

SUBMISSION: M.DUN

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TASER tattle Jersey goes electronic

The public discussion on the potential introduction of "TASERS" is useful because it tries to address the Jersey perspective. But is policing any different here?

Governments world-wide see the need to control the public with much the same degrees of priority. They will resort to almost any methods - whether justified by statistics or any other evidence.

Needs must, will usually be the final decider, especially where financial cost is not too excessive. But how those "needs" are determined is not at all clear.

All policing agencies are required to have the means to control individuals as well as groups – so anything from guns to water cannon, to CS gas or rubber bullets or armoured vehicles will be commissioned and justified if deemed necessary, to maintain the status-quo or somebody's notion of "public order."

Innocent bystanders elsewhere have been visibly beaten by truncheons to collapse dead or injured at a demonstration (Ian Tomlinson April 2009, G20), or, a person carrying a table leg shot dead in the street (Harry Stanley 1999), or, an electrician (J.C. De Menezes 2005) shot dead at point blank range on his way to work in a tube-train etc - but the relevance here of such activities remains difficult to evaluate. Except that Jersey's UK structured and largely integrated States Police tends to follow suit with whatever technology or method is available and adopted in other forces or according to Home Office dictates.

To deliver an electric shock rather than a bullet might sound like more humane policing but it is just too simplistic as justification in this community.

"Drop the banana or we will kidnap your granny" might prove to be an equally effective anti - crime tactic if given a try, in some instances. Especially since the parameters of use can never be sufficiently defined unless "potential deviants" are prepared to act in accordance with a set of published rules or policies. Of course they won't – that is presumably why they are deemed "deviants" and need to be controlled.

"Operation Blast" has shown that the Jersey Police collect information – for their own or other agency's purposes - about all sorts of people and their interests, but it is just the tip of the mammoth surveillance business that lies behind all human activities in 2012.

It is not just the government or their police agents who collect information about us, our conduct or beliefs and act upon it.

Information gathering is very big business and its miss-use is presumably just as likely to originate in private policing organisations such as G4S or Securicor. Thus the sorry queue of shoeless, half-undressed people waiting to board aircraft at airports, are an everyday example of inevitable modern trends. The dubious arguments in favour of Tasers have to be considered in the context of our surveillance obsessed society. It is not too difficult, under current conditions, to imagine Tasers or some similar device being deployed on innocent "potential deviants" about the fly off on some dream holiday.

Less likely to imagine is the possibility of Tasers being aimed at somebody who returns an overdue library book – but it would not be so improbable if the avid reader had a data record indicating a persistent interest in turning weed killer into dangerous devices or even more explosive uses. The more so if the reader happened to be a bearded Muslim - with or without a hook-hand.

Yet, the already known abuses are almost inevitable.

Within the last few days a nine year old boy has been Tasered in Ohio because he would not go to school. The Chief of the local police force has already been suspended and other officers stood down.

A dog-walker has been Tasered in the back by a female San Francisco National Parks warden for failing to use a lead, as required under local regulations.

French gendarmes recently Tasered a pig which had escaped from its pen in a Paris suburb. What might they have done without this device to re-capture the animal?

When Mark Duggan was shot dead by trained London police in August 2011, riots started in Tottenham, spreading widely over England within hours but could a Taser have been realistically deployed instead?

The simple word of mouth system that led to Harry Stanley being shot dead for carrying a table leg in a London street belongs to the policing standards of Peelers of the nineteenth century but modern information gathering techniques are just as flawed in their origins and application.

The end results are equally likely to be physically or mentally harmful and as has been suggested elsewhere, the availability of such devices as Tasers will not reduce the deployment of "justified force." On the contrary, they will tend to raise the stakes all round. Tasers won't replace truncheons, handcuffs or guns but merely join with the existing devices already in use.

Two cases reported from El Reno (USA) concerned; a) an 86 years old, bedridden and disabled woman who was Tasered twice by police when she produced a kitchen knife from under her bedclothes in 2010 and, b) a man Tasered when falling into a state of diabetic shock in 2008.

A Californian Court

has already decided that the application of the 50,000 volt device to be "excessive force" and more serious than the use of pepper spray. This decision threatened that local police force's practical use of Tasers.

When Barrie Cooper was illegally detained at La Moye prison (Jersey) in the 1970s – upon the basis of wrong information – he was injected with the drug "Largactyl." This was not a treatment for any illness but was simply given as a sedative (it was known as the "liquid cosh") to put him to sleep for a few hours.

Although this "treatment" was probably illegal in human rights terms – amounting to "torture or inhuman or degrading treatment or punishment" – it was the sort of "less dangerous" use of force by a government agency upon the citizen. It was therefore deemed as "justified."

In previous years, "Paraldehyde" would probably have been the preferred injection drug being also very painful for the receiving "deviant." Thus, arbitrary punishment could be administered under professionally qualified authority without affording access to tedious scrutiny or challenge.

During the eighteenth century, British justice favoured the use of the pillory for many offences but especially for some classes of persons or deviants. Thus Jews and homosexuals were especially likely to be treated harshly by the public so that many such punishments proved to be fatal.

In Jersey, the use of the triple pillory in the Royal square was discontinued in 1836, shortly after three Jewish merchants were exposed there.

In the UK the pillory continued until it last appeared during 1872 in Wales.

By modern human rights standards, this was clearly a "cruel, inhuman or degrading treatment or punishment" and would have been contrary to international standards supposedly accepted by Jersey soon after the Liberation.

Yet public executions by hanging continued in Jersey until 1907 (according to the law) but in practice only until 1875 (the last public hanging in the British Islands) whilst the last Jersey death sentence was handed down in a Jersey court in 1984 (and commuted by the UK government). Now such capital punishments are prevented by the application of the Human Rights Jersey Law (2006) which incorporates Protocol 13 of the European Convention.

Thus it can be shown that types of punishment and the behaviour of such agencies as the police are no longer domestic matters solely for the people of Jersey to determine for themselves. Furthermore, the international standards are constantly being reviewed, reformed and up-rated just as governments and commercial operators are dreaming up devices such as Tasers which can be deployed to defeat such aspirations.

Unfortunately, it has to be acknowledged that Jersey's government has a very luke-warm enthusiasm towards signing up for the latest international human rights standards or implementing those that have already been ratified.

Of course, the manufacturers and distributors of such devices are very keen to promote their latest gadgets and governments are keen to buy into anything that offers simplistic solutions to difficult problems. It is remarkably similar to the vigorous promotion and take-up of surveillance equipment which has reached almost saturation point in the British Isles.

The primary American supplier is currently embarked on a sales campaign to promote

the shocking device for police (public) and private (domestic home) security use. Internet articles suggest projected sales up to \$150 millions producing a \$20 millions profit in 2012.

Tasers (there are differing types, manufactured in several countries, having different characteristics) are just another tool in the huge armoury of "more acceptable devices" and/or methods available to those in authority or having power over fellow citizens.

It matters not whether those with authority are trained professionals such as doctors, or prison officers, police officers, lawyers, magistrates or politicians because the opportunity to covertly bully, or punish, deliberately or otherwise, is an ever present risk.

Unlike sedation drugs, the application of electric stunning devices can never claim a justified medical "treatment" purpose.

Yet Tasers will be authorised by such people as are necessary to control others and there will be very minimal opportunity for any prompt redress or complaint. Taser abuse is as certain as night follows day.

Many court cases have already been initiated resulting from Taser use.

Law Professor Robert Cunningham was Tasered and arrested in 2008 whilst walking with a female friend in Fremantle (Australia). His case alleging "unlawful arrest, imprisonment, battery and assault" by the police had reached the court system in March this year.

George Asore, a 25 years old Ghanaian-born university graduate was allegedly shot several times by London Met police in February this year and then Tasered as he lay on the pavement in a pool of blood.

A University student, allegedly fleeing with a packet of biscuits from a shop in Sydney this same month, was Tasered by three pursuing officers and died shortly afterwards.

According to Amnesty International, the use of electric shock devices has been noted in 490 subsequent deaths in the USA since 1990.

Yet there is very little monitoring of Taser use even in such places as Chicago where their deployment by police has increased fivefold since 2008. Typically this city has very little regulation either to control the use of Tasers and private ownership of the device is already widespread in the USA.

Ontario, on the other hand, set down controlling regulations in 2010 although many policing bodies claim that it is impossible to realistically predict and regulate Taser use for operational reasons.

Apart from the potential accidental damage that might result from the "proper deployment" of Tasers (such as loss of eyesight, concussion or broken teeth from falls), it is inevitable that the device will be used as a form of punishment, or to induce fear or distress. It is also inevitable that they will be deployed inappropriately, for example, when the distance is too great (as little as 6 metres being the max range), or when the "deviant" poses no actual threat or risk, having already been restrained.

Aaron Anderson has just been Tasered in Truro (Cornwall) after pleading with the police to shoot him. He was armed with a knife.

Tasers were deployed at the conclusion of the Dale Farm Travellers site dispute during October 2011 although they are not recommended "as a public order tactic."

In Jersey, it is especially difficult to determine the class of "deviants" that might warrant the deployment of Tasers at all. There is certainly very little known history of criminals or political activists resorting to the use of fire-arms. No police officer has been killed in service since honorary officer Centenier George Le Cronier was fatally wounded by a female brothel-keeper who suddenly produced a knife in 1846. Even if Taser technology had been available then, it would clearly have not helped to save that officer.

More recent Jersey murders have predominantly occurred in "domestic" circumstances without any "Taser-fight at the OK corral" style policing confrontations or engagements with "deviants."

Mike Bowron, Jersey's Chief Police Officer claims that Tasers are needed now because his officers have to attend about 20 knife incidents each year.

Unfortunately, it is especially difficult to determine how Jersey's twelve Honorary (Parish) Police forces might respond to any use of Tasers by the States Police.

Parish police officers – over 250 in total – are as unlikely as the 240 States Police officers to encounter a potential “Taser deployment” situation, but what might they do in that eventuality? Should they be equipped with this device too? If not, why not?

If fully trained, professional States of Jersey police need the extra protection afforded by this device the part-time honorary officers can hardly be left out. But who might ensure that they are adequately trained in Taser use and who might speak for them during the current debate?

Who might actually be promoting the use of Tasers in Jersey is not totally clear. This is presumably an operational matter for the Chief Officer Mike Bowron to determine but it has already been made the subject of political debate and scrutiny (see Scrutiny.gov.je for the Terms of Reference of the ongoing Scrutiny Panel inquiry).

The potential relaxation of UK “export” controls on these dangerous devices has been offered as the pretext for the renewed Jersey interest but the UK Home Office has been promoting policies that all police cars in England and Wales will carry a Taser X26 in a few years and that 30,000 officers will carry them as a matter of routine.

ACPO (UK) guidelines issued in December 2008 declared that;

“Tasers can only be used where officers would be facing violence or threats of violence of such severity that they would need to use force to protect the public, themselves and/or the subject(s)”

Usually the ultimate veto on cost grounds would rest with the Jersey States but Home Affairs Minister Senator Le Marquand has indicated that he will only sanction Tasers if that assembly agrees. His own view – which might reasonably be expected to reflect his Christian beliefs – remains ambiguous.

Attempts to speak with the States Police or Minister Le Marquand by telephone for further clarification in the context of writing this article have not been very forthcoming.

The City of London Police – Mike Bowron’s former employer – is a force of 884 officers equipped with 46 Tasers.

72 officers are authorised to use them and 5 routinely carry them. They are classed as “firearms” and the City website includes a 29 page guidance document which clarifies how they might be used and regulated (“as a less lethal option”) together with some guidance on “Interference with Human Rights obligations” etc. besides listing the pistols and other more conventional weapons, Launchers with Baton rounds, shotgun breaching rounds, CS irritants, Pyrotechnic Distraction Devices, armed response vehicles and body armour that are issued when necessary.

In its brief Human Rights Review, the City of London Police restrict their comments to the application of the European Convention of Human Rights citing Articles 2, 3, 5, 6, 7, 8, 9,10,11 & 14 as being affected.

See video on You Tube

http://www.youtube.com/watch?v=9A7NOcNy6kE&feature=player_embedded#!

