

STATES OF JERSEY



DEPLOYMENT AND USE OF ENERGY CONDUCTIVE DEVICES ('TASERS') BY THE STATES OF JERSEY POLICE (P.97/2020): AMENDMENT

Lodged au Greffe on 20th October 2020
by the Children, Education and Home Affairs Scrutiny Panel

STATES GREFFE

DEPLOYMENT AND USE OF ENERGY CONDUCTIVE DEVICES ('TASERS')
BY THE STATES OF JERSEY POLICE (P.97/2020): AMENDMENT

1 PAGE 2 –

After the words “States of Jersey Police Force” insert the words “for a trial period of 1 year”.

2 PAGE 2 –

Designate the existing paragraph as paragraph 1 and, after this paragraph, insert the following paragraph –

- “2. to request the Minister for Home Affairs to review the impact of the changes to the use of Tasers on policing in Jersey after the 1-year trial period has been completed, and to report to the States on the success, or otherwise, of the trial, with the report to include data in respect of –
 - (a) the number of times a Taser has been used on a person under the age of 18;
 - (b) the number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode;
 - (c) a breakdown of the gender, age, and cultural and ethnic groups of the people on whom a Taser has been used; and
 - (d) the number of times a Taser has been deployed by a police officer who is on their own.”.

3 PAGE 2 –

After the existing paragraph, insert the following new paragraph –

- “3. to agree that the deployment and use of Tasers in accordance with the principles outlined in the proposition should not continue beyond the trial period of 1 year without the prior approval of the States Assembly.”.

CHILDREN, EDUCATION AND HOME AFFAIRS SCRUTINY PANEL

Note: After this amendment, the proposition would read as follows –

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

- 1.** to refer to their act dated 1st April 2014 and 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 for a trial period of 1 year in accordance with the following principles –

- (a) A Taser will only be issued to a uniformed police officer who has completed a Taser course (to the national standard).
- (b) The use of a Taser will be at the discretion of the police officer who is carrying the Taser and will not be subject to a specific firearms authority.
- (c) Usual supervision of the use of Taser will apply and the individual officer's usage must be justified and compliant with all existing legislation and associated College of Policing Guidelines.

2. to request the Minister for Home Affairs to review the impact of the changes to the use of Tasers on policing in Jersey after the 1-year trial period has been completed, and to report to the States on the success, or otherwise, of the trial, with the report to include data in respect of –

- (a) the number of times a Taser has been used on a person under the age of 18;
- (b) the number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode;
- (c) a breakdown of the gender, age, and cultural and ethnic groups of the people on whom a Taser has been used; and
- (d) the number of times a Taser has been deployed by a police officer who is on their own.

3. to agree that the deployment and use of Tasers in accordance with the principles outlined in the proposition should not continue beyond the trial period of 1 year without the prior approval of the States Assembly.

REPORT

Background

1. [P.97/2020, 'Deployment and use of Energy Conductive Devices \('Tasers'\) by the States of Jersey Police'](#) (hereafter 'P.97/2020') was lodged by the Minister for Home Affairs on 28th July 2020 and is scheduled for debate by the States Assembly on 3rd November 2020. The proposition seeks to change the current arrangements in relation to how Taser is deployed by the States of Jersey Police Force. Should the proposition be adopted, it is intended that the deployment of Taser would be in accordance with the following principles:
 - (a) A Taser will only be issued to a uniformed police officer who has completed a Taser course (to the national standard);
 - (b) The use of a Taser will be at the discretion of the police officer who is carrying the Taser and will not be subject to a specific firearms authority; and
 - (c) Usual supervision of the use of Taser will apply and the individual officer's usage must be justified and compliant with all existing legislation and associated College of Policing Guidelines.
2. Since August 2020, the Children, Education and Home Affairs Panel (hereafter 'the Panel') has been conducting a review of the changes. The Panel will present its final report on the proposals prior to the debate where its overall findings and recommendations in relation to the proposition will be detailed.

Purpose of Amendment

3. Whilst the Panel's overall findings and recommendations from its Review are presented in its full report, it has become clear during the process that certain concerns are most appropriately addressed through an amendment to P.97/2020. This is in respect of the following issues:
 - There appears to be a lack of specific data in relation to the number of times Taser has been used on people under the age of 18. Bearing in mind the States Assembly is a signatory to the United Nations Convention on the Rights of the Child (UNCRC) this has been identified as a serious concern;
 - Further clarity is required in relation to the number of times that Taser is required to resolve a situation involving a person who may be experiencing a mental health crisis;
 - There appears to be a lack of specific data in relation to the various demographics (e.g. gender, age, cultural and ethnic groups) that have been subjected to the use of Taser;
 - There is a concern that changing the manner in which Taser is deployed (in this instance at the Officer's discretion) could lead to an increase in Police Officers being asked to attend potentially dangerous situations on their own; and
 - There is no certainty as to the overall impact that this change would have on policing in Jersey (and consequentially the impact on vulnerable people and children).

4. It is important to note that the term ‘use’ when discussing Taser does not necessarily mean that it has been fired. P.97/2020 sets out the various stages of Taser ‘use’ that are recorded as separate processes. The Panel expands on this further in its final report.
5. The Panel has received informed opinions during its review to suggest that the proposed changes would be beneficial to policing in Jersey, however, there is an absence of specific data or research underpinning P.97/2020 to give the Panel full confidence in the proposals it contains. Accordingly, the Panel suggests further consideration needs to be given to the impact the changes will have on policing in Jersey and, that while the changes should be adopted, this should be done on a trial basis for one-year.
6. At the end of this one-year trial, the Minister should review the success, or otherwise, of the changes during the trial and report back to the States Assembly. This review should focus on the overall impact of the changes on policing in Jersey, including public perception of them. This report should also include specific data in relation to:
 - The number of times a Taser has been used on a person under the age of 18 during the trial;
 - The number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode during the trial;
 - A breakdown of the gender, age, cultural and ethnic group of the individuals whom a Taser has been deployed during the trial. This should also include the nature of the use (e.g. drawn, red-dotted, fired etc.); and
 - The number of times a Taser has been deployed by a Police Officer who was deployed on their own during the trial.
7. The Panel further proposes that on receipt of the report, the States Assembly should be asked by the Minister for Home Affairs to vote on whether to continue with the arrangements or not.
8. The Panel proposes this approach as a measured and constructive way to address the issues it has identified. This amendment would allow the States of Jersey Police Force to change the governance arrangements in relation to the deployment of Taser as requested for a year’s trial whilst collecting data to further underscore its requirement, or otherwise. This would then provide the States Assembly with a greater level of information to identify whether or not the changes should be adopted in the long-run.

Financial and manpower implications

It is not expected that adoption of this amendment will require any additional funding, or resourcing, in terms of personnel. It should, however, be noted that there may be implications in respect of the time required to undertake the additional research identified in the amendment. It is expected that this would be undertaken from within existing budgets and manpower resources.