deployed to the scene. Six armed Officers in total and one Police dog with handler contained a building in an effort to locate the suspect. Significant research and other enquiries failed to locate the male who was sought for arrest, and a small number of AFOs had to enter and search a large building to try and locate the male after all other options had been tried and failed. Less lethal technology was present in support of conventional firearms in the form of a L104A1 launcher (rubber bullet). The type of large building being searched would not normally be suited to the deployment of the L104A1 launcher due to the hard stone floors and walls, which present a risk of ricochet until the projectile's energy is spent, but had to be risk-assessed into the setting in the absence of Taser, which would certainly have been the preferred less lethal option in this operation. The suspect was later found elsewhere, arrested, and a de-activated hand-gun was recovered. The male later received a 2 year prison term for this incident. No weapons were discharged. (ref **/06/13/398)

July 2013 – A female at a domestic incident in St. Helier armed herself with a large kitchen-knife during the late afternoon. A firearms authority was granted by a senior Officer and, upon Police arrival, the female had gone into the garden and was now threatening to harm herself. Both conventional firearms and the L104A1 launcher, as the available less lethal technology, were present. SOJP negotiators were also deployed to the scene. In the interests of the female's safety, the primary option was to continue negotiations to reach a safe resolution, but a firearms presence was still required should the incident have re-escalated. The female took a seated position in the garden with the knife, and had the less lethal system had to be deployed for her own safety if she began to harm herself with the knife, its effectiveness would have been reduced. The primary target area for discharge of the launcher is the belt buckle. A launcher strike to the chest should be avoided given the likely blunt force, and therefore had the female begun to self-harm, the realistic option available to Officers would have been the use of CS Spray and a traditional asp baton, both of which require relatively close proximity for use. The female later put the knife down following lengthy negotiations, and was arrested by Officers for an offence earlier that day. In this example all other firearms, including the launcher, could have been withdrawn and only Taser remain to mitigate the self-harm element should the incident have escalated. Had Taser needed to be used, the impact and any injury would have been significantly less than the impact of the rubber bullet. The female was later bound over by the Court for 6 months. (ref **/07/13/132)

August 2013 – Police received a report of a fight taking place in St. Brelade during the daytime in which a knife had been seen. Secondary reports indicated that a male was holding a knife, and that others had now barricaded themselves in a property to get away. Unarmed Police Officers were dispatched to the scene, and upon their arrival the male suspect was located and arrested. He had put the knife down when Officers arrived. The male was later bound over by the court for 7 months. No firearms authority was requested on this occasion, although was considered. Four unarmed Officers were on-scene in less than 10 minutes, and the incident de-escalated rapidly and was brought to a safe conclusion. The national firearms deployment criteria would have allowed a firearms authority to be granted in this situation and, given the mention of a knife, would have included Taser as the primary less lethal option. (ref **/08/13/105)

August 2013 – Police received calls to report a large fight in St. Helier late one afternoon. The report stated that one male was seen in possession of a 4 inch or 5 inch knife. Given the time of day, several 999 calls came in to the control room and 5 unarmed Police Officers were deployed. Upon Police arrival the incident calmed, and one male was found to have a hole in his top from an attempted stabbing, but fortunately did not have any injury. Witnesses indicated that 7 people had been fighting and 5 were located at the scene and arrested for Affray. The remaining 2 individuals were identified and located at an address later. The knife was also located, having been hidden at the same address. Based on the initial report, a firearms authority (including Taser) would have been considered and could, under the national deployment criteria, have been granted. The incident rapidly de-escalated upon unarmed Officer arrival and, given that the person suspected to have had the knife had left the area, the decision not to deploy firearms to the scene was the right one. A firearms authority could still have been considered in respect of the enquiries to locate the outstanding suspects, given that they were believed to have a knife, and a less lethal option would have been proportionate. In this instance, Taser could have been deployed under a firearms authority to maximise the safety of the Officers who conducted the later arrests, and to minimise the risk to individuals involved should they have chosen to respond to arrest with violence and a weapon. (ref **/08/13/198)

September 2013 – Call to Police from the Ambulance Service, late one night, who were asking for assistance having attended a male who was cutting himself in self-harm. The male had in his hand a large carving knife and was very aggressive to all present. A firearms authority was granted by a senior Officer, and 3 AFOs and a Police dog unit went to the scene in St. Ouen. The male was seen to be drinking heavily and was of fluctuating mood and threatening to hurt Officers if they went near him. The male frequently came to the front door to engage with unarmed Officers before retreating inside, and this continued for some time. He was seen to secrete the knife in his waist band and would often disappear from sight within the house. His mental health was in question from the outset. Conventional firearms, including a L104A1 launcher, were deployed to the scene, and had SOJP had Taser it would certainly have also been authorised. Given the serious concerns that Officers had regarding the male who, while in possession of the knife, was threatening Officers and had already been harming himself, discharge of the Taser might have been a serious consideration to bring the incident under control and to prevent further self-harm. The male did eventually come out of the property towards Officers, but stopped and was seen to throw the knife back into the address before being detained. Had he continued towards Officers with the knife, given his earlier threats, he would almost certainly have been shot with a conventional firearm or the L104A1 launcher. The male later received a written caution, and several Officers present received Superintendents' Certificates for their brave actions in safely concluding this incident. (ref **/09/13/176)

September 2013 – The visit to Jersey of H.R.H. the Earl of Wessex. A 2 day policing operation commanded by a firearms commander who authorised the deployment of firearms, which included conventional firearms and the L104A1 launcher, to both overt and covert armed Officers. A Royal Principal carries an inherent risk due to their status at all times, and are supported by armed Officers wherever they go, which includes Jersey. The only less lethal option available in this instance was the L104A1 launcher, which is too large for covert deployment and therefore cannot always be in close proximity to the Royal party, and must remain with AFOs who are often a short distance away. Taser, had SOJP had access to it, would have been authorised to be

carried by Officers, both overt and covert, in the protection of the Royal visitor. The national firearms deployment criteria applies to such a situation on the basis of meeting an operational need as a contingency option, and not because there is specifically information of an intended threat against the Principal. On the basis of a prudent contingency option for such a visit, a firearms authority was given for the duration of the time that the guest was in Jersey.

The legal situation

The European Convention on Human Rights (ECHR), Article 2, states that –

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is not more than absolutely necessary –
 - (a) in defence of any person from unlawful violence;
 - (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Article 7(1) of the Human Rights (Jersey) Law 2000 highlights that it is a breach for '*a public authority to act in a way which is incompatible with a Convention right*' and at Article 7(2)(b), a 'public authority' is defined as to include '*any person certain of whose functions are functions of a public nature*'.

At present, SOJP, and therefore the States of Jersey, are potentially vulnerable to a claim arising from the Human Rights (Jersey) Law 2000 and ECHR Article 2.

National guidance on the management, deployment and command of Armed Officers requires that every action taken, including the issue of firearms and Taser, be proportionate, lawful, appropriate and necessary to the prevailing circumstances and must always be **the least intrusive means of resolution**. This, therefore, requires complete compliance with the Human Rights (Jersey) Law 2000 and ECHR Article 2. The absence of Taser in Jersey, arguably, does not allow for compliance with this stance.

In many cases the use of Taser will be far more appropriate, and less intrusive, than the discharge of conventional firearms in resolving dangerous situations and without the risk of serious injury. Authorised Firearms Officers who are equipped with Taser must decide on the most reasonable and necessary use of force in the circumstances, and the level of force used must be the minimum necessary to achieve the objective. Police Officers are fully accountable in law for the amount of force that they use on any person.

The ACPO Firearms Manual makes a clear distinction between the issue and the use of firearms, stating that: '*the level of knowledge required as to the existence of a threat justifying the issue of firearms is set at a far lower level of probability than that which would actually justify their use. There can be no justification, therefore, for making use of a weapon based solely on the fact that firearms have been issued.*'

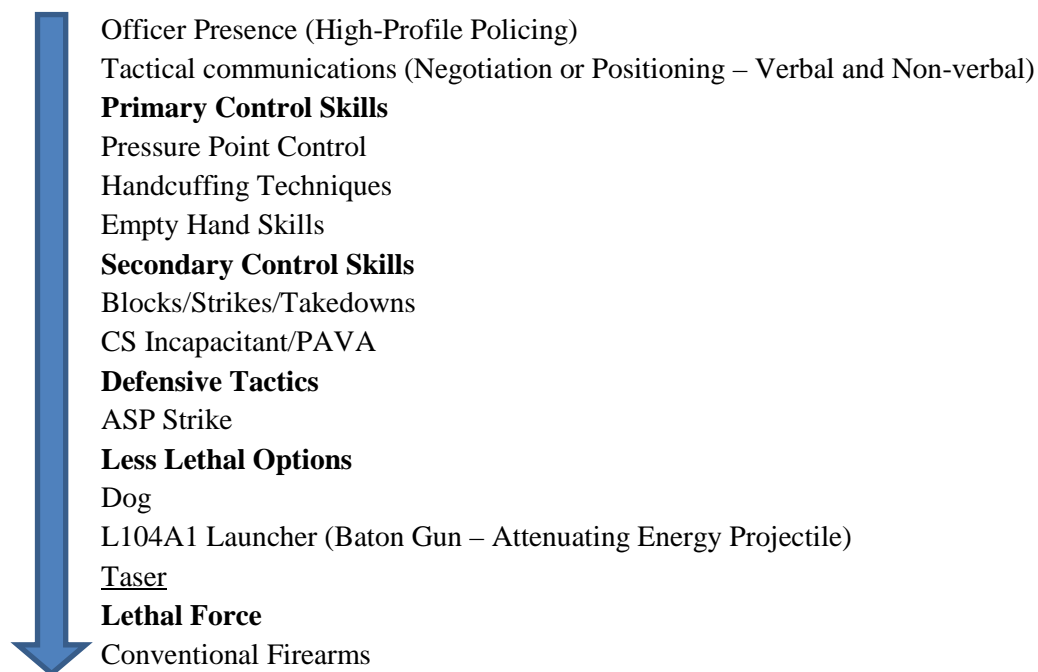
In effect the authority for issue merely authorises the carrying of the weapon'. The ACPO Manual goes on to state that firearms may be fired by AFOs in the course of their duty *'only when absolutely necessary after traditional methods have been tried and failed or must, from the nature of the circumstances, be unlikely to succeed if tried.'* It remains the duty of every Police Officer to use no more force than is absolutely necessary and remains valid in relation, under Article 2 ECHR, to the operational discharge of any weapon.

Taser is classed as a prohibited weapon under Article 33(1)(b) of the Firearms (Jersey) Law 2000. A Police Officer may lawfully possess such an item whilst acting in the course of their duties under Article 33(2) of the same Law.

In 71% of cases involving Taser in England and Wales, between April 2004 and March 2010, the mere threat of its use⁴ has been enough to deter assailants from a course of action and ensure a peaceful and safe resolution to the incident for the public and Police alike. The current alternatives in Jersey to Taser include the L104A1 launcher (rubber bullet), Asp baton strikes and the deployment of a Police dog. Much will depend on the circumstances, but Taser will almost always be less injurious than resorting to any of these options.

The Continuum of Force

SOJP adheres to national policy and guidance on the use of force, and all Officers are trained to assess the appropriate level of force that may need to be used in operational situations, and includes firearms operations. This process is known as the Continuum of Force and includes a range of less lethal options and a lethal option. The use of Taser sits as a less lethal option –

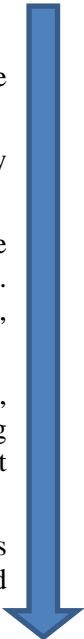


⁴ Includes arcing the electric current as a show of force, red-dot placement on the subject, aiming the Taser at the subject and drawing the Taser from a holster, but not Discharge or Drive-Stun use. Total usage across England and Wales, during the mentioned period, was 8,599 occasions.

Each of the above techniques, including conventional firearms, has their limitations. This is why the individual techniques or options are never considered in isolation of one another. Rather they are considered as a suite of options available to provide Officers with a combination of tools to conclude incidents in such a way as to maximise the safety of all concerned.

Any use of force entails risk, be that use of a Police Asp baton, CS Spray, primary open-hand control techniques, or any other element of force which may be used by an Officer in the course of their duty. Every use of force is dynamically risk-assessed by the user, even if it is done sub-consciously. The National Decision-Making Model is now the mainstay of Police defence and firearms training, and is illustrated later in this report on page 24.

A fictitious but realistic example of how the continuum of force might be applied is as follows –

1. Police receive a report of 2 males fighting.
 2. An Officer in full uniform attends and finds the males still fighting. The presence of a Police Officer has failed to stop their actions.
 3. The attending Officer then shouts several times at the 2 males but they continue to fight. Tactical communications have been tried and failed.
 4. The attending Officer assesses the size and weight of the 2 males who are fighting and considers if wading in between them is likely to stop the fight. Given that the males are bigger in size and that the Officer is outnumbered, primary control skills would, in this case, be unlikely to succeed if tried.
 5. The Officer, recognising that he has no current back-up from colleagues, decides that the best method of bringing this matter to an end and gaining control of both males is to draw his CS Spray and shout a further warning, but this has no effect.
 6. The Officer then decides to discharge his CS Spray at the males, which takes effect and they stop fighting. The Officer is then safely able to intervene and deal with the incident.
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Dependent upon circumstances, and regardless of the level of force being considered, every option must have been tried and failed, or would be unlikely to succeed given the circumstances that prevail, as demonstrated above. The Scrutiny Panel refer to the Braidwood Commission who, in his recommendations, sets an explicit test which complements the ACPO view mentioned on pages 9 and 10 to be applied before the discharge of the Taser device in that: *'an officer should not deploy the weapon unless satisfied, on reasonable grounds, that no lesser force option would be effective'*. This statement from Braidwood is the very essence of the continuum of force in action.

Further demonstrating the continuum of force, and Taser's position in it, SOJP also note and accept the stance of the Policing Board of Northern Ireland in their 2007 Human Rights Report. The document outlines that the proper test for the use (discharge) of Taser is when its use *'is immediately necessary to prevent or reduce the likelihood of recourse to lethal force through conventional firearms. This is a test that is just below that for the use of lethal force, but is 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 could be justified.'*

Current limitations

Within the continuum of force available in Jersey, two of the current less lethal systems experience some limitations of use, which are worthy of note. This is not to suggest that there are not limitations involved with Taser, although some of the environmental issues expressed here will not affect the delivery of Taser in the same way as it will with CS Spray or the Launcher, for example.

CS Incapacitant Spray (not part of a Firearms Authority)

Prior to its use in any operation, there will usually have been a number of tactical options that have been considered, such as Officer presence, tactical communications and perhaps open-hand skills. CS Spray is not designed, nor can it be depended upon, to fully incapacitate an individual, and many cases exist where people have demonstrated a high degree of resistance. It may however impede, dissuade or reduce a person's ability to pose a threat, and in doing so provide an Officer with a tactical advantage. CS Spray is not able to stop large motor actions such as punching, kicking, slashing or stabbing, for example, although the ability of the individual to be accurate with targeting such action may be reduced given the irritant's effect.

CS Spray may:

- reduce a person's ability of offensive and co-ordinated action;
- produce uncontrollable desire to get out of the contaminated area;
- induce panic, causing a person not to respond to instructions;
- not have any effect on persons under the influence of alcohol or drugs.

Other things which should be considered with CS Spray:

- the subject's ability to continue to pose a threat and work through the effects;
- the subject's aggression levels may increase having been exposed to it; and
- contamination of AFOs (who may suffer all of the above effects), Police vehicles, custody areas and medical facilities if required. CS Spray would not be ideal for use in public enclosed areas such as a supermarket, school or hospital, given the wider contamination issues, unless it is absolutely necessary based on the prevailing threat and perceived risk.

The L104A1 Launcher (part of a firearms authority)

The L104A1 Launcher uses an Attenuating Energy Projectile (AEP), often referred to as a rubber bullet, which is designed to strike the subject in the abdominal area, temporarily incapacitating them or dissuading them from continuing with a course of action, so enabling Officers to move forward and secure them. The AEP relies on a sudden delivery of blunt force, and therefore pain, to achieve its objective. It is not designed to be used (in normal circumstances) less than 7 metres away from the subject because of its potential to cause significant internal injuries. In several documented cases in the UK which detail the discharge of the Launcher, it has proven to serve no more than a distraction, and has not physically worked on subjects who are high on drugs or alcohol or who are wearing thick items of clothing which have served to cushion the effect of the AEP round.

Most troublingly, the launcher and its AEP round are not recommended for use in enclosed spaces, given the potential for ricochet and collateral injury to innocent persons and Police Officers alike, which means that it is not suitable for policing environments like the airport, harbour or, should an armed response ever be required, a shop or school.

The area of the body on which it can be used is restricted to the abdomen, being at the centre of mass. Therefore, should that area be obscured for some reason, perhaps the subject is sitting down behind a table or desk or indeed has a hostage in front of them, the reduced target area severely limits the use of this technology.

The L104A1 launcher cannot be deployed on its own and requires, for Officer and public safety, the accompaniment of conventional weapons as a back-up in the event of system failure and to mitigate any emergent lethal threat posed.

The Taser device

The Police Service is legally bound to explore alternatives to lethal force, and regularly examines new technology to explore if there are any developments which could be applied to UK Policing. The Association of Chief Police Officers (ACPO) continue to endorse this stance and advise that Police Forces nationally should have available to them a range of less lethal technologies which allow the Police to respond, in the most appropriate manner, to any given situation, and which includes Electronic Conductive Devices. At present, the only Electronic Conductive Device approved by the Centre for Applied Science and Technology⁵ (CAST) for use by Police Forces, is Taser.

The Taser is currently a single-shot weapon designed to momentarily incapacitate a subject through the use of an electrical current, which temporarily interferes with the body's neuromuscular system. The weapon is shaped like, and shares the handling characteristics of, a modern self-loading pistol, but is often yellow and black in colour. The electric circuit is created either by firing two probes, attached by insulated copper wires, onto the subject through attaching darts, or by directly touching the subject with the Taser, known as a drive-stun.

In 2004, following a trial in 5 UK Forces, it was agreed by the Home Office to allow Chief Officers of all Police Forces in England and Wales to make Taser available to Authorised Firearms Officers (AFO) only. In July 2007, following review, those AFOs carrying Taser were allowed to use it in a wider set of circumstances; and are now able to deploy Taser in operations or incidents where the use of firearms is not authorised, thereby creating Taser-only authorities, where they are facing violence or threats of violence of such severity that they would need to use force to protect the public or themselves.

It was also announced in July 2007 that the deployment of Taser could extend to non-Firearms Officers who are facing similar threats of violence, and created Specially Trained Units (STU), who carry normal patrol equipment but are also allowed to carry Taser, following the completion of a 3 day course. This was trialled in 10 Forces for 12 months in a mix of urban and rural areas and, following a successful review, from December 2008 Taser was extended to STUs across England and Wales. This move saw the proliferation of Taser across the Police Service, making it a commonplace

⁵ Formerly known as Home Office Scientific Development Branch (HOSDB)

item in the array of equipment carried by Officers on a daily basis. In 2013, Taser is still not available to all Police Officers across England and Wales but, through STUs, is regularly available should it be required, and is increasingly being seen as standard issue equipment.

The Taser is laser-sighted and uses cartridges which attach to the end of the cartridge bay at the front of the device. When the Taser's trigger is pulled, a blast of compressed nitrogen launches its 2 barbed darts from the cartridge at about 55 metres per second, less than a fifth the speed of a bullet from a typical hand-gun, towards the target. Each dart or probe, which weighs around 1.6 grams, has a 9 millimetre-long tip to penetrate clothing and the insulating outer layer of skin. There is no minimum distance for the deployment of Taser, but there is at present a maximum restriction of 21 feet (6.4 metres), given that the wires are only that long and form an electrical connection to the device. Because it has been demonstrated that the barbs get stuck in clothing and fail to reach the skin in about 30% of discharges, the Taser is designed to generate a brief arcing pulse, which ionizes the air between the probe and the skin to establish a conductive path for the electricity. This arcing phase has a circuit peak voltage of 50,000 volts, but only for less than a second and until the arc appears or until the barbs make contact with the subject. The subject's body is never exposed to the 50,000 volts⁶.

The X26 Taser device, most commonly used by Police Officers across the world, then delivers a peak voltage of 1,200 volts to the body. Once the barbs establish a circuit, the Taser delivers a series of pulses at a rate of 19 per second, which are of just 0.0021 amps, which is less than the current from a Christmas tree light-bulb⁷. Taser works, therefore, not by electrical power but by the way it sends the current to the body and how the muscles respond to it. To force the muscles to contract without risking electrocution, the transmitted signal is designed to exploit the difference between heart muscle and skeletal muscle. Skeletal muscle constitutes about 40% of a typical person's mass and is responsible for making muscles flex. Skeletal muscle is organized into bundles of single-cell fibres which stretch from tendons attached to the skeleton. It is for this reason that when Taser delivers the charge to the individual, the subject's muscles contract involuntarily and cause the person to freeze⁸.

The effects of Taser only last for the duration of the charge, which is up to 5 seconds, at which point the device shuts itself down. A further charge can be delivered if required, based upon a constant risk assessment if continued aggression is experienced, but once the cycle ends or is broken, the incapacitation effect stops. In most cases one application will be sufficient to render a subject incapable of continuing an attack, and is likely to result in the subject collapsing to the ground. The effect is not intended nor is it likely to render the subject into a state of unconsciousness. If someone were to take hold of the individual being subject to Taser, the risk of electrical contamination to that person, while a charge is being delivered, is extremely low and would only occur if someone were to make contact directly in between the barb placements.

The top barb from the Taser, upon discharge, will fly almost level and towards the point indicated by the red laser dot from the device. The bottom barb will fly at a

⁶ ACPO Questions and Answers on Taser, 25/07/13 – ACPO Lead on Armed Policing Deputy Chief Constable Simon Chesterman

⁷ *Ibid*

⁸ How a Taser Works – Mark W. Kroll. 30/11/07

slightly downward angle, which is designed so as to create the desired spread between the barbs to make the device as effective as possible in creating the muscular disruption. Provided both barbs attach correctly, with sufficient spread, the effects are likely to be instantaneous. It should, however, be remembered that no incapacitating device, including firearms capable of discharging conventional ammunition, is universally effective, and there may be individuals on whom the Taser may not be completely effective, although this is rare. Whilst the 5 second cycle electrical charge can be repeated if the incapacitation effect does not occur, there may be also technical or physiological reasons why the device is not working as expected on a particular individual – if only one barb strikes the subject, for example, no charge will be delivered.



Taser is most effective on or across larger muscle groups, such as the chest, legs or back, which are largely responsible for posture, and when these muscles are stimulated by the electric charge the individual becomes incapacitated. Given that a common reaction is for someone to involuntarily fall to the ground, there is always a possibility of some secondary injury to the individual. In this regard, the risk of a concussive injury as a result of the head hitting a hard surface is pertinent, and particular attention must be paid to the immediate environment and feature in the risk assessment prior to discharge. Equally, Taser should not be discharged in an environment where, due to the presence of a flammable substance on the person or in the atmosphere or escaping gas, its use could result in an even more hazardous situation.

Repeated, prolonged and continuous exposure to a Taser electrical discharge may cause strong muscle contractions that may impair breathing and respiration, particularly when the probes are placed across the chest or diaphragm. Unless there are exceptional circumstances, any Taser user must always avoid prolonged use (the device is limited to 5 second delivery) or extensive multiple discharges, in order to minimise the potential for over-exertion of the subject or impairment of their full ability to breathe over a prolonged time period. Such areas will be comprehensively covered in any training delivery.

There is also a specific risk of injury to the eye through penetration of a barb, as with anything which is fired towards a relatively unprotected area. Barb penetration in the neck, head or groin may also incur a level of injury and discomfort. For this reason the Taser would not normally be aimed so as to strike the head, neck or groin of a subject unless this is wholly unavoidable in a life-at-risk situation. The laser-sight which is fitted to the Taser and aims to indicate the user where the top barb will strike, would also not intentionally be shone at the eyes of the subject.

The use of Taser, as defined by ACPO, is explained on page 21, but the Officer in possession of the device has several tactical options to use before discharging (firing) the Taser at a person. The Taser options are as follows –

1. Tactical Communications – tell the individual that they possess Taser and that it might be used should they not comply with the instructions.
2. Drawing the Taser from its holster and holding the device in their hand, at their side, in a state of readiness.
3. The cartridge on the front of the Taser can be removed and the 2 fixed probes can have an electric current placed through them by the user which is called ‘arching’ to show the device is real and can be used as a show of force to seek compliance.
4. Aiming the Taser at the individual and telling the person that the Taser will be used unless they comply with instructions.
5. Activating the red laser dot and placing that dot on the individual which will identify where the top barb will strike if the Taser is discharged.

Of the 8,599 Taser uses in England and Wales during the period between April 2004 and March 2010, 51.5% account for incident resolution through the placing of the red laser dot onto the subject, which is widely seen as a very effective deterrent. 71% of all Taser incidents are resolved without the Officer pulling the trigger and are encapsulated in points 2 to 5 above (drawing, aiming, arcing and red dot placement). The remaining 29% of Taser incidents relate to where the device has been discharged by pulling the trigger, either through flight delivery or through drive-stun mode⁹.

The Scrutiny Panel, in their recommendations document, ask that Taser should be considered as a ‘weapon of last resort’ by SOJP. The requirement for Taser to be introduced to Jersey is to provide an additional layer of tactical option to the Police where a significant gap currently exists between current less lethal devices and conventional firearms. Taser is classed as a less lethal device and may prevent the need for conventional firearms to be used. Conventional firearms, or guns which fire lead bullets, are weapons of last resort given the likely and predictable outcome, and therefore Taser should not be viewed in this light.

The Panel’s report also asks that the Minister should acknowledge the potential risks of using Taser, but specifically quantifying those risks is problematic and although guiding principles are available, the risk assessment involved must be dynamic and constant throughout each individual incident. Although death is very unlikely

⁹ Drive-Stun accounted for 4% of Taser use during the period.

following the direct discharge of Taser, any use of force by the Police demands great care. Taser is a less lethal technology, not a non-lethal one, but one which seeks to minimise risks to both the public and Officers alike, whilst maximising safety in any given volatile situation. Taser is sought to conform to the Human Rights legislation and bridge the current tactical gap and is a valid alternative to being shot.

The United Kingdom's Independent Police Complaints Commission (IPCC) maintains an oversight or ownership of investigations relating to Taser which resulted in death or serious injury; caused danger to the public; or revealed failings in command. At a recent speech, one of the IPCC Commissioners (Cindy Butts) made it clear that the IPCC are not anti-Taser and that Taser is a valid alternative to conventional firearms, being a valuable tool when used correctly. It is the reported experience of the IPCC that of the 7 referrals made to them following a person's death since the introduction of Taser to the UK in 2003, none are directly attributable to a Taser discharge¹⁰.

The National Firearms and Taser training packages teach British Police Officers to 'shoot and assess' using the national decision-making model, not to shoot until a noticeable change, as in some other international jurisdictions. Jersey uses the same training packages as the UK and, therefore, the result of any Taser deployment and subsequent resistance would always be monitored by the Officers present on a continuing basis, ensuring only as much force as is absolutely necessary is used in the circumstance.

ACPO is keen to stress that Taser is not a replacement for existing personal safety options. ACPO do not prescribe an order in which tactical options should be used during any given incident, just that the responding Police Force has available to it a range of approved devices from which to select, based on the current circumstances¹¹, in order to meet the moral and legal obligation they have to the individuals involved, and the wider general public.

In response to a question asked, it is not possible to physically or mechanically limit the deployment of a Taser device to a specific number of charge cycles, nor is it tactically prudent to do so. Should a suspect continue a course of action requiring the deployment of Taser, and continues such a course of action past a recommended maximum number of cycles, the next option in the continuum of force is conventional firearms, and would not, given the circumstances, be proportionate. Lesser restraint methods would be attempted, but if the level of violence continues to a degree which is unsafe to intervene, then redeployment of a Taser charge would be appropriate. This situation of repeated Taser charge delivery is not envisaged locally, and is unlikely. Where repeat charges have been delivered and reported in the UK and abroad, they often relate to extreme levels of violence, or occur in areas where continued resistance is directed towards single Officers who are without back-up, or whose back-up is some considerable time away.

¹⁰ The IPCC's experience of Tasers – Presentation by Commissioner Cindy Butts, attended by SOJP CFI 2013.

¹¹ Continuum of Force

The deployment of Taser

There is a fundamental and technical difference between the terms ‘deploy’ and ‘discharge’ in the firearms arena. ‘Deploy’, in this context, relates to an authorisation for a trained Police Officer (AFO) to possess a firearm for a purpose, and is given by a Senior Officer. ‘Discharge’, however, refers to the actual use of the item through the pulling of the trigger.

The ACPO Policy on the Operational Use of Taser sets out principles for the deployment of Taser in England and Wales in that it will only be deployed –

- (a) In circumstances where Firearms Officers are authorised to carry firearms.¹²

OR

- (b) 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.

Part (b) above allows for Taser-only authorities in England and Wales and is not sought for introduction in Jersey. The ACPO policy remains valid, but Jersey seeks to incorporate Taser into a the National Firearms Deployment criteria for local use as a safeguarding means, and mirrors the position adopted upon Taser’s first introduction in England and Wales several years ago, under part (a) of the above policy statement. England and Wales later moved away from this position to a devolved Taser-only authority, using part (b), but the low frequency of firearms operations in Jersey means that, practically, there is no immediate benefit or likelihood of need for a Taser-only authority.

The National Firearms Deployment criteria, under which conventional firearms already sit and which Taser would also fall in Jersey, requires a firearms authority to be granted by a Senior Officer and then ratified by a higher-ranking Officer. A firearms authority can only be issued to Police Officers trained in their use where a trained senior Officer has ‘*reason to suppose that an Officer may have to protect themselves or others from any person who may*’ –

1. *Be in possession of, or have immediate access to a firearm or other potentially lethal weapon.*
2. *Be otherwise so dangerous.*
3. *Or as an operational contingency for a specific operation*
4. *Or for the destruction of animals who are suffering unnecessarily or are dangerous.*¹³

Recognising that the criteria above is that which is to be applied nationally for the issue of conventional firearms, but that Jersey is seeking to use the deployment structure for safeguarding purposes to include Taser, the last 2 elements need clarification. The broadening of the national deployment criteria was referred to on page 4 and relates to points 1 and 2 above, which are self-explanatory, and only one of

¹² “authorised” means that Authorised Firearms Officers are allowed to possess the item for a specific purpose, or during a given set of circumstances.

¹³ The Taser device does not apply to point 4 of the criteria and has no place, or tactical ability, in the destruction of animals.

the areas needs to be met to allow for the authority to be granted. The 2 other criteria options, points 3 and 4, can be explained as follows –

Point 3 – *as an operational contingency for a specific operation* – This caters for such situations where there may not be direct intelligence or information regarding a likely or expected attack, but that the situation is such that it is prudent for a firearms option to be available given the Police’s duty to protect life and property. Local examples of such a situation where a firearms authority is granted under this area are Royal Visits; high-profile political visits or meetings which take place in Jersey; and high-profile court cases or prisoner transport.

Point 4 – *for the destruction of animals who are suffering unnecessarily or are dangerous* – The destruction of an animal may fall to the Police if the animal represents a danger to lives or property, or if it is in such a condition that it must be destroyed to avoid unnecessary suffering and no vet or licensed slaughterer is available, or they are unable to complete the task. Suitable calibre weapons must be used – Taser is not one of them.

It must be noted then that the level of justification necessary from a Senior Officer for the ‘authorisation’ (or deployment) falls far below that which is required for the ‘discharge’ (or firing) of the firearm, or Taser, during the course of an incident. It will always be for the individual Officers involved to justify and account for their use and delivery of the system in accordance with the National Decision Model and their responsibility under the law. Firearms incidents can be, by their very nature, fast-moving. There is a valid and clear distinction to be made in the thought process of the Officers authorising the equipment with a view to achieving the safe resolution of an incident (their decision having been made on a working strategy and on risk assessments) and those who will later be in possession of those weapons.

In the Jersey context it is proposed that Taser will be made available either from the armoury at Police Headquarters or from a locked safe contained in a Police vehicle or Armed Response Vehicle¹⁴. Once Taser deployment, under a firearms authority, has been authorised, usual incident supervision will apply.

Each deployment of Police firearms requires the oversight of a nationally accredited Tactical Firearms Commander who, in Jersey, is of the rank of Inspector or above, and whose deployment authority must be ratified by an Officer of the rank of Superintendent (or above) as soon as reasonably practicable.

A typical spontaneous firearms authority currently operates as follows, and should Taser be introduced, will follow the same format –

- Information is received which is flagged by the Police Control Room to the Duty Inspector, who will then give consideration as to the information fitting the National Firearms Deployment Criteria.

¹⁴ ARV – Armed Response Vehicles are only deployed to incidents following a strict set of guidelines, and cannot be mobilised by anyone below the rank of Inspector. The ARV is little more than a mobile armoury; it has a permanent complement of weapon systems on board which are stored in secure gun safes, and is a means of deploying Firearms Officers and appropriate weaponry towards the scene of an incident, while a firearms authority is sought. The Officers are not allowed to arm themselves until the authority is granted.

- If the information fits the criteria, and the Inspector is a nationally trained Tactical Firearms Commander (TFC), the Inspector can give a firearms authority in respect of the specific incident to AFOs who are on duty. If the Inspector is not a TFC, they will have to locate one¹⁵. SOJP currently has 11 such trained incident commanders at the rank of Inspector or Chief Inspector.
- The TFC will consult, as soon as safely practicable, with a nationally trained Firearms Tactical Advisor (Tac-Ad) who will give advice and guidance on tactical options and parameters, but will not run the incident and cannot make operational decisions. SOJP currently has 5 Tactical Advisers across the ranks of Constable and Sergeant¹⁶.
- The TFC will then set in place the operational priorities which will always seek to maximise the safety and minimise the risk to those involved.
- At the soonest safe point to do so, the TFC must seek ratification of their authority and plans with a more senior Officer who is a qualified Strategic Firearms Commander (SFC), which in Jersey is of the rank of Superintendent or Deputy Chief Officer, who will either agree with the authority or rescind it. They can put in place tactical parameters to be followed. SOJP has 3 Strategic Firearms Commanders¹⁷.
- The incident will be managed on an operational level at the scene by a nationally trained Operational Firearms Commander (OFC), who will deliver the tactics set by the Tactical Firearms Commander (TFC) with strategic oversight in place by the Strategic Firearms Commander (SFC). A Tac-Ad will be available to the TFC and SFC throughout.
- Once the threat is mitigated, the Firearms Authority is rescinded at the soonest opportunity.

Although relatively infrequent, each firearms deployment is reviewed by the Firearms Training department. Every Officer who is involved in firearms operations, be that as a commander, tactical adviser or authorised firearms Officer, receives regular training and refresher opportunities. Police firearms matters in Jersey are given strategic oversight by the Strategic Firearms Group (SFG), which is chaired by the Deputy Chief Officer. In 2012, SOJP asked for a Peer review of its firearms department and training programme, to be conducted by the City of London Police. Several recommendations were made and are in the process of being reviewed, but 2 recommendations related to Taser. Firstly, the City of London Police recommended the continued drive to acquire Taser locally as a less lethal option, and secondly that Taser be more widely distributed than to just AFOs, meaning that Specially Trained Units (STU) would be created and carry Taser as a matter of routine, and therefore outside of the bounds of an authority. This recommendation, for STUs, has already been ruled out for Jersey.

Due to the diverse nature of policing operations, it is not possible to provide a definitive list of circumstances where the use of Taser would be inappropriate for use,

¹⁵ A TFC is always available through an on-call Chief Inspector.

¹⁶ A Tac-Ad is always available through an on-call rota.

¹⁷ A SFC is always available through an on-call rota.

following a request from the Panel. Operational guidance on Police use has been written to inform and support decision-making, training and deployment criteria, and the ACPO guidance on the Police use of Taser identifies several specific risk factors which may make the use of Taser unsuitable or undesirable –

- Where there is a risk of flammability, either through a solvent being on the subject from the discharge of CS Spray or from the subject having covered themselves in a flammable liquid.
- Where the subject may be in the immediate proximity to explosive items which may be sensitive to electrical discharge.
- Where there is a flammable substance in the atmosphere or escaping gas.
- Where the subject is in such a position that any fall which may follow the discharge of Taser will be of a dangerous height.

Operational discharge of Taser

If in the course of an operation Taser is discharged, the national Post-Incident Procedure (PIP) is to be followed, and is in place in Jersey already in the event of a conventional Police shooting.

Use of Taser, within the bounds of the PIP, will include any of the following actions in an operational setting¹⁸ –

1. The drawing of Taser in circumstances where any person perceives the action as a use of force.
2. Arcing of the Taser as a show of force.
3. Aiming of the Taser or placing the laser-sight red dot onto a subject.
4. The firing of a Taser so that the barbs are discharged at a subject.
5. The application and discharge of Taser in drive-stun mode to a subject.

The table below sets out the minimum standard of post-incident action which will take place following the discharge of a Taser.

Cartridge	The cartridge, including the wires, should be seized to show the range at which the Taser was used if through conventional flight delivery.
Afids and barbs	Several Afids, which are confetti-like pieces of paper scattered upon discharge and which bear unique serial data, must be seized. These can be linked to a specific cartridge assigned to a specific Officer. If attached to an individual, the barbs will be removed by a Force Medical Examiner (FME) and documented as to their strike location.

¹⁸ An Operational Setting is one where a Firearms Authority is in place.

Photographs or CCTV	A record of the scene should be maintained to show the setting, any weapons involved, the afids, barb, Officer locations, the subject location and the barb location if not attached to an individual (i.e. the Taser shot has missed).
FME report	A medical record of the person subjected to Taser by the FME, detailing any injuries, and the individual's general health appearance following the Taser delivery.
Taser use of force forms	Locally required documentation to record use of force.
Use of Force report	Required for national recording of Taser use.
Taser data download report	A full download of the Taser after use which produces a usage report. An internal data logging system within the Taser records the details of any activation. This data shows the exact time and date that the current was discharged, and on some models shows the length of the discharge and the temperature and battery condition. Taser data should be downloaded on a regular basis and the information retained to provide an audit trail of the activation of each Taser.

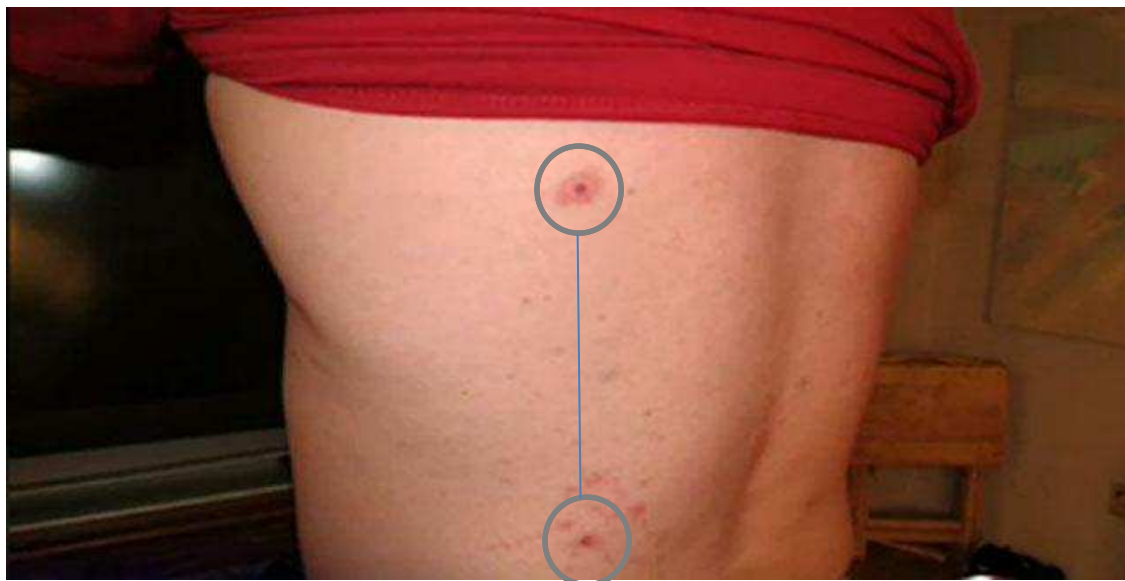
In addition to the evidence recovery phase, SOJP will also provide the individual subjected to Taser with a document which outlines what has happened to them, the physiological effects of Taser and the legal boundaries for its use. The document will also include an explanation as to how to make a complaint against an Officer or SOJP.

In the event of an unintentional discharge but where there has been no danger to the public, an internal investigation will be conducted with oversight given by either the Firearms Training department, the Professional Standards department or the Strategic Firearms Group, as appropriate in the circumstances. The criteria for when a Taser discharge is referred to the Jersey Police Complaints Authority (JPCA) is explained later in this document.

Aftercare following Taser use is vital to the credible use of such an item by Police, and there is already much policy and experience to draw upon from UK Forces in this area. It is known that recovery from the direct effects of Taser should be almost instantaneous. After Taser use, and once the subject has been properly but safely restrained, it is important that the Officer provides verbal reassurance as to the temporary effects of Taser. There remains a legal and ethical duty for the Officers involved to offer medical assistance, should it be required, to any person. This is part of the training process currently in place for the use of CS Spray and, following its deployment, becomes a second-nature action for the Officers involved. The standard of medical training given to some Officers within SOJP firearms arena is incredibly high, and is designed to cater for the immediate trauma associated with conventional firearm discharge.

Following discharge, the barbs of the Taser are designed to penetrate, only to such a degree so as to be able to effectively deliver the electrical charge, either the clothing or the skin of the individual. Injuries caused by Taser barbs penetrating the skin are

normally very minor, as depicted from the following image taken from an open source.



Unless there is an operational necessity, no attempt would be made by Officers to remove barbs which have penetrated the skin. This should only be done by a medical professional either at the scene, at a hospital or in the custody suite. This is principally because of the care requirement for infection control and the risk of self-injury in the process.

Once the barbs are removed, they must be secured as evidence and any injury to the individual and damage to the barb noted. Once removed, the barbs must be examined to ensure that they are complete.

All arrested persons who have been subjected to the discharge of a Taser will be examined by a Forensic Medical Examiner (FME) as soon as practicable, and where Officers are informed or come to believe that a person to whom the Taser had been applied has a cardiac pacemaker, or other implanted device, immediate referral would be made to the hospital. Particular attention must be paid by the examining FME to any head injury which may have occurred as a secondary effect from falling upon the immediate effect of Taser discharge. If the subject is conveyed to hospital for any reason following Taser use, the medical staff would be notified of the involvement of Taser during the detention of that individual. Experience from the use of Tasers in other countries, which is supported by medical assessment in the UK, has shown that the persons most likely to be at greatest risk from any harmful effects of the Taser device are those also suffering from the effects of drugs or who have been struggling violently. For this reason, such persons would be very closely monitored following exposure to the effects of the Taser, at least until they had received a medical examination to check on their health status.

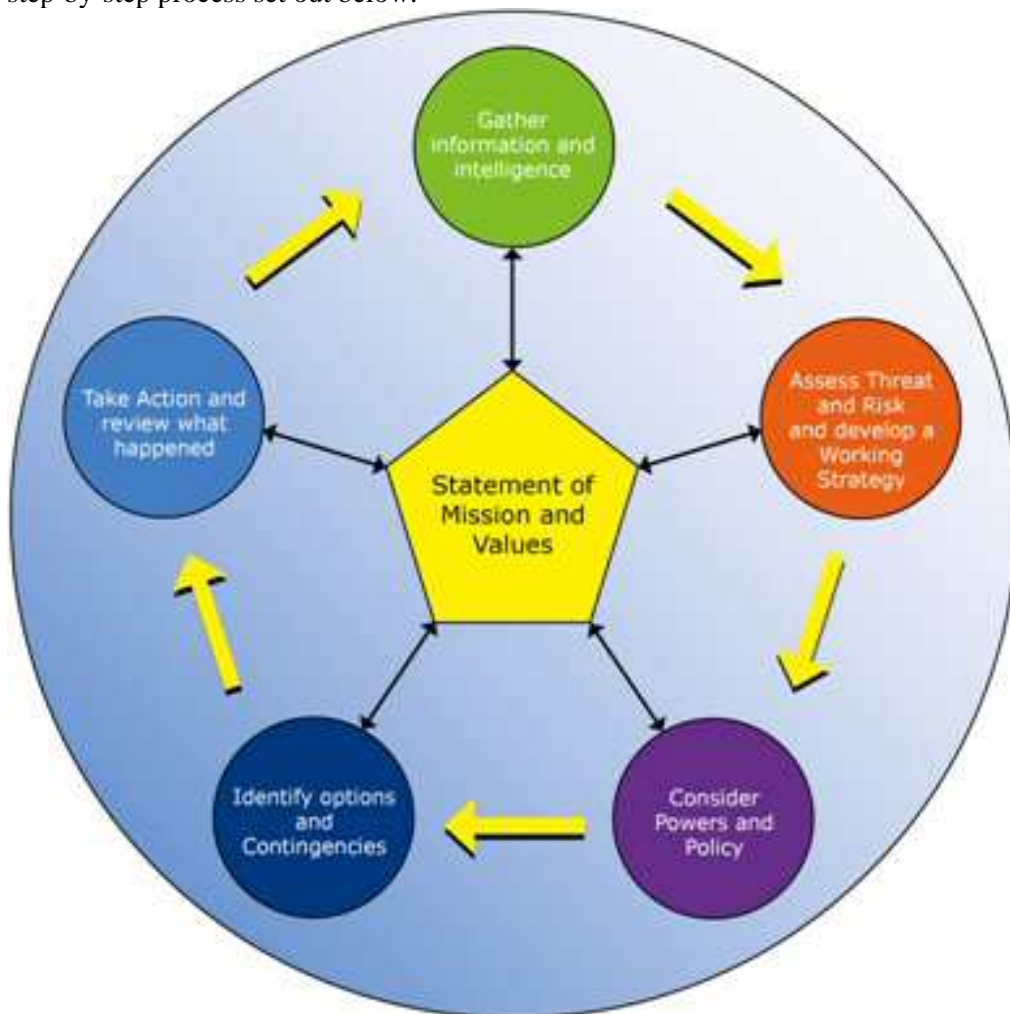
There is a dedicated chapter in the ACPO Manual on the Police Use of Firearms which caters for the use of Taser and sets out structured guidance for Post-Incident Procedures. Each Police Force in the UK must appoint a Taser Liaison Officer as a single point of contact to receive any updates, not only to Taser deployment and authorisation conditions, but for critical updates to the Post-Incident Procedure. This role continues to sit with the Chief Firearms Instructor in Jersey. SOJP also has a

Governance group, as mentioned earlier, for all matters relating to firearms tactics, deployments and usage. The Strategic Firearms Group (SFG) is chaired by the Deputy Chief Officer and retains a corporate oversight of firearms usage and deployments which would, in the event of a shooting, include the implementation of the PIP in an effective and structured manner.

Training

It is the Force's intention to train the current authorised Firearms Officers in the use of Taser in order that when such incidents arise, the full range of tactical options is available to those Firearms Officers as part of the considered tactical response.

Authorised Firearms Officers will be required to complete an ACPO approved training package for the utilisation and deployment of Taser in an operational setting. That guidance requires 18 hours of contact time training per student to be delivered over a 3 day period, and is subject to a summative assessment. Thereafter, Officers would need to re-classify (to demonstrate operational competence) twice-yearly to retain their authorisation to use Taser. This would be built into an already established programme for authorised Firearms Officers in Jersey, which is delivered by local, but nationally qualified, instructing staff. Both operational thinking, and the training model, rely heavily on the ACPO National Decision-Making model, which is a logical step-by-step process set out below.



Public concerns and perception

There was concern that the original report was written solely from the perspective of SOJP and did not consider the public concern which may exist around such a proposition.

Although noting the public concern, the States of Jersey have an obligation to be compliant with the Human Rights legislation in force. Presently, the Police have to deploy potentially lethal weapons to incidents where appropriate less lethal technology would be best suited. This is far from ideal. Thankfully, SOJP have never had to use lethal force, but are among just a few Forces in the country in this fortunate position.

The public of the Island of Jersey are right to have a view on the proposed introduction of Taser, and the issue here is not a failing to address the concerns of the public, but an effort to fully equip SOJP to deal with any situation they may encounter in a safe and legislatively compliant manner. The criteria for issue to Officers, following authorisation, is far lower than the criteria for discharge of the device (the act of pulling the trigger) and rightly so. SOJP hope never to have to use Taser, just as they have never had to use their conventional firearms, but there remains a gap in the continuum of force available to SOJP which does not exist in any other Police Force operating in the United Kingdom today.

DOMILL, the Defences Scientific Advisory Council on the Medical Implications on Less Lethal Weapons, provides medical advice to the UK Police and has done so since the introduction of the M26 Taser variant in 2003. In advance of the introduction DOMILL assessed the risk of death following a primary injury caused by Taser as 'low' and the risk of serious or life-threatening injury as '*very low*'. The M26 Taser was later superseded by the X26 which is the primary model in Police circulation today. The DOMILL assessment on the likelihood of a life-threatening event from the X26 was '*less than the already low risk status attached to the M26*' recognising the advancements in technology. DOMILL confirmed their view of Taser in 2011 remaining of the view that the risk of a serious adverse medical outcome following exposure to Taser is '*low*' when handled by trained users who are following ACPO guidance.

Amnesty International, one of the greatest defenders of Human Rights throughout the world, is not a supporter of the general usage of Taser, stating that '*the Taser is clearly a dangerous weapon*', but accepts that it '*should only be used in very limited circumstances where strictly necessary to protect life or avoid very serious injuries*'. They continue to recommend that Taser only be issued to a small number of highly trained specialist Officers. SOJP recognise the importance of specialist training and issue of Taser and therefore clearly supports and respects this stance.

The remaining submissions made by various other individuals all make equally interesting points, and consist of 5 broad headings which will be addressed in turn. Jersey enjoys a relatively low level of crime and is essentially a safe place to Police. Taser is not needed to assist SOJP in their ability to offer a policing service to the residents and visitors to Jersey on a day-to-day basis, but to help cater for those incidents outside of the norm – that one-off rare incident where a firearms authority is required and following which SOJP, and therefore the States of Jersey, are left wanting after a Police shooting where, post-incident and thorough investigation by an outside Police Force, it is found that Taser could have led to an alternative resolution had it been available.

Topic 1 – Heavy-handed policing and potential over-use by the Police

Both I and SOJP are disappointed to find that this was an area of concern for a small area of the public who either wrote to the Scrutiny Panel or expressed such a view in the online survey. Taser is not being viewed as a quick-fix to violent situations. Officers in Jersey face difficult and testing situations on a daily basis, and some of those do become violent. Thankfully, assault levels on Police Officers in Jersey are relatively low, but do still happen, and with Taser being encapsulated within the National Firearms Deployment Criteria, the opportunity for misuse at everyday incidents is mitigated. To further put this in perspective, in 2011 there were 12 incidents where injuries were directly received by Officers from assaults in the course of their duty, and a further 16 incidents where injuries were incurred during the handling of prisoners. In 2010, SOJP recorded 41 incidents of assault on Police¹⁹. In 2011 that figure fell to 38 assaults, but in 2012 the number rose to 55. Local Officers receive self-defence training in accordance with the national standards and from nationally accredited trainers, and the suggestion that SOJP are heavy-handed does not necessarily bear out. The Professional Standards Department investigate all complaints against Police Officers, and are overseen by the Jersey Police Complaints Authority (JPCA). The 2012 JPCA annual report noted that figures for that year (last complete year of data) were not out of line with historic trends, at a total of 29 investigations. The following table shows a 10 year breakdown of the number of complaints made against SOJP staff under the complaint category²⁰ –

Nature of Complaint	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Excessive use of force	17	11	6	14	8	6	5	6	14	10
Harassment/Threatening Behaviour/ Abuse of Authority	5	12	11	6	9	10	13	2	8	6
Use of CS Spray	0	1	1	0	4	1	0	0	0	1
Other	8	13	12	10	15	10	8	8	13	9
Data Protection	–	–	–	–	–	–	–	–	–	3
Total:	30	37	30	30	36	27	26	16	35	26

An author of one letter to the Panel states that Taser abuse is ‘almost inevitable’. Taser in Jersey, as already stated, will only be issued under a firearms authority where an Officer of the rank of Inspector or above deems that the National Deployment Criteria have been met, and that decision has subsequently been ratified by an Officer of at least the rank of Superintendent. Any Taser discharge is recorded by the on-board computer, and a conventional discharge by barb flight also sprays out a confetti which

¹⁹ The offence which recognises an assault against Police Officers also accounts for assaults against Prison Officers. Only a small number of assaults against Prison Officers are recorded each year, so the given figure will be slightly fewer than reported, but is provided as an indicator.

²⁰ Data Protection complaints were historically recorded under ‘other’ until a decision was taken to record as a standalone topic in 2013.

directly correlates with that device and cartridge on the basis of serial number, which must have been signed out by a specific Officer upon the granting of an authority. Any evidence of misuse following any introduction of Taser would be investigated thoroughly. Some comfort should be taken in respect of the low levels of complaint received relating to the use of CS Spray, as reflected in the JPCA table.

Topic 2 – Low levels of violence in Jersey

There is no link between the need for Taser and levels of violence in Jersey. Taser is required to bridge the current gap in the continuum of force for the one-off incident when a suitable less lethal technology is required to bring a safe resolution to an incident. The reason for the progress now towards Taser follows a change in the UK legislation on the export of such items – Taser has been sought in Jersey for several years since the UK Forces began to implement it within their firearms options.

The continuum of force available in Jersey is set out on page 10. SOJP already has a range of conventional firearms which can cater for the majority of situations. The absence of Taser is abundantly clear and features in a peer review from the City of London Police. Its absence would be a major and contentious issue following a Police shooting, had Taser not been available where its use might have avoided a fatal outcome. The need for Taser in Jersey on this basis is supported by the Scrutiny Panel at paragraph 192.

Topic 3 – Risk to health of vulnerable individuals

Vulnerable, or potentially vulnerable individuals, are often identified from the outset in any firearms operation, and can stem from medical or mental health issues, or be because someone is under the influence of drink or drugs. This category of individuals in a firearms setting are known as EMD – Emotionally or Mentally Distressed – and are one of the primary considerations of the Tactical Firearms Commander when initially authorising the deployment of firearms; the Tactical Advisor in providing advice; the Strategic Firearms Commander in the ratifying that decision; and the Operational Firearms Commander in the tactical delivery of the operation. Checks and balances are in place from the outset. The College of Policing defines EMD as – *‘a term used to describe individuals who may behave in an unexpected, extreme or challenging manner as a result of a mental health issue, or emotional distress. This may on occasion be aggravated by drugs or alcohol, or the absence of prescribed medication.’*

Where someone is identified as being particularly vulnerable, it might not be proportionate to authorise a firearms response, although it must be noted that any human with a weapon can cause considerable harm to others and a response is still required from the Police. Additional consideration would be given by the Officers at the scene of any armed operation in respect of any person who appears to be pregnant or appears to be a juvenile. All Police Officers, including Firearms Officers, are accountable for their actions and follow the National Decision-Making process, as explained previously. Impact factors, which include vulnerability, are always taken into account in offering the best and most suitable response possible based on the information available and the circumstances at the time.

There is a wealth of reports in existence which will suggest that Taser is dangerous for use on humans, and others which will argue that it is safe. The IPCC continue to state that, of the 7 deaths following Taser discharge, none can be directly linked to the Taser itself, and the device retains the support of ACPO. Most of the deaths in the UK which are associated with Taser relate to self-imposed knife or gunshot wounds immediately before or after the Taser discharge, and not the effect of Taser itself. A 2004 article in the British Medical Journal, written by Bleetman, Steyn and Lee on the implications for UK Emergency Departments of the introduction of Taser, concluded that: *'the device is essentially safe on healthy people... It is worth remembering that the Advanced Taser²¹ is to be used only as an alternative to firearms and any outcome measures should be considered in this context'*. In qualifying that statement, the authors, who had been subject to Taser discharge, as volunteers, stated that the Taser: *'waves behave differently from conventional AC or DC current. There is no evidence to date that this form of electrical delivery causes interference with cardiac or neurological function in the 30,000 volunteers or in the reported operational uses. None of the volunteers required hospital treatment or have reported any long term adverse effects.'* They went on to state that *'laboratory experiments failed to induce cardiac arrhythmias on dog hearts with direct application of the Advanced Taser'*.

Topic 4 – Cost

When lodged, the proposed cost for the acquisition of Taser was set at £32,205 and equates, in 2012 terms, to 0.13% of the entire Policing budget. This figure was both acceptable to the Scrutiny Panel and to the Chief Officer of Police, who is the Accounting Officer for the department.

The annual onward cost of Taser is £8,160 and relates to the purchase of training cartridges required for the regular refresher training for Authorised Firearms Officers in its use.

Topic 5 – Potential for the use of Taser to proliferate beyond current agreed guidance

This area was also subject to significant comment in the letters and e-mails received by the Panel and is clearly an area of concern to the public. The public are right to make such an observation, but SOJP have never suggested or sought that Taser would become standard issue equipment in the way that handcuffs or CS Spray are today. The safeguarding process which is to be put in place by SOJP around Taser is probably above and beyond that of any other Force in the UK today. This process alone means that Taser will not be deployed to routine policing matters or used to deal with weekend public order incidents. Such alignment to the National Firearms Deployment Criteria for Taser means that no 'Taser-only' authority will exist in Jersey and no Specially Trained Units are proposed, thereby keeping Taser in the control of Authorised Firearms Officers only, and under strict command. SOJP notes and accepts Recommendation 20 in the Scrutiny Panel's report, which is directly designed to prevent proliferation of the device to other Officers.

Nationally, there has been an increase in the use of Taser. This, however, follows the increased distribution of Taser to more than just Authorised Firearms Officers through Specially Trained Units. SOJP, throughout this process, has sought to demonstrate that

²¹ The Advanced Taser refers to the current X26 model, which superseded the previous M26 model, and was recognised as being more advanced in its technology and delivery.

Taser will not be issued to Officers who are not Authorised Firearms Officers, and have no plans to proliferate the device outside the bounds of a Firearms Authority. The rise in Taser usage in the UK will almost certainly relate to the Taser-only authority.

The 2009 Home Affairs Select Committee considered the place of Taser in the context of the G20 protests and commented on the wider distribution of Taser, noting that: *'more widespread use of Tasers would also represent a fundamental shift between the Police and the general public. British policing is based on face-to-face engagement, the use of Taser has the potential to erode that relationship and create a rift between the Police and the policed.'*

Culture and behaviours in Jersey, as in any locale, do change; and Jersey is not perhaps the sheltered location it once was. SOJP is a modern and dynamic Force who, from public feedback, provide a high level of service, and with it bring confidence to the majority of the Island's residents and visitors. SOJP are already trusted with a wide array of conventional firearms, and the associated ammunition, to meet a multitude of threats and scenarios, and AFOs train on the use of these items regularly. The availability of Taser is not sought for any reasons other than to assist in the bridging of the current tactical gap, and to aid in the compliance with the Human Rights legislation.

Drive-stun mode

One of the more contentious elements of Taser across the UK and for the Scrutiny Panel is the tactical option of 'drive-stun', which is the delivery of an incapacitating



electronic charge from Taser which doesn't have the barb cartridge attached to the front. For Taser to be effective in the sense of a traditional discharge where the barbs are fired towards a subject, a minimum 4 inch spread between the barbs should be achieved, although a spread of at least 8 inches is desirable. Drive-stun does not achieve that 4 inch spread and relies

on the 2 exposed probes being arced, as can be seen from the open-source image and, it is accepted, is likely to be more painful than a traditional flight delivery, given the narrow spread of electrical charge.

Drive-stun is, however, a recognised delivery tactic in its own right when the proximity of the subject is too close for traditional flight discharge and the optimal barb spread cannot be achieved. It can also be used to cater for weapon failure, misfire and for circuit completion upon a partial miss. It is accepted that, unless absolutely necessary, the Taser should not, due to increased risk factors, be applied for drive-stun directly to the subject's neck or head.

While it can never be said that drive-stun should be avoided, the drive-stun method of delivery is not a preferred tactical option for any Officer who were to discharge the device, and would never be a primary predetermined tactical option in the resolution

of an incident, but remains a valid delivery method nonetheless, in a violent or life-threatening situation.

SOJP is not aware of any UK Force which prohibits the use of drive-stun as suggested by the Scrutiny Panel, and it remains a very valid tactical option for the reasons already identified. In fact, as demonstrated in the following table, sourced from the data.gov.uk website, which identifies all Taser usage in the 6 years since its introduction in April 2004 to March 2010, only 5 Forces have not used the drive-stun function.

During the period, drive-stun only accounted for 4% of all Taser usage.

Police Force	Discharges	Drive-stun	Arced	Red Dot	Aimed	Drawn	Not Stated	Total Used
Avon & Somerset Constabulary	56	32	29	145	18	54		334
Bedfordshire Police	53	4	1	53	5	18		134
Cambridgeshire Constabulary	27	4	1	144	5	23		204
Cheshire Constabulary	18	1	6	31	1	8		65
City of London Police	1		1	9				11
Cleveland Police	43	1	2	84		10		140
Cumbria Constabulary	26	5	10	64	1	7	1	114
Derbyshire Constabulary	11	1	1	76	5	19		113
Devon & Cornwall Constabulary	63	12	4	110	6	21		216
Dorset Police	45	14	5	46	1	10		121
Durham Constabulary	38	2		119	12	20		191
Dyfed-Powys Police	10	1		33	3	3		50
Essex Police	37	8	3	57	2	4		111
Gloucestershire Constabulary	34	1		49	2			86
Greater Manchester Police	81	9	3	125	10	49		277
Gwent Police	34		5	142	19	23		223
Hampshire Constabulary	32	3	3	59	8	18		123
Hertfordshire Constabulary	36	4	2	96	5	50		193
Humberside Police	48	5	13	257	15	22		360
Kent Police	16		2	54	4	27		103
Lancashire Constabulary	90	6	4	121	5	21		247
Leicestershire Constabulary	18	4	39	88	11	21		181
Lincolnshire Police	11	2	4	28	3	9		57
Merseyside Police	47	7	1	80	16	6		157
Metropolitan Police	401	70	29	442	47	181	3	1,173
Norfolk Constabulary	51	19	10	32	7	7		126
North Wales Police	55	11	7	139	13	31		256
North Yorkshire Police	18	4	6	57	5	9		99
Northamptonshire Police	23	2	3	59	2	14		103

Police Force	Discharges	Drive-stun	Arced	Red Dot	Aimed	Drawn	Not Stated	Total Used
Northumbria Police	184	19	5	604	53	188	1	1,054
Nottinghamshire Police	27		4	52		1		84
South Wales Police	30	8	6	67	5	2		118
South Yorkshire Police	16	1	1	50	5	18		91
Staffordshire Police	27	7	11	92	13	14	1	165
Suffolk Constabulary	15	1	2	49	6	14		87
Surrey Police	23	8	8	48	3	6		96
Sussex Police	27	6	3	72	5	9		122
Thames Valley Police	16	2		37	2	3		60
Warwickshire Police	1			8	1	1		11
West Mercia Police	62	23	8	152	9	20		274
West Midlands Police	84	7	2	114	4	15		226
West Yorkshire Police	213	24	27	247	12	24	1	548
Wiltshire Constabulary	37	6	4	43	5			95
Totals	2185	344	275	4434	354	1000	7	8599

Source: www.data.gov.uk

SOJP would seek to record and publically release such similar information for Taser in the Annual Report.

Safeguards and post-incident inquiry

SOJP has a robust complaints process, with the Head of Professional Standards being the Deputy Chief Officer. The Professional Standards Department (PSD) is operated by a Detective Inspector and Detective Sergeant. All complaints are investigated, and the discipline process in place allows for a wide range of sanctions to be imposed. Formal disciplinary hearings are presided over by the Chief Officer or, under certain conditions, by a Chief Officer from another Force.

Anyone can make a complaint about the conduct of a Police Officer. If a member of the public should attend the Police Station wishing to make a complaint, the matter will be recorded. In certain circumstances, the allegation may be suitable for informal resolution and can be dealt with by the Officer receiving the allegation, or by another Officer as appropriate, although the circumstances of the complaint must still be forwarded to the Deputy Chief Officer for review. If there is any suggestion that a criminal offence has taken place, a formal investigation will always be commenced and overseen by the Deputy Chief Officer and, in certain circumstances, will be overseen by the Jersey Police Complaints Authority (JPCA).

As with any incident where a Police firearm is discharged (this now nationally includes Taser), a post-incident procedure (PIP) would be invoked. Contained within that procedure is information which is provided to the individual involved on how to pursue a complaint against Police should they so wish. There are no plans to alter this process for local implementation should the case for Taser proceed, and it is successfully in use throughout the United Kingdom today.

Information on how to make a complaint against an Officer is also available on the SOJP website (www.jersey.police.uk) or at the Police Enquiry Desk. A patrol Sergeant is on duty 24 hours a day, as is a Duty Inspector who can record and resolve complaints where appropriate.

The national equivalent of the JPCA is the Independent Police Complaints Commission (IPCC). Upon the introduction of Taser in the UK many years ago, all discharges of Taser were automatically referred for external management or review by the IPCC, however this became a cumbersome task.

It was apparent to the IPCC that the majority of referrals to them regarding Taser use were suitable to be managed by the relevant Police Force and, as such, put in place criteria for referral. It is proposed by SOJP that the same level of referral is adopted here.

Taser discharges would be referred to the JPCA if the discharge –

- Resulted in death or serious injury,
- Caused danger to the public, or
- Revealed failings in command.

There always remains the option for SOJP to voluntarily refer a Taser incident to the JPCA should it fall outside of the above criteria, and should the circumstance of deployment warrant further supervised investigation.

Should someone wish to refer the use of Taser by SOJP to an independent body, the individual, or person reporting on their behalf, could approach the JPCA or Police Authority (upon its inception) direct. Private legal options could also be explored as the individual should deem necessary.

Police Officers always have and always will be responsible for their own actions, particularly in terms of the ‘use of force’. Any use of force must be justifiable and stand up to scrutiny by the Courts or any internal or external review. The investigation of all complaints is taken very seriously, and the personal ownership of the use of force is thoroughly covered in the training delivery given to all Officers and, in particular, Authorised Firearms Officers.

At the commencement of any firearms operation, all armed Officers, which will include those Officers carrying Taser, are reminded by the Senior Officer of their obligations under the law and that only so much force as is reasonable in the circumstances can be used, and that any use of force must be defensible if called to account. The Police should only use physical force to the extent necessary to secure observance of the law, or to restore order only when the exercise of persuasion, advice, and warning is found to be insufficient. The fact that an Officer might be carrying a conventional firearm, a Taser, a baton or be open-handed, is irrelevant.

Each Taser device contains an internal data logging system which records details of activations. This includes the exact time and date that the current was discharged and on the X26 device, the length of the discharge. This information should be downloaded to a computer and retained to provide an audit trail of the activation of each Taser. A Police-involved shooting is a traumatic experience for all persons concerned and has a huge impact on the community as a whole. The post-incident procedures which are set out in the ACPO Guidance on the Police Use of Firearms (ACPO PUF) will scrutinise the entirety of the operation. Inquiries into shootings can be a long and drawn-out process lasting up to a number of years. One of the most pivotal areas that the Inquiry would focus on would be what the principal Officer's²² options were at the time of the incident. A recent change of stance in the investigation of Police shootings now includes the commanding Officers under the title of Principal Officers, rather than just the individual who may have pulled the trigger, placing greater accountability on the supervisory chain.

Providing current oversight to Police complaints, as mentioned, is the JPCA. The Scrutiny Panel recommended that the JPCA should review the deployment and use of Taser after the first year. Such a position could compromise the Authority's independence, with such a review falling to the Chief Officer, the Minister for Home Affairs or, once in place, the Police Authority. The preferred option here is for ownership to sit with the Police Authority.

If the States approve issue of Taser to SOJP, any subsequent changes in authorisation criteria would be referred back to the States for endorsement, under SOJP's acceptance of Recommendation 20. This, however, would not be appropriate or satisfactory in relation to changes to the discharge criteria which will always be influenced by changes, from time to time, in the form of ACPO guidelines. Those ACPO guidelines directly influence the training and refresher training provided to Authorised Firearms Officers and Senior Officers as Commanders. It would, therefore, not be appropriate for the States to become involved at this level of detail which should, as operational decisions, be left to the Police Authority and the Chief Officer with oversight offered by the Minister.

Financial and manpower implications

The following costs are envisaged to provide the required capability and initial training for authorised Firearms Officers. This will reduce in revenue terms once the initial purchase of equipment has taken place. The costs will be met from within existing budgets.

The overall cost for the introduction of TASER, inclusive of all associated equipment and training costs, is likely to be approximately £32,205, based on figures obtained in February 2012.

²² Principal Officer: Those members of staff who have discharged a firearm, or are most immediately involved in the discharge and will include Commanders.

The breakdown of these costs is as follows –

10x	Taser units (minimum of 8 for Firearms Officer deployment/ 2 in reserve and for other appropriate deployment)	£9,950
15x	Digital power pack	£570
1x	Data download port	£115
400x	Live cartridges	£9,400 (5 year life span)
400x	Inert training cartridges	£9,400
2x	Taser training suit	£1,000
4x	Inert Taser training unit	£270
100x	Taser targets	£500
–	Trainers' training	£1,000
	Total Cost	£32,205

Conclusion

Article 2 of the European Convention for the Protection of Human Rights (ECHR) requires that every Police Force should establish and maintain a full range of tactical options, which includes less lethal options. The current local capability is not suitable for every type of deployment, and SOJP are having to risk-assess items into situations to comply with ECHR which are not designed to be operated in such an environment.

The L104A1 Launcher remains a valid less lethal tool, and is suitable for extended distance work and in an open area, but is not well suited to close proximity use; confined or indoor spaces due to risk of ricochet and subsequent injury; or reduced-target situations. This poses a real problem when considering armed policing of the airport and other indoor areas such as responding to residential addresses, but the need to comply with ECHR means that current less lethal technologies must be available. The introduction of Taser would mitigate the need for such a clumsy risk-management process and reduce the likelihood that SOJP will ever have to resort to the use of lethal force owing to the presence of a suitable and practical less lethal option for use at shorter distances.

Because of the concerns of the Scrutiny Panel and some members of the public, the test in relation to the deployment of Tasers which is now proposed is stricter than that which exists elsewhere in the British Islands.

In particular, Taser will now only be deployed alongside firearms and where an accredited Firearms Commander has authorised the deployment of firearms.

Furthermore, the only Officers authorised to carry Tasers at such times will be the Officers who are authorised to carry firearms.

I believe that these and the other safeguards set out in the Proposition will ensure that Tasers will only be deployed when they are really needed, and at a lower level of force than that of a firearm.

I therefore urge the Members of the Assembly to support SOJP by providing them with this additional tool of Tasers, subject to the safeguards set out in the Proposition.