

STATES OF JERSEY



AUTHORISATION OF DEPLOYMENT AND USE OF ENERGY CONDUCTIVE DEVICES (‘TASERS’) BY THE STATES OF JERSEY POLICE. (P.117/2021): AMENDMENT (P.117/2021 AMD.) – COMMENTS

**Presented to the States on 25th March 2022
by the Minister for Home Affairs**

STATES GREFFE

COMMENTS

The Minister is not minded to accept this amendment lodged by the Children, Education and Home Affairs Panel.

Further to the States Assembly decision on [P.97/2020](#), the States of Jersey Police have conducted a one-year trial of changes to the way that Taser is deployed. The Panel's amendment seeks a further 12 month trial and for the Minister to report to the States within 18 months.

Without wishing to rehearse points previously made, the changes in question are considered to be limited and very operational in nature. This is not an opportunity to revisit discussions about whether the Police have Taser.

The Minister considers that the requirement in the Panel's amendment for a further trial period is an overly bureaucratic and burdensome measure, which is disproportionate when considered against these relatively limited changes. There is no need to conduct a further review, when a review has already been undertaken.

If the Assembly were minded to adopt this Amendment, this would delay a definitive decision on this matter until at least mid-2023, after the Assembly were first asked to consider the matter during the summer of 2020 when P.97/2020 was lodged.

Whilst the Minister appreciates that the Panel have provided a more workable proposition in this amendment by including a 6 month reporting period, it unfortunately does not follow that 'the States of Jersey Police Force will not experience any disruptions to its operations' as the Panel hopes.

While this matter remains undecided, SOJP are limited in their ability to make key decisions in relation to long term strategic planning that would be expected of an efficient and effective police force. This affects decisions in relation to operational and personnel requirements such as training, as well as financial commitments.

Furthermore, the Minister is concerned that if passed this amendment brings the Assembly closer to intervening in the operational matters of the Police Force which it is accepted should generally be free of political interference.

The Minister recognises that this is of course finely balanced. The Police must be able to conduct their lawful duties without fear or favour and it is for that reason that they must be operationally independent of the Government, and political interference more generally. That said, of course the Police are ultimately accountable to the community they serve, of which the Assembly act as representatives and must therefore be reassured that the approach taken is appropriate for the Island.

It is the Minister's view that this balance was well struck by the Panel's previous amendment, which provided appropriate reassurance to the Assembly. However, a further trial period would further intervene in the Force's command and control operations in a way that the Minister considers potentially problematic, and in this instance, unnecessary.

The Panel have raised a number of concerns which are further addressed below. Also included as an appendix to these Comments is a further report on the trial period, now including 12 months of data.

Length of Trial Period

It is accepted that the Panel were concerned in relation to the Minister's decision to report to the Assembly prior to the conclusion of the full 12-month trial period. An explanation for this is provided in the report to the original Proposition. This concern is entirely reasonable, and the Minister was pleased to agree to defer the debate and provide further information in relation to the full 12-month trial period, which has duly been included below.

It is acknowledged that the lodging deadlines for amendments meant that the Panel were not in possession of this further information when this amendment was lodged.

Impact of Covid-19

The Panel have raised the fact that the trial was conducted during the Covid-19 pandemic as a concern, particularly whether the data accurately reflects normal circumstances. Of course, the Covid-19 pandemic is not 'normal' however, the relatively minor changes to Taser deployment have been well established and embedded by SOJP during this time without adverse impact from the pandemic.

Additionally, policing during Covid has presented new and novel challenges which SOJP have been required to respond to, including a significant increase in mental health incidents over the period in question.

It should also be acknowledged that the Assembly, in deciding on a 12 month trial period in November 2020, will not have been naïve to the expectation that the pandemic would continue to affect the island for some time to come, albeit restrictions had started to ease by the time the trial commenced.

Rebalancing Measures

The Panel's concerns in this area are somewhat unclear, they appear to suggest that rebalancing measures required of SOJP would lead to more officers being issued with Tasers.

It is not clear why they have reached this conclusion, or on what evidence this assumption is based.

The Panel have previously been informed that the motivation behind this change is to maximise the safety of both the public and officers, by making appropriate use of well-established policing tools. No suggestion has ever been made that there is any link between the introduction of this change and the requirements of SOJP to make savings, along with the rest of Government.

The Panel have similarly been advised that the Chief Officer has no intention to extend Taser further than the current scope. The roll out of Taser will always be governed by what the Chief Officer assesses is right for the policing context in Jersey.

Lone Patrolling

The Panel have raised this concern on a number of occasions, that changes to Taser deployment may lead to an increase in lone patrolling by officers.

The Panel have been advised previously that Officers in SOJP do patrol alone in circumstances where this is deemed appropriate and safe.

There is no intention that these changes to Taser deployment will affect this in any way. The two issues are not, in terms of the strategic planning for SOJP, considered linked.

Culture within the States of Jersey Police

The Panel have raised concerns in relation to the perception of policing in Jersey. Given that these changes are relatively limited, the Minister does not accept that this concern is so significant as to require a further trial period.

Both the Minister and the Chief Officer are keenly aware of the importance of public perception and the Force's reputation. It is vital that SOJP maintain the good reputation they enjoy among our community, and this good reputation is never taken for granted. However, the Minister has seen no suggestion of an adverse impact on the Force's reputation as a result of this trial.

With regard to the Panel's concern around 'recent developments of mistrust in police forces in other jurisdictions', these are indeed concerning. However, it does not follow that they will be replicated in Jersey, nor that this limited change to the deployment of Tasers would engender such feeling locally.

Provision of further data

The Panel have suggested that their Amendment would be beneficial because it imposes a requirement on the Police to continue to collect and review data in relation to Taser usage, further to the Chief Officer's commitment to do so. #

The Panel are correct in their assertion that SOJP will continue to closely monitor Taser usage and record the same data as previously provided. This will ensure that the Police Authority are able to effectively hold the Police to account, as is their responsibility under the law.

If the Panel, or indeed the Assembly, wish to review further data in a year's time or beyond the Chief Officer and the Minister would naturally be content to accommodate this.

In this context, the requirement for SOJP to conduct a further trial period and for the next Minister to return this matter to the States Assembly for debate, for the third time, is considered a disproportionate requirement.

Statement under Standing Order 37A [Presentation of comment relating to a proposition]

These comments were submitted to the States Greffe after the noon deadline as set out in Standing Order 37A due to the ongoing Bridging Island Plan debate.

APPENDIX

Complete Data - Review of Trial period of Specially Trained Officers (Taser Officers)

Introduction

Further to the States approving, as amended, P.97/2020, the States of Jersey Police (SOJP) commenced an agreed 12 months trial of the amended use and deployment for Tasers by Specially Trained Officers (STOs).

Following the delivery of required training and other actions necessary before commencing, the deployment of STOs did not commence until 1st March 2021.

The Minister lodged a further proposition, P.117/2021 *Authorisation of deployment and use of energy conductive devices ('Tasers') by the States of Jersey Police*, on 15 December 2021 to present to the States the requested data in respect of the trial period and seek the Assembly's support for the continuance of the trial period arrangements.

At that time, it was acknowledged that it had not been possible to fulfil the conditions of P.97/2020 which required the trial to be both 12 months in duration, but also could not continue *beyond* 12 months without the approval of the States Assembly. This presented practical challenges which were compounded by the limitations on lodging prior to the General Election. In short, it would not have been possible to hold a 12-month trial from 1st March 2021 and collate and consider all relevant data before lodging a proposition for the States to consider in time to meet the pre-election deadlines.

In such circumstances the Minister proceeded to lodge the proposition enclosing the data for 8 months of the trial period. Further to a request by the Children, Education and Home Affairs Panel the Minister now presents below data in relation to the full 12-month trial.

Trial period data captured 1st March 2021 to 28th February 2022

- From the 1st March data has been collated in order to inform the States as to the impact of the role of STOs and Taser use has had on operational policing. These statistics relate to all Taser data recorded under the role of STOs and not Taser usage under a firearms authority.
- STOs have been patrolling with Taser since the go live date and have frequently been deployed to incidents because they have a greater range of tactical options to non-Taser carrying officers. STOs have 'used' Taser 38 times between 1st March 2021 and 28th February 2022.
- It should be noted that 'use' of Taser does not necessarily mean that Taser has been fired at a subject, indeed Taser has been fired on only 3 of the 22 occasions of 'use' during the trial.
- Table 1 displays the number of times Taser has been used by STOs and the breakdown of the different levels of usage. This table highlights that of the 38 usages Taser was only discharged 5 times.

Type of use	Number of times	% of total uses
Drawn	14	37%
Arced	0	0%
Laser dot	19	50%
Fired	5	13%
Total	38	

Table 1 – STO use of Taser

SPECIFIC STIPULATED DATA

The number of times a Taser has been used on a person under the age of 18;

Subject Age	Number of times	% of total uses
18 +	36	95%
15 - 17	2	5%
Under 15	0	0

Table 2 – Breakdown of subject age

- Taser was used twice during the period against 15 – 17 year olds. **It was not fired during either incident.**

The number of times a Taser has been used to resolve a situation involving a person undergoing a mental health crisis or episode;

Subject undergoing mental health crisis?	Number of times	% of total uses
Yes	15	39%
No	23	61%

Table 3 – Breakdown of subject undergoing mental health crisis

- The assessment as to whether an individual is in mental health crisis is based on the information received at the time of the call and all other interaction with the subject. STO's have used Taser whilst dealing with subjects who are undergoing a mental health crisis on 15 occasions since 1st March 2021.
- Of these occasions;
 - Taser was drawn 8 times
 - The subject was Laser dotted 4 times
 - Taser was fired 3 times
- All three incidents during which Taser was fired on a subject undergoing a mental health crisis were in response to individuals threatening to imminently harm themselves and allowed them to be safely detained and receive appropriate care.
- Two of the three discharges relate to the same incident and were used against the same individual.

A breakdown of the gender, age, and cultural and ethnic groups of the people on whom a Taser has been used;

Subject gender	Number of times	% of total uses
Male	34	89%
Female	4	11%
Other	0	0

Table 4 – Breakdown of subject gender

Subject Ethnicity	Sub Class	Number of times	% of total uses
White	British	34	89%
	Irish		
	French		
	Polish Portuguese	4 (Portuguese)	11%
	Any other white background		
Black or Black British	Caribbean		
	African		
	Any other Black background		
Asian or Asian British	Indian		
	Pakistani		
	Bangladeshi		
	Any other Asian background		
	Thai		
Chinese or Other Ethnic Group	Chinese		
	Any other Ethnic group		
Mixed	White & Black Caribbean		
	White & Black African		
	White & Asian		
	Any other mixed background		
Not Stated	Not Stated		
Unknown	Unknown		
Declined	Declined		

Table 5 – Breakdown of subject ethnicity

The number of times a Taser has been deployed by a police officer who is on their own.

Officer alone?	Number of times	% of total uses
Yes	4	11%
No	34	89%

Table 6 – Number of times Officers were alone when Taser was used
Other STO Taser deployments

- In addition to the three above Taser discharges, SOJP STOs have discharged Taser on two further occasions.

- Both of these deployments concerned adult male subjects, who were aggressive and violent towards Police officers and others present. On both occasions, following appropriate discharge of Taser, the subjects were safely restrained and arrested.

RELATED USE OF FORCE DATA

Taser is only one tactical option when facing violence or threat of violence. Of the available use of force options available to officers the discharge of a Taser only accounts for 1% of the use of force forms submitted during the trial period.

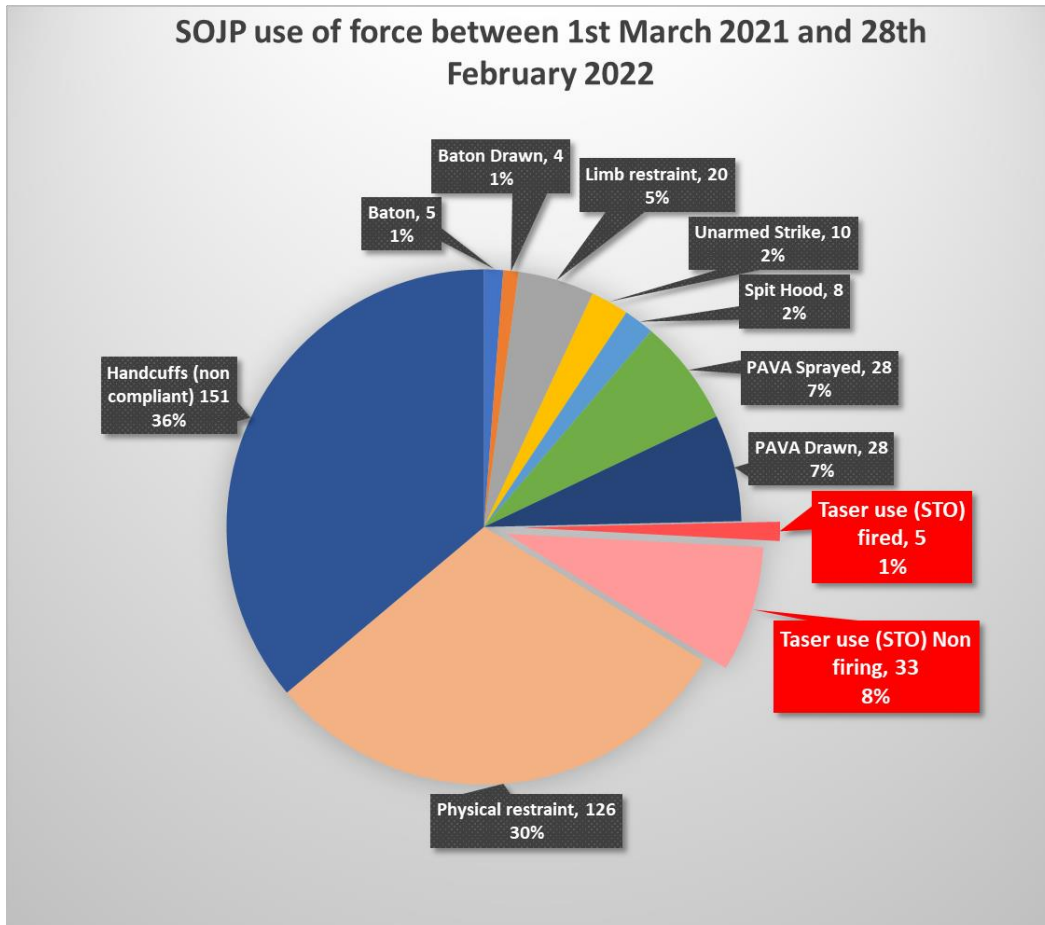


Chart 1 – Pie to show different use of force tactics used

CONCLUSION

- Since 1st March 2021, SOJP officers have dealt with over 15,000 incidents. Amongst these, STO’s have been deployed to or have dealt with countless numbers however have only ‘used’ Taser 38 times and only fired Taser, on five separate occasions.
- On the occasions that Taser has been ‘used’, the vast majority, 87%, have involved the device acting as a deterrent only and has not been fired.
- On the five occasions that TAsER has been fired by an STO, three prevented the subject from self-harm and led to the safe detention of the subject enabling immediate medical intervention.

- The fourth and fifth discharges were used against large aggressive males who had either assaulted officers or who were of an imminent threat of violence to officers. Both discharges enabled the subjects to be safely restrained with no further injury being experienced to any and all involved.
- When compared to other ‘use of force’ options as detailed in Chart 1, Taser discharge accounts for only 1% of the total use of force over the period by officers.
- The ultimate aim of any incident is to minimise the risk to the public and subject(s) and to maximise the safety of officers. It is the author’s opinion that the data / analysis in this report clearly demonstrates the effective use of Taser as a routine ‘use of force’ option in order to safely detain violent subjects and minimise the risk to those who are in mental health crisis and are causing themselves harm.