

JERSEY POLICE COMPLAINTS AUTHORITY

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Deputy Rob Ward
Chair, Children, Education and Home Affairs Panel
By email: a.harris5@gov.je

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Dear Deputy Ward

Change to the Deployment of Tasers by the States of Jersey Police

Thank you for your letter of 10 August regarding The Children, Education and Home Affairs Scrutiny Panel review of Proposition P.97/2020 – Deployment and use of Energy Conductive Devices ('Tasers') by the States of Jersey Police.

I am responding on behalf of members of the Jersey Police Complaints Authority (JPCA). The JPCA is a statutory supervisory body established under the Police (Complaints and Discipline) (Jersey) Law 1999 made up of lay members of the public; the Authority has no investigatory or regulatory powers.

Under the current legislation the JPCA has no direct involvement in the deployment of Taser and would only become involved if the deployment resulted in referral to the Authority following a complaint or serious injury arising from its use. The Professional Standards Department (PSD) regularly updates the Authority on the number and type of Taser deployments.

The proposition put before the States in 2014 P.18/2014, sets out the terms under which Taser discharge would be referred to the JPCA. At this time, it was the view of the UK Independent Police Complaints Commission (IPCC), that the majority of referrals to them regarding Taser use were suitable to be managed by the relevant Police Force and, as such, put in place criteria for referral. It was therefore proposed by SOJP that the same level of referral should be adopted in Jersey.

Taser discharges would be referred to the JPCA if the discharge –

- *Resulted in death or serious injury,*
- *Caused danger to the public, or*
- *Revealed failings in command.*

There always remains the option for SOJP to voluntarily refer a Taser incident to the JPCA should it fall outside of the above criteria, and should the circumstance of deployment warrant further supervised investigation. Page 32 P.18/2014

It should be noted that none of the five incidents where Taser has been discharged in Jersey since their deployment, has resulted in a complaint from the individual concerned.

For the purposes of this response it is important to establish that members of the Authority hold differing personal views on the use and deployment of Taser and therefore the Authority is not in a position to respond to each of the Panel's Terms of Reference or the specific matters identified in your letter. However, most members of the Authority have observed first hand an SOJP Taser demonstration and together with their experience of supervising complaint investigations where 'use of force' has been subject to examination, have an awareness of

the situations where officers are faced with the threat of serious violence and the options available to them to mitigate such threats. Jersey is not immune to the occurrence of a serious incident, with the attendant real risk of serious harm to attending police officers, the offender and the public. In such circumstances, the general view of Authority members is that Taser is an appropriate instrument for policing in Jersey.

In addition the Authority would like to make the following more general observations and comment in relation to the original Taser Proposition, P18/2014, the current position and the Proposition P.97/2020

1. Under P.18/2014, there was a clear desire to permit Authorised Firearms Officers (AFOs) to retrieve Tasers from SOJP HQ or a locked safe in a vehicle, and to use them with authority of a Tactical Firearms Commander. The approval for having non-AFO but trained officers carrying Tasers and having authority to use them based upon their assessment alone was expressly not sought, and that fact was used as a defence against some of the policy issues raised by the public (see pages 26 to 29). What is not made clear by P.97/2020 is what has fundamentally changed over the past six years. In particular:
 - a. there is little or no provision of statistical or other evidence as to what, if anything, has changed;
 - b. the argument for change seems to be partially based on the City of London Police review of 2017 (P.18/2014, page 20) recommending it - the two recommendations made were, *firstly to recommend the continued drive to acquire Taser locally as a less lethal option, and secondly that Taser be more widely distributed than to just AFOs, meaning that Specially Trained Units (STUs) would be created and carry Taser as a matter of routine, and therefore outside of the bounds of an authority.* The setting up of STUs was expressly rejected in 2014.
 - c. perhaps the case ought to be made for having non-AFOs carrying but having to seek authority of a Tactical Firearms Commander, as a middle path?
2. If non-AFOs are to be allowed to carry and use, the quality of the training and the ability to follow procedure will be paramount. The UK College of Policing document, which outlines the national standard of Authorised Professional Practice (APP) (see <https://www.app.college.police.uk/app-content/armed-policing/conducted-energy-devices-taser/>) provides a good outline and does give some reassurance on use, if not carry. The JPCA would want to see the Proposition provide more specific detail on training and refreshers. Some information on this is available from the National Police Chiefs Council FAQ document (see <https://www.npcc.police.uk/ThePoliceChiefsBlog/NPCCQuestionsandAnswersonTaser.aspx>). From our experience at the JPCA, it is the failure to follow procedure or the lack of training that can often give rise to a complaint.
3. In P.18/2014, there was much commentary on culture and an escalation of arms carried by police officers as a matter of course. It is notable that this is still an issue in the UK (see <https://www.independent.co.uk/news/uk/home-news/police-officer-taser-london-armed-cressida-dick-a9109276.html>). By contrast Cambridge University conducted research, which showed that police officers in the UK carrying a Taser are more likely to be assaulted (see <https://www.cam.ac.uk/research/news/carrying-tasers-increases-police-use-of-force-study-finds>).
4. P.97/2020 the general view of JPCA members is that the Proposition should be more specific on how many officers will be given training; it simply says, "more uniformed police officers". JPCA members expressed their concerns if every frontline officer were to be patrolling with a Taser. UK figures as of August 2019 were 17,000 trained officers out of 123,000 in total, but this seems likely to increase.

5. Vulnerable adults, young people and children

The JPCA note that both the 2014 and 2020 Propositions make only brief reference to these groups within the population.

In P.18/2014 (page 27), there is reference to Taser use and the risk to health of vulnerable individuals and refers to this category of individuals in a firearms setting as EMD – Emotionally or Mentally Distressed. It goes on to refer to the College of Policing definition of EMD as '*a term used to describe individuals who may behave in an unexpected, extreme or challenging manner as a result of a mental health issue, or emotional distress. This may on occasion be aggravated by drugs or alcohol, or the absence of prescribed medication.*' To all intents and purposes, it makes no reference to children or young people, albeit one mention of a juvenile '*additional consideration would be given by the Officers at the scene of any armed operation in respect of any person who appears to be pregnant or appears to be a juvenile*'. Equally in P.97/2020 there is only limited reference to vulnerable adults and young people (page 7 Training) to '*justify the use of force using the NDM and demonstrate understanding when dealing with vulnerable people*'

The Children's Rights Alliance for England (CRAE) published a briefing (March 2020) - Children's rights and policing: Tasers and children's rights - https://yjlc.uk/wp-content/uploads/2020/04/CRAE_POLICING-TASER-PRINT-1.pdf The paper sets out their serious concerns over the increase use of Taser on children, the specific risks to children, the latest data and the disproportionate use on children from BAME groups. There are clear recommendations from the UN Committee on the Rights of the Child that the use of Taser on children should be prohibited because of its impact on children's physical and mental health. The latest data points strongly to a marked increase in the use of Taser against young people and children in the UK. The CRAE briefing recommends the introduction of guidance and improved training for police on the use of force on children.

In conclusion, the above comments and observations are a representative summary of the opinions of JPCA members and as a supervisory body providing oversight of police investigations into complaints against States of Jersey Police and Honorary Police Officers, they should not be interpreted as the definitive view of the JPCA.

Yours sincerely



Howard Cooper

Chair
Jersey Police Complaints Authority