

STATES OF JERSEY



DEPLOYMENT AND USE OF ENERGY CONDUCTIVE DEVICES ('TASERS') BY THE STATES OF JERSEY POLICE

**Lodged au Greffe on 28th July 2020
by the Minister for Home Affairs**

STATES GREFFE

PROPOSITION

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

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 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.

Connétable of St. Clement L. Norman

REPORT

1. Introduction

The use of Energy Conductive Devices (“Taser”) in Jersey has been successful.

As Islanders would expect, the States of Jersey Police (“SOJP”) have demonstrated the highest levels of responsibility whilst using Taser. It is used sparingly and only fired in a minority of cases.

Taser is a good tool for the police because it increases the range of tactical options available and it provides a ‘less lethal’ option than firearms when responding to dangerous incidents. It has become clear, however, that current arrangements for deploying Taser are problematic and would benefit from improvement.

When the States Assembly first approved the use of Taser in Jersey in 2014, the Minister for Home Affairs at the time committed to return to the States should SOJP wish to change the way in which Taser was authorised and deployed.

This proposition honours that commitment, sets out the justification for changing the current arrangements for deploying Taser, and provides reassurance that appropriate safeguards around the use of Taser will remain in place.

The Children, Education and Home Affairs Panel have received a full briefing from the States of Jersey Police. Members of the Panel were invited to a training demonstration, but they declined.

2. Background

The States Assembly adopted [P.18/2014](#), ‘Tasers: Deployment and Use in Jersey by the States of Jersey Police’, on 1 April 2014. This followed a detailed Scrutiny review in 2012.

The introduction of Taser was requested because it was considered that the SOJP had a gap in its tactical response options. Taser provides officers with an additional tool that can be used to conclude incidents in such a way as to maximise the safety of all concerned.

The report that accompanied the proposition included a detailed explanation of the Taser device, the use of Taser, training, public concerns and perception, and safeguards and post-incident inquiry. A copy of the original proposition has been appended to the end of this proposition.

This report does not seek to repeat all the information provided in the original report as much of it is still valid today. It is recommended that Members of the Assembly read this report in conjunction with the original report. Members are also invited to read the National Police Chiefs Council [frequently asked questions on the use of Taser](#) in the UK and the College of Policing’s [Authorised Professional Practice on Armed Policing](#).

This proposition is seeking endorsement from the States to adjust the way Taser is deployed. In essence, it would allow more uniformed police officers, who have completed a Taser course to the national standard, to carry and deploy Taser without a specific firearms authority.

3. The role of Taser in policing

The core functions of policing are to save life and to prevent crime and disorder. The police on occasion need to use force in the pursuance of their duties.

Any use of force must be justified by the officer, proportionate and in line with the law, current policy and guidance.

Jersey is relatively safe when compared to other jurisdictions, including the United Kingdom. However, the nature of policing is changing in Jersey. Today, SOJP regularly attend a range of incidents including assaults, domestic abuse, theft and increasingly those involving mental health issues such as self-harm. Some of these incidents can be violent and in serious cases can present risk to life, serious injury to people or significant damage to property.

When responding to violent or high-risk incidents the police respond in a way which ensures that the public are kept safe and that any potential harm is minimised.

Taser increases the range of tactical options available to officers when responding to violent incidents. It enables the police to minimise risk and maximise the safety of those involved, with the overarching principle being to save and preserve life.

Tactical options include physical confrontation or restraint, use of irritant spray (“PAVA”), Baton and in some cases firearms. In this ‘continuum’, Taser is considered to be as, if not more, effective than physical contact, PAVA or Baton while at the same time ‘less lethal’ than firearms. In the majority of cases, the use of Taser can safely resolve dangerous situations without being fired (see Figure 1 below).

Use of a Taser can be defined as drawing a Taser in circumstances where any person perceives the action as a use of force. Use can be further broken down into a series of discrete and escalating actions designed to induce compliance before the Taser is fired.

‘Use’ of Taser will include any of the following actions in an operational setting:

- Drawing – taking the Taser out of the holster
- Aiming – aiming the Taser at a subject
- Red dotting – placing the laser sight onto a subject
- Arcing – removing the cartridge on the end of the device and pressing the trigger so that you can see and hear the arc of electricity jumping across the two metal probes on the end of the device
- Firing – discharging the bards at a subject

Figure 1 shows the use of Taser by the SOJP between 2014 and 2019. There have been 294 uses of Taser. Drawing was the most common use accounting for 54% (160) of all uses. The next most common use was red-dot which accounted for 43% (125) of uses. The least common types of use were aiming, arcing and firing. The latter only accounted for 2% (5) of total use.

SOJP officers using Taser have resolved an incident without firing Taser in 98% of uses. These statistics suggest that Taser is an efficient and effective tool dealing with high risk incidents and ensuring a relatively peaceful and safe resolution to the incident for the public and police alike. Indeed, in the majority of cases involving Taser, the mere threat of its use has been enough to defuse a situation and ensure a peaceful resolution of the incident.

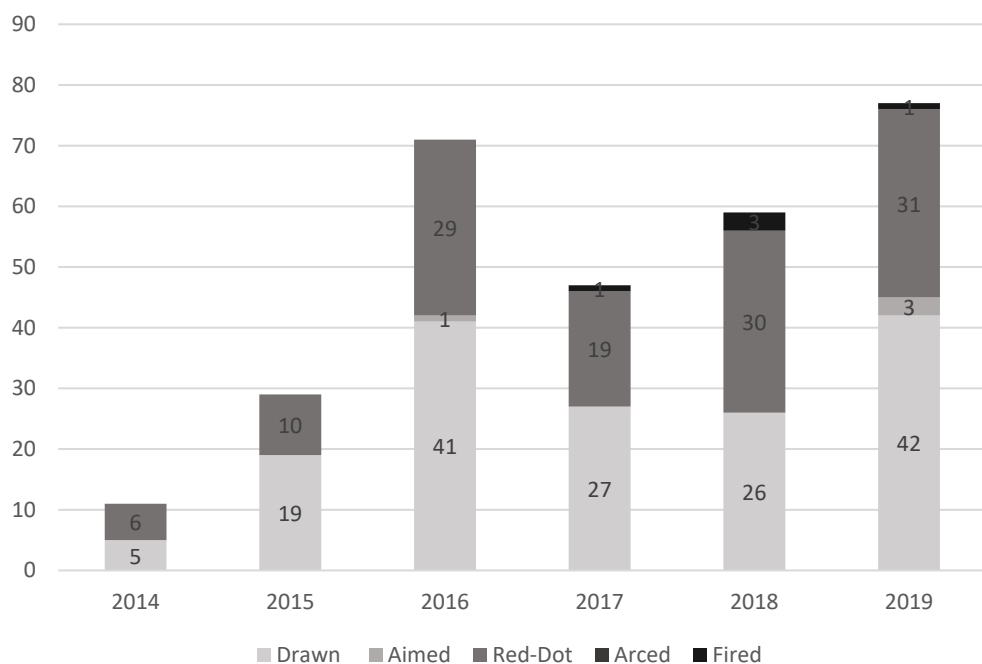


Figure 1 Use of Taser by the SOJP between 2014 and 2019

Since the SOJP started using Taser in 2014, the police have found that the arrangements for authorising and deploying Taser present operation challenges.

There are three illustrative scenarios which serve to highlight these challenges:

Scenario 1: A call comes into the control room. Based on the information received, a senior officer provides authority (and therefore gives permission) to deploy firearms officers to respond to the incident. The firearms officers have authority to deploy and use Tasers or firearms at the incident.

Scenario 2: A call comes into the control room. Based on the information received a senior officer does not provide authority (and therefore does not give permission) to deploy firearms officers to the incident. Normal (i.e. non-firearms) uniformed police officers are deployed. When they arrive, the situation has developed and would now meet the threshold for a firearms authority. The police officers on the scene would only be able to use PAVA spray, their Baton or other physical contact.

Scenario 3: A uniformed police officer is on patrol and comes across an incident that rapidly escalates over the threshold that would justify deployment of firearms. At this point, the police officer on the scene would only be able to use PAVA spray, their Baton or other physical contact.

In scenario 1, the use of Taser is a valuable tool for firearms officers because they can utilise this less lethal option to deal with the situation and only use their firearms in the most dangerous situations. Scenarios 2 and 3, are also dangerous situations with a risk of serious harm to the individuals involved, the police and the public. However, under the current deployment arrangements officers are not able to utilise Taser to resolve the situation as Taser can only be deployed by authorised firearms officers when there is firearms authority in place.

A change to the deployment procedure for Tasers in line with this proposition would help uniformed police officers to resolve scenarios 2 and 3 above while keeping the public safe.

4. Recommendation to expand the use of Taser

The change proposed in this proposition is supported by the conclusions of a review of SOJP firearms capability conducted by the City of London Police in 2017. As part of the review the City of London Police made the following comments in respect of the SOJP Taser capability:

Taser has been rolled out to firearms officers although it may only be deployed as part of a firearms authority. The reviewing team felt that this places an unacceptable risk to the officers who are left with no alternative than to potentially self-deploy at incidents of serious violence which would not attract an authority.

Taser should be available to officers outside of any firearms authority who should justify any such use in line with the conflict resolution model and the National Decision Model (“NDM”). The force may wish to consider whether, in the current threat climate, it should roll Taser out to all response officers.

The City of London Police were concerned that the restrictions to which the SOJP work when using Taser, place authorised firearms officers (“AFOs”) in a position where they cannot use Taser in situations which are serious but would not attract a firearms authority.

The review was also clear that the SOJP should move towards a model where officers who are not AFOs can carry Taser (subject to an officer completing and passing the appropriate course).

5. Public concerns about the use of Taser

Prior to lodging, [P.18/2014](#), ‘Tasers: Deployment and Use in Jersey by the States of Jersey Police’, on 1 April 2014, the then Minister for Home Affairs engaged with the Education and Home Affairs Scrutiny Panel who conducted a review into the deployment of Taser in Jersey.

While the Scrutiny Panel accepted that there was justification for providing AFOs with Taser, it had a number of concerns including the public perception of the use of Taser in Jersey. In particular, it was concerned that the use of Taser could see a change in the culture of the police force, moving from a model of policing by consent to a model of greater enforcement.

Since their introduction in 2014, it is clear that SOJP only use Taser when absolutely necessary and that the Force has demonstrated the highest levels of responsibility whilst carrying Taser. Indeed, public confidence in the police remains high. In 2018, 9 out of 10 adults agreed that the SOJP do a good job of policing in Jersey.

The change proposed in this proposition would see no change in the culture of policing in Jersey and the same safeguards would remain in place. These are set out below.

6. Safeguards controlling the use of Taser

Training

The Taser course is already run in Jersey to train AFOs in the use of Taser. It is delivered by nationally trained SOJP Firearms Instructors. It is designed to provide officers with the skills and knowledge to allow them to carry a Taser. Police officers on this course are subject to a series of pass or fail assessments. Successful candidates are then required to maintain their skills and knowledge by completing refresher training.

During training, officers must demonstrate consistently sound judgement, a knowledge and understanding of the NDM to resolve incidents involving conflict, an ability to use legitimate force in a proportionate and lawful manner and have a good professional standards, complaints and conduct record.

Officers will also be expected to be able to fire a Taser accurately, demonstrate competence at dealing with role-play scenarios, justify the use of force using the NDM and demonstrate understanding when dealing with vulnerable people.

Authorisation

Once Taser has been deployed, usual supervision will apply, and the individual officer's usage must be justified and compliant with all existing legislation and associated College of Policing guidelines.

When deciding to use a Taser, a police officer will use the NDM. The NDM is used throughout the police service. It is designed to assist operational officers and commanders to manage their response to situations in a reasonable and proportionate way.

The NDM requires consideration in the use of force and helps officers to manage their response to an incident in real time. The model prompts the decision maker to act on the basis of the information available at that time. See **Appendix 1** for more information about the NDM.

Recording

All uses of Tasers are recorded by the police. Every 'use form' is sent to the Professional Standards Department in SOJP and the Jersey Police Complaints Authority.

7. Complaints

There have been no complaints from anyone who has been subjected to Taser since it was introduced in 2014. If someone did want to complain about an incident involving a Taser, there are clear and robust frameworks in place to deal with them. This is set out in detail in [P.18/2014](#).

In summary, the SOJP has a Professional Standards Department which investigate complaints and implement resulting sanctions. The Jersey Police Complaints Authority overseas formal investigations into complaints made against the police.

8. Conclusion

Adopting this proposition would adjust the way Taser is authorised and deployed within the SOJP. It would allow more uniformed police officers, who have completed a Taser course to the national standard, to carry and deploy Taser without a specific firearms authority.

Use of Taser by police officers must still be justified and compliant with all existing legislation and associated College of Policing Guidelines.

Changing how Tasers are deployed would allow the SOJP to increase the range of tactical options available to it and provide a 'less lethal' option than other firearms when responding to violent incidents.

The use of Taser 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.

Financial and manpower implications

The SOJP already own Tasers. They are replaced periodically as part of general maintenance of police equipment. No additional resource would be required to meet the additional training requirements.

Appendix 1 – National Decision Model (NDM)

The College of Policing states that:

The National Decision Model (“NDM”) is suitable for all decisions and should be used by everyone in policing. It can be applied:

- to spontaneous incidents or planned operations
- by an individual or team of people
- to both operational and non-operational situations.

Decision makers can use the NDM to structure a rationale of what they did during an incident and why.

Managers and others can use it to review decisions and actions and promote learning.

In a fast-moving incident, the police service recognises that it may not always be possible to segregate thinking or response according to each phase of the model. In such cases, the main priority of decision makers is to keep in mind their overarching mission to act with integrity to protect and serve the public.

The NDM has six key elements. Each component provides the user with an area for focus and consideration. The element that binds the model together is the Code of Ethics at the centre.



More information on the National Decision Model can be found on the College of Policing website: <https://www.app.college.police.uk/app-content/national-decision-model/the-national-decision-model/>.

Appendix 2 - Tasers: Deployment and Use in Jersey by the States of Jersey Police
[\(P.18/2014\)](#)