

Appendix 3

TASER POLICY DOCUMENT:

ACPO TASER TRIAL for Specially Trained Units Role of CO20.

Introduction.

The MPS has been selected with nine (9) other force areas to be part of a one (1) year trial, commissioned by the Home Office and ACPO, in the use of Taser as a use of force tactical option for specially trained Units (STU's) (unarmed officers) to consider within the conflict resolution model. The TSG has been identified as the STU for the MPS.

The MPS and ACPO lead on Taser is Commander Broadhurst who chairs the ACPO Self Defence, Arrest and Restraint Committee.

CO20 is co-ordinating a training programme and will have 400 officers trained in the use of Taser by the 30th November 2007. CO20 will maintain 400 as an operational figure. This will fluctuate depending on staffing levels.

Security arrangements in relation to Taser storage are in place.

MPSTC / POTC Taser training has been undertaken, and following MPA approval, the Taser trial 'Go Live' date is 10/12/2007.

This policy document is intended to be a simple, yet comprehensive local policy that considers all aspects of the ACPO STU Taser trial in relation to the CO20. There is an ACPO policy in place for the trial forces and an MPS Firearms Taser Policy already exists for AFO's. This local policy supports the ACPO guidelines and policy. This internal document covers,

- **Selection and training.**
- **Loading and unloading procedure.**
- **Operational use.**
- **Accidental discharges.**
- **Post-incident protocols.**
- **Post-incident procedure.**
- **Cross-border protocols.**
- **Auditing protocols.**

This policy considered the following points:

Any ratified policy is to be proportionate, legal, accountable and necessary.

- Justified and able to withstand, scrutiny or audit.
- Internal and external communication strategy issues.
- Career management implications with additional policing skills.
- Diversity issues with regard to selection, use and policy implementation.

The above considerations were benchmarked against current equal opportunities legislation, fairness at work guidelines, and current policies and procedures.

Consultation Process.

The following stakeholders were considered in arriving at this policy document:

CO 20 TSG SMT.
CO 20 TSG HR Department.
CO 20 TSG Base Chief Inspectors.
All CO 20 TSG Inspectors.
CO 19 Firearms Policy Unit.
CO 19 Firearms Command.
CO 20 OCU Federation Representatives.
CO 11 Strategic Policy Unit.
CO 11(2) Firearms Instructors.
Merseyside Constabulary.
Greater Manchester Police.
Devon and Cornwall Constabulary.
Directorate of Professional Standards.
Central Communications Command.
National Firearms Research Project Board.
OH Policy Unit.
ACPO SDAR.
Diversity Directorate.
Metropolitan Police Authority.
Independent Complaints Commission.
Strategic IAG Forum.

Training and Selection.

Selection. All officers that are considered for Taser training courses, must be:

- Current level 1 public order trained status.
- Current officer safety status.
- Current emergency life support status.
- Passed the compulsory eyesight test.
- For the purpose of the trial they must meet the ACPO STU officer criteria.
- For the purpose of the trial signed a 1 year statement of expectations (excludes supervisors).
- Each officer must be recommended by his/her unit Inspector.

The ACPO/Home Office taser trial will not see the automatic extension into the police service after the 12-month trial. In the event of any further Home Office/ACPO/MPS the TSG SMT will devise and implement a corporate internal selection process that would ensure selection was fair and based on merit. That process would also include a unit Inspectors recommendation.

Training. All officers selected for training must pass the ACPO accredited Taser training course.

It should be noted that there are two distinct qualifications to be gained from the three (3) day training course. The first being accredited 'Taser user', and the second 'Taser aware'. Taser 'aware' relates to shield-work tactics and post incident evidential issues. Supervisors who fail as Taser 'users' will be retained on the course to become Taser 'aware'.

Officers from TSG-1 and other AFO's who have already received Taser training prior to the ACPO trial will complete the full course.

Constables who fail any part of the course will have the reasons recorded, those reasons fed back and relevant documentation retained within their personal Taser file. Those officers will be reconsidered for training in consultation with their team Inspector.

Further retraining (re-classification) will occur every 12 months . All aspects of further training will be co-ordinated by the OCU training unit who will hold information on specific officer's taser qualification.

The TSG training unit will cater for the training needs of all Taser 'aware' and Taser 'users', and future succession planning. The training unit will also meet the training needs of new officers on the OCU by ensuring that training relating to the use of Taser (aware) is delivered within the TSG induction course.

Operational Use.

Tasers, Taser holsters, and taser cartridges will be stored within the guidelines set by ACPO and CO 6 DPG physical security unit.

The definition 'use of Taser' includes any of the following actions carried out in an operational environment, (and mirrors the current ACPO Extended Taser Deployment Policy and Guidelines Document).

- Drawing of Taser in operational circumstances where any person perceives the action as a use of force, or threat of use of force, and also includes a discharge of the barbs, drive stun, arcing of the Taser, or placing the red laser light on a subject.

Tasers will not be deployed within any pre-planned public order environment. For the purpose of the ACPO trial a pre planned public order event is one where an operation order has been prepared and CO20 units are part of the resources for that event. Commissioners Reserves spontaneously called to a pre-planned public order event will not deploy with Tasers within that policing environment and unit supervisors will ensure that Tasers are stored within police carriers safely and securely.

There may be occasions when TSG officers are called to, or deal with, a spontaneous public order incident. In these type of incidents where there is an immediate and available command team, the TSG unit Inspector will identify to the command team that Taser is being carried.

Substantive supervisors, and suitably qualified APS's will dynamically risk-assess any incident to gauge whether Tasers should be brought into any policing environment where Taser retention, handling, or use may have a negative impact. In the event of a decision not to deploy Tasers as a tactical option it is the respective supervisor's responsibility to ensure any Taser storage is both safe and secure.

There are no group tactical options for Taser use in Public Order events. Its use will be at the discretion of individual officers in accordance with the overriding principle of proportionality, reasonableness and necessity.

Such action on the part of an officer may have a profound impact on crowd dynamics with obvious implications for public safety and public order. The decision to use taser against a person in such circumstances must be capable of subsequent justification and the closest scrutiny.

If an officer uses taser on an individual or individuals in a Public Order event, the fact is to be brought to the immediate attention of the officer's supervisor and 'Gold' for the event. The details are to be recorded on Form 3166 in addition to any other record required.

It must be clearly understood that indiscriminate use of Taser against a crowd, which was not proportionate, reasonable and necessary, would be a clear breach of this instruction.

Taser use will be considered during Commissioners Reserves only, but only when there is a substantive supervision command structure deployed with the TSG. This includes APS's who are suitably qualified (Taser aware). In the event of the whole, or part of the Commissioners Reserve TSG unit either starting earlier, or finishing later than the rostered Commissioners Reserve duty time, Tasers may be carried, subject to the above supervision protocols. 'Deployed with', does not restrict Constables ability to carry Tasers on duty with no supervision immediately along side, but, in the event of a Taser discharge it is essential that there is a substantive TSG command structure immediately available to manage the post incident protocols. A maximum of 6 Tasers will be taken in any one Commissioners Reserve. In the event of policing scenarios which occur as a direct result of a Commissioners Reserve deployment, such as Section 18 PACE searches, and further arrest enquiries, Tasers may be considered for use, with immediate supervision available.

Officers performing the role of Acting Police Sergeant, and are suitably Taser qualified, may be part of the Commissioners Reserve command structure but must **immediately** inform substantive supervisors and the unit Inspector upon the discharge of a Taser in order that the post incident protocols are strictly adhered to.

Only substantive supervisors will be responsible for the issue and return of Tasers.

Taser use may also be considered for use as a tactical option in a pre-planned operation, where the TSG substantive supervisor in charge of that operation, or, the TSG officer in possession of the Taser, consider the use of Taser necessary to deal with violent individuals. In any event, a Taser 'aware' supervisor must be present throughout. Base Chief Inspectors or, on-call SMT's written authority is required in this instance and will be collated at TSG-HQ.

Chief Inspector CCC IR will remain the authority for requests for deployment of TSG reserves to incidents within the MPS. The CCC Command Team have been fully briefed in relation to the extended use of Taser by STU's, and are fully aware of the restrictions, and protocols for Taser use by the CO 20 Command. There are no circumstances where a specific request for Taser use as the only tactical option would be considered. It will be a substantive TSG supervisor's decision, based on a documented risk assessment, as to what tactical option is the safest and most effective option to use to resolve incidents of violence/potential violence. It does not seek to restrict an officer's ability to use all the available tactical options within the conflict management model when dealing with incidents of violence/possible violence in both pre-planned incidents and spontaneous incidents without a supervisor present.

Substantive supervisors who have 'Taser aware' only status, will still have the capability to command and oversee a Taser deployment. APS's who are suitably qualified, must immediately inform substantive Sergeants and Inspectors following a Taser discharge to manage the post incident protocols.

Taser carriage is appropriate in custody suites, however, in custody suites and other areas where the carriage and retention of Tasers may be vulnerable, it is the responsibility of the officer who carries the Taser to ensure its security and safe storage. Officers may transfer their Taser to another Taser user with the authority of a substantive supervisor. There must be however, a clear audit trail in the carrier log sheet, and on the Taser return register.

At the end of the Commissioners Reserve tour of duty, officers will return Tasers to a substantive unit supervisor to return the Taser to the base for safe and secure storage. Tasers will only be issued and returned by substantive supervisors who have received the relevant training.

All aspects of Taser issue, return, functioning checks, deployment, usage, and post incident protocols will be in accordance with the three (3) day ACPO accredited training course, and of the one-day armourers course delivered to relevant supervisors and MPS policy.

The minimum standards for post-incident recovery for the MPS is as follows:

Notes	All officers present to complete notes. Principal officer to provide rationale for 'Use of force'. Notes to contain references to exhibits and where deposited (Custody record / Book 66 etc)
Barbs and Cartridges	Barbs to be retained in sharp weapons tube and placed in exhibits bag. Cartridges including wires to show they are complete and range used at. Not to be spooled.
Wires and AFIDS	Wires to be retained in exhibits bag. AFIDS, 2 or 3 to show serial number, photograph location if possible. Spread randomly will not show trajectory.
Photographs	Incident detail to show: scene, weapons involved / available to suspect, AFID / officer location, suspect locations, injuries to police / suspect, barbs location. Intention to tell as much of the incident in photographic detail as possible.
FME Report	Persons Tasered should be examined by FME. Officers also to be examined by FME if physical struggle took

	place, to show offensive/defensive injuries.
Data Download	Print out for use of Taser.
Taser Evaluation Form 6624	Forward electronically to <u>CO20 Mailbox – Taser. This will then be collated by CO11 and DPS</u>

Incidents of Taser discharge use are likely to generate BOCU and possibly media interest, and it is therefore important that BOCU SMT's have the ability to involve all interested partners/community contacts to allay any fears and dispel any misconceptions. A substantive TSG supervisor, or, suitably qualified APS at any Taser discharge is to inform the local BOCU duty officer, creating a CAD message for the attention of BOCU SMT and recording that CAD number within evidential documentation.

In the event of a Taser discharge, or any Taser issue that generates any media interest, the on-call Superintendent must be informed immediately and will provide media releases in liaison with the Directorate of Public Affairs.

TSG Supervisors must pro-actively monitor the physical and mental well being of officers under their command who are authorised to carry and use Taser, where managers feel, for any reason, it would be inappropriate for an officer to carry/use Taser then the supervisor should withdraw that subject's authority to carry/use Taser.

As soon as a supervisor has concerns regarding an individual's welfare / medical / mental health / physical / drug / alcohol / prescribed medication issues that would impact on Taser use and decision-making, authority should be withdrawn to carry, and the facts reported to the OCU Commander through the relevant base Chief Inspector

The officers 'authorising card' will be retained, all the reasons fully recorded and a report forwarded to the OCU Commander. Consideration should be given health and welfare issues by referring to occupational health if appropriate.

Officers in uniform will carry Taser operationally.

Post-Incident Procedure.

Following any deployment and discharge of Tasers by TSG officers it will be a substantive TSG supervisor's responsibility to consider PIP implementation and consult with the on-call SMT member. The three occasions when PIP will automatically be implemented are as follows:

- Following a discharge there is serious injury/death to a subject.
- Following a discharge danger has been caused to the public.
- Revealed potential failings in command.

In these incidents the on call SMT (PIP Manager) will be called to start the procedure.

There may be times when supervisors are in doubt as whether PIP should be implemented, and in these cases the on-call SMT will be consulted and decide as to a course of action.

The current TSG generic PIP procedure is fit for purpose in relation to Taser discharges in the above circumstances and incorporates all the necessary levels of protection for principle officers. It should be noted that the Taser is not a firearm, but a prohibited

weapon, as is CS spray. However, the possibility of serious injury being caused by Taser discharge should not be disregarded and for those reasons the following protocols will be added to the generic TSG PIP.

All 'draws' of Taser are a show of force regardless of the carriage profile, and therefore form 6624 will be submitted in accordance with the following protocols.

- Taser deployed by TSG officers, but not discharged (Inc red-dot show of force, show of strength, arc of Taser), subject is compliant. Relevant post incident pro-forma (F 6624) is completed and E-Mailed to CO 20 Mailbox - TASER.
- Taser deployed and discharged on subject by TSG officers, with none of the above issues of harm/injury, danger to public, command breakdown occurring, relevant post incident pro-forma (F 6624) E-mailed to CO 20 Mailbox - TASER. FMO pro-forma (if applicable) faxed to CO 11 Strategic Policy Unit via base Operations Inspectors as soon as reasonably practicable.
- Taser deployed and discharged with issues of harm/injury, danger to public, or command breakdown. Full PIP to be implemented in consultation with on-call SMT (PIP Manager), plus confirmation E-Mail of form 6624 to CO 20 Mailbox - TASER. FMO pro-forma to be faxed to CO 11 Strategic Policy Unit via base Operations Inspectors as soon as reasonably practicable. In these circumstances when PIP is implemented, the on-call SMT member (OCU Commander or his deputy) will be informed as soon as reasonably practicable.

The form 6624 must be completed in full and viewed by a supervisor prior to being sent.

It should be noted that The FMO pro-forma cannot be sent electronically, but a hard copy faxed to TSG-HQ fax number 61881, and CO 11 Strategic Policy Unit, fax no 69890 via base Operations Inspectors.

A hard 'working' copy of form 6624, that retains the original Taser down-loaded print-out and an additional copy of the FMO pro-forma is to be retained at each base, and is the responsibility of the relevant Operations Inspector to retain and audit the form and print-out, in the event of any enquiry or investigation.

Duty of care for our staff and sensible welfare management should be a key part of the de-brief process. It is the responsibility of a substantive supervisor to ensure every discharge of Taser is comprehensively de-briefed. Particular focus should be given to all officers' welfare, as for the purpose of this trial, officers are being placed in a new policing environment and facing new, differing challenges.

For the purposes of this trial, and subject to early review, the on-call SMT member (OCU Commander or Operations Superintendent) is to be informed (by phone if necessary) immediately of every Taser discharge. This notification will also include Taser discharges over a weekend period when the on-call SMT member may not be in a position to receive data from the AWARE computer system.

In circumstances of doubt supervisors are always to consult with on-call SMT.

Post-Incident Administration.

Following Taser discharge a substantive TSG supervisor will co-ordinate the securing of the scene and evidential protocols in accordance with the ACPO guidelines, (inc downloading procedure).

All related Taser property will be included in the taser kit bag. Please see and secured minimum standards as above. Property is to be retained in accordance with service regulations and deposited at the Borough station where the incident occurred. Relevant (105/66) entries are to be recorded on form 6624.

Base Ops Inspectors are to complete bi-weekly downloads of all respective Tasers in accordance with the Taser issue course and forward information to the TSG-HQ Ops Chief Inspector at the end of calendar month. It is also the responsibility of Operations Inspectors (or their nominee) to ensure weekly maintenance checks of all base Tasers are completed in accordance with the training guidelines. Base Ops Inspectors are to compare statistical data from the computer printouts and compare with reported Taser usage to ensure integrity.

Broken/damaged Tasers are to immediately returned to base ops Inspectors for return to Taser supplier.

Officers to record justification for use of force within evidential notes.

All public complaints that arise out of direct use of Taser, and incidents where an injury is caused to the subject which amounts to an injury of ABH or above will be referred to the IPCC for the purpose of this trial.

Post-Incident Involvement of Directorate of Professional Standards.

There is a separate DPS policy document for DPS/TSG protocols in relation to informing the DPS following a discharge and should be read in conjunction with this document.

In addition to the three (3) occasions of post incident procedure being implemented, the on-call member of the DPS must be immediately contacted by phone when a discharge of Taser has directly resulted in:

- An injury is caused to the subject of the Taser discharge that amounts to a serious injury. Examples of this would be a broken bone or laceration to the skin. It should be noted that puncture marks from the Taser barbs would not normally constitute this level of injury. In addition, the injury would need to be directly related to the Taser discharge and not caused otherwise during Police interaction.
- Any person wishes to make a complaint against Police use of Taser, immediately at the scene.

TSG supervisors will manage the scene in a manner typical of any critical incident. Special emphasis should be placed on evidence retrieval, continuity of evidence, and the seizure of relevant CCTV evidence (if available) in every case. In appropriate cases, it is the TSG supervisor's responsibility to contact and inform the DPS.

In instances of a DPS referral, consultation between DPS officers and TSG supervisors will occur, and advice should be sought regarding the timing of Taser downloads, as there may be evidential occasions when this process may be delayed. Following a Taser discharge where DPS officers are called the Taser involved is not to be returned to operational use without the authority of the DPS Investigating Officer.

In instances where there is a requirement to call officers from the DPS to a Taser discharge scene, and TSG supervisors have to leave that scene, a comprehensive hand over to the BOCU duty officer should occur, so that they are in a position to fully brief DPS officers.

In cases of doubt, advice can be sought through the 'on-call' DPS officer.

Principle officers will be examined by an FME. Officers should make evidential notes as soon as practicable after a Taser discharge unless there are good and documented reasons not to. Early consultation with DPS on-call officers is essential. As a minimum requirement, first account notes would always be required unless there are medical reasons for not doing so.

In cases of any doubt, TSG Federation Representatives should be called immediately, and legal advice sought through the appropriate post incident protocols and on-call PIP Manager.

Contact numbers of the 'on-call' DPS Specialist Investigations Officer are as follows:

- During office hours contact Jane Sharkie on 58181.
- Out of hours contact should be made through the contact desk on 177805.

Accidental Discharges.

All unintentional/accidental/negligent discharges will be subject of an internal investigation. In addition relevant base Chief Inspectors and the TSG-HQ Operations Chief Inspector to be e-mailed. In incidents of accidental discharges within the public domain the on-call SMT member should be informed at the time of discharge.

This would comprise of the substantive supervisor establishing the facts, followed by a full written report of the circumstances together with completed form 6624 submitted to the OCU Commander, through 2nd line managers within seven (7) days.

Failure to report any accidental/negligent/unintentional discharge should be reported as a discipline/misconduct offence in accordance with service regulations.

There are protocols in place in the downloading procedure that would easily identify any of the above type of discharges.

Unaccounted Discharge.

In the event of an unaccounted Taser discharge (identified through download protocols), Ops Inspectors at respective bases will conduct a local investigation and report their findings to the OCU Commander at monthly SMT Taser review meetings.

In the event of TSG supervisors becoming aware of unprofessional conduct with Tasers, or use of a Taser not in accordance with ACPO training course, discipline/misconduct should be considered in accordance with service regulations, coupled with the suspension of that officer from Taser duties.

In any post discharge investigation where discipline/misconduct is being considered the Taser cartridge, dependant on the circumstances, should be submitted for examination to the relevant agency to determine whether the cartridge may be faulty.

Supervisors should not, as a matter of course, remove Taser cards from officers who become subject of an investigation. The OCU Commander or his deputy will take this decision.

Experience within other armed commands has shown that in the first months of Taser handling, the possibility of accidental/unintentional discharges may be high. Officers on this OCU, although trained to a high standard, are unfamiliar with the use of Taser. With 370 officers to be trained, some officers received their training in early August. In the event of accidental/unintentional discharges the TSG senior management team **may** consider, for a three-month period, the issues of weapons familiarity in their response to like incidents.

Review Structure.

At the discretion of the TSG Operations Superintendent regular reviews of the deployment of Taser within the trial period, by CO20 will, occur through TSG Senior Management meetings. All relevant issues, including good and bad practice will be communicated to staff through the normal communication channels.

Points of contact for non-strategic issues on the OCU are Chief Inspector Simon Turner and Police Sergeant Andy Harding both of TSGHQ.

PS Harding and CI Turner will supervise all 6624s. Any issues that arise will be dealt with, with the officer concerned within one week of the incident. This may be satisfied by means of explanation, however if further training is needed, or a further debrief of the team, The lead Taser instructor will arrange for this to take place. Equally training needs to evolve with time. Taser training is no exception and will always be reviewed on a continual basis. This will ensure complete supervision.

Instructors

Instructors will form an important part of the Taser environment. They are all nationally accredited instructors who not only instruct, but are all operational on TSG teams. This enhances the credibility of the training and the officers concerned. Officers will be current officer safety instructors who are able to use these skills in not only teaching Taser, but the associated areas of development such as weapon retention, use of force etc. Instructors will also be used as tactical advisors for TSG senior managers. This role is critical in the safe delivery of Taser operations.

Instructors will also be responsible for investigating any concerns highlighted on their area and will be responsible for the management of the area armouries.

CROSS BORDER PROTOCOLS.

On borders of Forces, it is not uncommon for officers to cross boundaries when operationally necessary. With the likelihood of mutual aid between Forces the current cross border protocol should be extended to take account of this trial in those regions affected. It is clear that the Chief Constable of each Constabulary has a duty of care to their officers regardless of whether they are operating within their own Force boundaries or in adjacent Force areas. If supported within the region and in order to achieve a unified approach to this issue, the following draft protocol is proposed:

“It is agreed that the Chief Constable of a Constabulary has a duty of care to their officers, regardless of whether they are operating within their own or other force areas. It is agreed, therefore, that Forces will allow the carriage and operational use of the Taser, as per national guidance in line with the Conflict Management Model”

This policy document has been reviewed on 17/12/2010.