

AMNESTY INTERNATIONAL JERSEY'S POSITION ON THE PROPOSAL TO MAKE TASERS AVAILABLE TO POLICE FIREARMS OFFICERS IN JERSEY

Terminology: In Amnesty's report and throughout the rest of this document, use of the word Taser refers to one or more products of TASER International under the TASER trademark which is a brand of Conducted Energy Device (CED) or Electronic Control Device (ECD). The Taser model intended to be deployed in Jersey is the X26, the same used in the UK.

The following information has been compiled from two AI reports. *'Less Than Lethal' – The Use of Stun Weapons in US Law Enforcement* [December 2008] and a recent Media Briefing on Tasers (2011) received from Oliver Sprague, AI UK Programme Director, Military, Security and Police.

Amnesty International's position on Tasers

Amnesty International is not fully opposed to the use of Tasers and acknowledges the importance of developing "less-lethal" force options to decrease the risk of death or injury inherent in police use of firearms. Such measures are encouraged under international standards, which provide that non-lethal incapacitating weapons should be carefully evaluated and their use strictly controlled. However, Amnesty is concerned at the wider deployment of Tasers to police officers, both as regards their safety and potential for misuse. Amnesty insists that they only ever be used by the most skilled and highly trained police officers, and then only in very restrictive circumstances.

Amnesty International believes that Tasers are inherently open to abuse as they are easy to carry, easy to use and can inflict severe pain at a push of a button without leaving substantial marks. The capacity to use such weapons close up, often when individuals are in custody, and to inflict repeated or prolonged shocks, makes them even more prone to abuse and would constitute torture. Many US law-enforcement agencies deploy Tasers as a relatively low-level force option to subdue non-compliant or disturbed individuals (as well as other at risk groups) who do not pose a significant threat. Amnesty's US study has found that 90 per cent of the victims of Taser-related deaths were not armed.

Ensuring compliance with Article 2 of the European Convention on Human Rights (the right to life), Tasers should only be used just below the point at which a firearm would be deployed and only in circumstances where there is a threat to life or a threat to serious injury.

When Tasers were initially introduced in the UK in the early 2000's, they were distributed to specialist firearms officers only. However as of 2008, the Home Office announced that frontline (i.e. non-firearms) officers could be armed with Tasers. In Kent this even included traffic police. Firearms officers have to undergo many months of training yet officers receiving Tasers on average received just three days training.

As routine distribution of the weapon intensified, so did the number of occasions where Tasers were deployed. Between April and June 2009 they were used 594 times compared to 1200 times between January and March 2010.

Amnesty International is concerned that Tasers have been widely deployed before the results of rigorous, independent studies into their safety and potential health risks have been published. Existing studies (many of them industry-funded) have found the risk of direct adverse effects from Tasers to be generally low in healthy adults, but they are limited in scope and have pointed to the

need for more understanding of the effects of such devices on vulnerable and “at-risk” groups, as pointed out by an interim report published in June 2008 by the National Institute of Justice in America. Whilst manufacturers claim that the electrical current from Tasers to be too low to trigger a direct fatal shock, many medical experts have suggested shocks can disrupt heart rhythms. These risks increase if shot near the heart, for a prolonged period or multiple times. Independent studies have shown that Tasers can produce fatal arrhythmias in pigs, raising further questions about the safety and reliability of such weapons. Further studies of death cases suggest that Taser shocks may exacerbate cardio-respiratory problems in individuals whose health is already compromised by a range of factors.

Such widespread use has led to many Taser-related deaths and instances of abuse in the UK and abroad.

For example:

1. In Nottingham (June 2009) mobile phone footage caught how police officers shocked a man with a Taser for the second time after he was already lying on the ground and appeared to be under control by the four surrounding police officers.

The IPCC found the police officers were ‘acting proportionately’ to the situation (Feb 2010). However Amnesty raised concerns about the lack of clarity within existing police guidelines as to determining which situations when appropriate to apply the Taser.

2. 17 year old Darryl Turner on 20 March 2008 died immediately after being shocked for 37 seconds. The cause of death was listed as “lethal disturbance of the heart rhythm precipitated by his agitated state as associated stress as well as the use of a conducted energy weapon”.
3. An officer in Arkansas Tasered a 10-yr-old girl who refused to take a shower and was behaving – according to her mother – in an unruly manner.

Amnesty doesn’t want to see the UK hurtling even further down the slippery slope towards arming all officers with Tasers across Britain, or worse towards a situation like that in the US where these weapons have been widely misused. So far in the US 500 people have died after being shocked by a Taser since 2001. In many of these cases the coroner listed the use of the Taser as contributory factor or indeed a direct link to the death and in 90% of these cases the victim was unarmed.

Amnesty International Jersey is also concerned about the introduction of Tasers into the local police force. Questions have to be raised about the necessity of such weapons in the island when crime levels are so low and officers are rarely assaulted let alone put in life-threatening situations where firearms would need to be deployed.

For example, a pilot to equip beat officers in Rutherglen (Scotland) with Tasers came about because 4000 officers were being assaulted every year. Proportionally, the figure in Jersey is most likely nowhere close to this and does not justify the introduction of a speculatively-safe weapon into the island.

If Tasers were to be deployed in Jersey, then Amnesty International has outlined a series of guidelines that must be adhered to so people’s human rights are adequately protected.

Specifically Amnesty urges that:

(nb. this is not an exhaustive list but contains just Amnesty's main concerns)

- 1) Taser use should either be suspended pending further independent studies or;
- 2) Have their use limited to circumstances where officers are faced with an imminent threat of death or very serious injury (a potential loss of life) which cannot be contained by less extreme options (in accordance with Principle 9 of the UN Basic Principles on the Use of Force and Firearms).
- 3) Tasers should be treated as an alternative to lethal force.
- 4) Officers carrying Tasers are trained to firearms standards on an on-going basis. Training must be consistent with UN standards on the use of force before such weapons are deployed
- 5) Roll out must be highly restricted and then only to specially trained officers
- 6) The Home Office has demonstrated how the use of Tasers will be consistent with its obligations under international human rights guidelines and what policies and procedures are in place to prevent misuse of electro shock weapons. This should include regular conceptual and operational training on international human rights standards, including the right to life (Article 2), the absolute prohibition against torture (Article 3) under the Human Rights Act 2008 and other cruel, inhuman or degrading treatment.
- 7) There should be strict guidelines to avoid repeated, multiple or prolonged shocks as well as shocks whilst someone is in custody. Such actions constitute torture and contravene Article 3 of the Human Rights Act 1998, the prohibition of torture.
- 8) The use of Tasers on the following "at risk" people who are at the greatest risk of death should be avoided in all circumstances unless they pose an imminent threat to life. All officers should be trained to be aware of these groups;
 - Children
 - Persons of small stature
 - Pregnant women
 - The elderly
 - People with heart disease, pacemakers or other electrical implants
 - Emotionally disturbed people or those with mental disabilities
 - Those suffering from epilepsy, asthma and other respiratory problems
 - People under the influence of drugs or are highly agitated, delirious and/or struggling violently
 - Those who are obviously physically frail or poor of health
- 9) The arbitrary or abusive use of Tasers should be punished as a criminal offence in law. Such treatment of a potentially lethal weapon breaches articles 2 and 3 of the Human Rights Act 1998, the right to life and the prohibition of torture.
- 10) Each department should provide a detailed breakdown of its Taser use in regular, publicly available reports.

As far as Amnesty is aware, none of these have been spelt out and therefore the organisation continues to oppose the widespread deployment of the weapon.