



Jersey Rights Association Submission to the Scrutiny Panel

Police Use of Tasers in Jersey

1 Introduction

The introduction and use of Tasers by States of Jersey Police Officers (“SOJP”) in Jersey is likely to be a controversial and difficult area for several reasons.

Tasers are a new technology and have been in use in other jurisdictions only for a few years. Therefore the gathering of reliable data on the use of Tasers and its effectiveness as a police tool to prevent and respond to crime is still in its early stages. There is a lack of reliable empirical data of its use, its short-comings, training requirements, and having in place a proper and full policy, to name but a few areas. This data is slowly emerging as reviews are undertaken by users. For example, Post Implementation of Taser, for the Western Australian Police (May 2010).

There is a growing catalogue of information about the harm that the use of Tasers has and can cause to vulnerable and non-vulnerable individuals in use. Amnesty International report that in the USA alone, 500 people have been killed as result of a Taser blast (We refer you to Amnesty International web page www.amnesty.org 15.2.2012). As well as causing death, a Taser blast is also capable of causing short and long term harm to an individual.

Because of these concerns about the effect of a Taser blast and the emergence of new and reliable data over time, we advocate a cautious approach. The SOJP have operated successfully up to now without using Tasers. Therefore there should not be urgency on their part.

2 Summary

We conclude for the reasons set out below that we would support at this time the introduction of Tasers in to Jersey, but to be used under very strict written terms and conditions. Tasers should only be used in circumstances when fire arms are permitted to be used. We can find no good reason to extent such use.

New Legislation should set out clearly when Tasers can be used and not used. If extended use of Tasers is sought, then that matter should return to the States chamber for a full debate on the matter. This should **NOT** be an operational decision for the police.

3 Jersey – Not England

Jersey is a small Island. It is for most people a very prosperous community enjoying a high standard of living and education. That brings with it many benefits.

It has a very low level of crime.

It has its own unique problems when it comes to criminal conduct and behaviour. It does not have the level of serious crime found for example in England.

The level of prosperity acts positively in reducing crime in Jersey.

Jersey has a large, well-resourced and paid police force. It also has a substantial honorary police force who are available to assist the professional police force.

Jersey has an extensive system of CCTV covering St Helier, which is a great aid to the Police.

Because of our physical size, response times to crimes are low. We can also better control the import of fire arms and other illegal weapons.

That is not to say that Jersey does not experience serious criminal acts and behaviour. The issue of knife crime and the horrific events of 2011 are a timely reminder of that.

4 A tool of last resort

The SOJP have a number of tools available to them to carry out their work effectively and efficiently, and importantly to maintain public trust and confidence whilst carrying out that work. Tasers would be another tool for them. It should not replace those existing tools that work well and are tried and tested.

The SOJP should still as a front line method of policing use communication, pressure and negotiation at the first opportunity when combatting crime.

It is for the SOJP to make their case if they wish to use Tasers in specific circumstances. When seeking to make a case, the context of their case is what we say above.

We should not overstate the nature and amount of crime that takes place in Jersey. Criminal acts fuelled by alcohol do occur and are common place. This may involve typically fights between individuals or groups of people without the use of weapons. If weapons are used, the weapons are likely to be those that could cause injury to the person as opposing to being fatal (non-lethal).

5 Principles of use

Tasers should only be used when their use is reasonable, appropriate and

proportionate to the circumstances. What does this mean?

For the reasons set out in this document we consider that a minimalistic approach should be adopted. In other words what is the least intervention required. Tasers should never be a first line tool to be used against individuals.

The grounds for use arise in circumstances where the SOJP currently deploy guns in response to a reported incident. It is clearly preferable to incapacitate an individual rather than to shoot and either seriously injure him or kill him. There are both benefits and negatives here to the alternative use of Tasers. The SOJP could resort much quicker to using a Taser (as opposed to a gun) because the outcome is less severe. We have also looked at the risk of harm to the SOJP and the possible psychological trauma that an officer may suffer if he kills an innocent suspect.

In lethal weapon incidents there is always the concern that the police may have over reacted or simply misinterpreted the dangers. In a pressure situation such judgement calls are very difficult. If a fire arm is used and the suspect is killed, these judgment calls become even more important. If a Taser is used, the outcome is less severe.

Having set out when on balance the use of Tasers can be justified, it can also be stated using the principles above that Tasers should NOT be used:

- For crowd control;
- For typical street violence;
- Where there is an affray involving groups of people;
- Even when the group of people in the affray uses non-lethal weapons;
- An individual holding a lethal weapon but does not pose an immediate threat to the SOJP or others;
- It is a much more difficult question if the person poses an immediate threat to his own welfare. We are unable to reach a conclusion on this outcome; and
- When an individual has his back to the SOJP or is walking away.

This is simply an example of when under the balancing exercise Tasers should not be used. It does nevertheless set out a clear line of permitted use.

6 Risk of harm to the public

The SOJP may find it impossible to assess quickly, or by past knowledge or association, the vulnerability of the person to be arrested or contained. This is a vulnerability to Taser blasts that could substantially aggravate a pre-existing condition or even lead to the death of the person. That is one very important reason why their use must be limited.

Such situations may include:

- A pregnant person;
- Having a mental illness;
- A pre-existing cardiovascular condition;
- A pre-existing impairment such as asthma;
- A pre-existing spinal injury; and
- Another condition or injury that could result in fatality or aggravation of that condition.

We do not have either the knowledge or expertise to say if Tasers should be used against children, and if yes, at what age or maturity.

This is simply a sample of the concerns that must be taken in to account when considering the balancing exercise for the safe use of Tasers. If the use of Tasers are limited as we propose, then it is much less likely that Taser will be used against a vulnerable person

There are many concerns. For example, if Taser use is extended to Affrays involving groups of people, then it could be used against innocent people caught up in the affray or who have intervened to try and stop it. It applies equally to people who are acting in self-defence. That is why Tasers should NOT be used in such incidents.

7 Use of Tasers

We would support the use of Tasers by the SOJP.

There must be appropriate checks and balances in place for use. They must be full and complete.

Officers should be trained in the use of Tasers and receive on-going training.

There must be very clear policy guidelines written down about when Tasers may be **used** and **not used**.

As we say above, Tasers should only be used in situations when it is permitted to use firearms. In other words, Tasers should be used by SOJP in order to prevent a person or persons causing immediate serious physical harm to another with the use of a lethal weapon, which could result in death of the other.

8 Conclusion

The use of Tasers by the SOJP should be strictly controlled by legislation. Any extension of use should only come about after amended legislation is introduced and a full and detailed debate takes place in the states Chambers. It should NOT be left to the SOJP to self-regulate use and to extend the use of Tasers.

David Rotherham
Chairman JRA

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