

Tasers

IPCC report on cases involving the use of Taser® between 1
April 2004 and 30 September 2008

Introduction

1. This report provides a breakdown of cases seen by the IPCC about the use of TASER. There are three parts to this report:
 - Details of all TASER cases received by the IPCC since 1 April 2004. The tables at the end of this report contain case details broken down by year, whether it was a complaint or non-complaint matter¹ and its disposal by investigation type or process;
 - Details of TASER cases received during the extended pilot from 1 September 2007 to 30 September 2008;
 - Analysis of themes and recommendations of TASER cases where the IPCC has had some involvement in the subsequent investigation.

Background: IPCC position on TASER

2. When TASER was first introduced in 2003, prior to the inception of the IPCC, it had been agreed as part of the trial that police forces would refer any incident in which a TASER was discharged. This policy continued from the inception of the IPCC on 1 April 2004. The Police Complaints Authority had supervised the first few investigations into TASER discharges because of the considerable public interest, but since that time the vast majority of referrals were sent back to forces for local investigation.
3. As the number of TASER uses increased the referral policy became increasingly impractical and unnecessary, and the IPCC changed the criteria for referral in May 2005, to be consistent with referral of firearms discharges generally, i.e. that TASER discharges should only be required to be referred if the discharge:
 - resulted in death or serious injury;
 - caused danger to the public, or
 - revealed failings in command.
4. This did not preclude forces voluntarily referring discharges in other circumstances if they thought it appropriate, bearing in mind the IPCC's responsibilities for increasing public confidence.

¹ Non-complaint matters are referred by the police service to the IPCC without members of the public making complaints.

5. The IPCC was consulted on the trial to extend TASER use to specially trained units. It was agreed that during the period of the extended trial beginning on 1 September 2007, the IPCC would request that all 10 forces participating in the trial refer *all public complaints* about the use of TASER in addition to the existing referral criteria. The IPCC's position on TASER and referrals was published in a press release on 9 October 2007.

I. TASER cases received by the IPCC since 1 April 2004

6. Since 1 April 2004 the IPCC has seen **92** matters involving the use of TASER. Of these, **35** involved a complaint about the use of TASER. The remaining 57 were non complaint matters. The majority of these matters were returned to individual police forces to be locally handled. The following table provides a breakdown of matters referred to the IPCC since 1 April 2004 by year and whether it was a complaint or non complaint matter.

Year	Complaint	Non complaint	Total
2004*	3	12	15
2005	4	24	28
2006	2	5	7
2007	5	6	11
2008†	21	10	31
Total	35	57	92

* Covers the period from 1 April 2004 to year end.

† Covers the period from year start to 30 September 2008

7. One case involving the use of TASER was referred because a death had occurred. The referral was assessed and the subsequent (local) investigation revealed that the death was not attributable to the use of TASER.
8. The following table provides a breakdown on the handling of those matters *resulting from a complaint*:

Decision on type of investigation following referral of complaint			Other means by which complaint matter came to the attention of the IPCC		
Local *	Supervised‡	Managed	Direct complaint	Dispensation	Appeal†
20	4	1	1	2	7

- * Local investigations are undertaken by the police without any IPCC involvement. The complainant has a right of appeal to the IPCC if a local investigation is conducted.
- ‡ Supervised investigations are conducted by the police with some oversight by the IPCC which includes the IPCC agreeing at the conclusion that the terms of reference have been covered during the investigation. The complainant has a right of appeal if a supervised investigation is conducted.
- † Three appeals followed a supervised investigation. Four appeals followed a local investigation.

II. Extended TASER pilot

9. There have been only **2** complaints arising from use of TASER as a result of the extended TASER pilot by specially trained units. The IPCC received details of **36** cases during the pilot period (1 September 2007 to 30 September 2008), but most cases involved usage by authorised firearms officers. The table below provides a breakdown showing the police force involved and whether it was a complaint or non complaint matter. The forces taking part in the pilot have been highlighted in bold.

Force	Complaint	Non complaint	Total
Avon and Somerset Constabulary	2		2
Bedfordshire Police		2	2
Cheshire Constabulary		1	1
Cleveland Police		1	1
Devon & Cornwall		1	1
Greater Manchester Police	1		1
Gwent Police			
Leicestershire Constabulary	1		1
Lincolnshire Police	1		1
Merseyside Police		1	1
Metropolitan Police Service	12		12
Norfolk Constabulary	2		2
Northamptonshire Police			
Northumbria Police	2	2	4
North Wales			
South Wales Police		1	1
Surrey Police		1	1
West Mercia Constabulary	2		2
West Midlands Police	1	1	2
West Yorkshire Police	1		1
TOTAL	25	11	36

10. Of the above cases:
- 34 matters were referred to the IPCC.

- One referral had to be prompted by the IPCC after the details were initially received as a direct complaint.
- Two of the referred matters have had subsequent appeals against investigation.
- One matter came to IPCC attention as a dispensation request although the circumstances of the incident were previously subject of a supervised investigation.
- One matter was a direct complaint and has not been referred. The complaint concerned the use of TASER on a dog that was subsequently shot.
- **Two complaints and three non-complaint matters involved the use of TASER by Specially Trained Units in the pilot forces.**

11. Brief details of the matters involving use of TASER by Specially Trained Units are provided below.

Complaint 1 (This was originally referred to the IPCC as a non complaint matter)

Police were notified that a member of the public was under attack by a group of men armed with knives, axes and sticks. The use of TASER was authorised alongside other tactical options. Police arrived at the scene and a number of arrests were made. A search uncovered a number of weapons. A man confronted officers about the arrests and a struggle was reported during which a TASER was used on drive stun mode three times. The case was referred to the IPCC who agreed that the matter should be locally handled by the police.

During the investigation allegations of assault were made. At the conclusion of the investigation the complainant appealed to the IPCC on the basis that there was a disagreement with the investigation findings and the proposal to take no action against the officers using the TASER. The complainant further appealed that a number of concerns were not adequately addressed. The IPCC reviewed the appeal but this was not upheld.

Complaint 2

Police were notified about a person smashing windows of a house. The police arrived at the house and saw a person inside the house with visible injuries and in some distress. A decision was made to force entry and use TASER to incapacitate the person. The person was taken to hospital for treatment and was assessed under the Mental Health Act and sectioned. The person's family complained that the use of TASER was disproportionate and resulted in a serious deterioration of the person's mental health condition.

The complaint was referred to the IPCC who agreed that the matter should be handled locally by the police.

Non-complaint 1

Police were called to a disturbance involving a group of 8-10 people. TASER was used during an arrest due to the reported violent behaviour of the detained person. A TASER probe remained lodged in the detainee's thumb and this had to be removed at hospital.

The matter was referred to the IPCC who agreed that the matter should be handled locally by the police.

Non-complaint 2

Police were called to deal with a person reportedly behaving bizarrely and causing criminal damage to a car. Having been restrained and arrested the person was taken to hospital to be assessed under the Mental Health Act. Officers remained with the person who attempted to leave the hospital. There was a further struggle during which TASER was discharged. During the second discharge the person fell and sustained a broken jaw and a facial cut requiring stitches.

The matter was referred to the IPCC who agreed that the matter should be handled locally by the police.

III. Analysis and recommendations in TASER cases with IPCC involvement

12. The IPCC has had direct involvement in only a small number of the 92 cases received:
 - Two cases have been subject of a managed investigation; one complaint and one non-complaint matter.
 - 15 cases have been subject of a supervised investigation; 10 of these cases involved complaints.
13. The IPCC has identified the following themes and recommendations (where cases have been closed) from investigations with IPCC involvement. All of these cases involved TASER usage by authorised firearms officers.
 - **The majority of complaints concern the use of TASER in drive-stun mode²;**
 - The main areas of the body where TASER has been used in drive stun mode were the chest, neck or head and the shoulder blades. This raises an issue around the guidance in this area, which states that unless absolutely necessary in order to protect life the TASER should not, due to increased risk factors, be applied directly to the subject's neck or head.

² Drive-stun mode involves discharging the Taser directly against the body, rather than from a distance.

- In terms of serious injuries directly attributable to the use of TASER the IPCC has had one complaint including allegations that the use of TASER had resulted in the complainant suffering from amnesia. There are a further two matters where TASER probes had to be removed at hospital, one from a thumb and another from a complainant's back. In the latter case, there was a complaint about the delay and lack of information being provided by the police to the hospital doctor about any possible dangers/complications in removing the probe;
- One investigation resulted in a change to guidance on the use of TASER during incidents/operations on people in possession of explosives or Improvised Explosives Devices (IED). The investigation raised concerns about the safe use of TASER with organic peroxide explosives and the limited research that had been conducted on using TASER on potential explosive devices. ACPO guidance was updated to include the undertaking of a risk assessment before using TASER in circumstances where potential explosive devices, particularly IEDs, were present;
- One investigation identified an issue when downloading data from a TASER when a further discharge registered during the download process. This was brought to the attention of the manufacturers. This was considered to be a minor issue because the data had accurately recorded the date and time of individual discharges thereby distinguishing between use during the incident and at the time of the data download;

10 November 2008

Annex: Cases listed by force by year

The IPCC and TASER are registered trade marks.

Taser referrals received during 2004

Year	Force	Complaint	Non complaint	Local	Supervised	Managed	Independent	Appeal	Dispensation	Direct complaint
2004	Avon & Somerset									
	Bedfordshire									
	Cheshire									
	Cleveland									
	Derbyshire									
	Devon & Cornwall									
	Dorset									
	Durham									
	GMP									
	Lancashire									
	Leicestershire									
	Lincolnshire	1	1	2						
	Merseyside									
	MPS	2	11	12		1				
	Norfolk									
	North Wales									
	North Yorkshire									
	Northumbria									
	South Wales									
	Staffordshire									
	Surrey									
	Thames Valley									
	West Mercia									
	West Midlands									
	West Yorkshire									
TOTAL		3	12	14		1				

Taser referrals received during 2005										
Year	Force	Complaint	Non complaint	Local	Supervised	Managed	Independent	Appeal	Dispensation	Direct complaint
2005	Avon & Somerset									
	Bedfordshire									
	Cheshire									
	Cleveland									
	Derbyshire		1	1						
	Devon & Cornwall									
	Dorset									
	Durham									
	GMP	1	1	2						
	Lancashire		1	1						
	Leicestershire									
	Lincolnshire		2	2						
	Merseyside									
	MPS	3	10	11	1				1	
	Norfolk									
	North Wales		1	1						
	North Yorkshire									
	Northumbria									
	South Wales									
	Staffordshire									
	Surrey									
	Thames Valley		1	1						
	West Mercia		1	1						
	West Midlands		2	1	1					
	West Yorkshire		4	2	1	1				
TOTAL		4	24	23	3	1			1	

Taser referrals received during 2006										
Year	Force	Complaint	Non complaint	Local	Supervised	Managed	Independent	Appeal	Dispensation	Direct complaint
2006	Avon & Somerset									
	Bedfordshire									
	Cheshire		1	1						
	Cleveland									
	Derbyshire									
	Devon & Cornwall									
	Dorset									
	Durham		1	1						
	GMP									
	Lancashire									
	Leicestershire									
	Lincolnshire									
	Merseyside									
	MPS	2			1*			1		
	Norfolk									
	North Wales									
	North Yorkshire									
	Northumbria									
	South Wales									
	Staffordshire		1	1						
	Surrey		1	1						
	Thames Valley									
	West Mercia									
	West Midlands		1	1						
	West Yorkshire									
TOTAL		2	5	5	1			1		

*Supervised investigation also subject of appeal

Taser referrals received during 2007 (Pilot for use of Taser started 1 September 2007 in 10 forces)										
Year	Force	Complaint	Non complaint	Local	Supervised	Managed	Independent	Appeal	Dispensation	Direct complaint
2007	Avon & Somerset									
	Bedfordshire		1	1						
	Cheshire									
	Cleveland									
	Derbyshire									
	Devon & Cornwall									
	Dorset	1						1		
	Durham									
	Greater Manchester		1		1					
	Gwent									
	Lancashire									
	Leicestershire									
	Lincolnshire	1		1						
	Merseyside									
	Metropolitan	3			2*			1		
	Norfolk									
	Northamptonshire									
	North Wales									
	North Yorkshire		1	1						
	Northumbria									
	South Wales									
	Staffordshire									
	Surrey		1	1						
	Thames Valley									
	West Mercia									
	West Midlands		1	1						
	West Yorkshire		1	1						
TOTAL		5	6	6	3			2		

Highlighted

forces are those involved in the extended pilot

* Two supervised investigations also subject of appeal

Taser referrals received between 1 January 2008 and 30 September 2008 (Pilot for use of Taser finished on 30 September 2008)										
Year	Force	Complaint	Non complaint	Local	Supervised	Managed	Independent	Appeal	Dispensation	Direct complaint
2008	Avon & Somerset	2		2						
	Bedfordshire		1	1						
	Cheshire		1	1						
	Cleveland		1	1						
	Derbyshire									
	Devon & Cornwall		1*	1						
	Dorset									
	Durham									
	Greater Manchester	1		1						
	Gwent									
	Lancashire									
	Leicestershire	1		1						
	Lincolnshire									
	Merseyside		1*	1						
	Metropolitan	9		3	4				1	1
	Norfolk	2		1	1					
	Northamptonshire									
	North Wales									
	North Yorkshire									
	Northumbria	2†	2†	3				1		
	South Wales		1	1						
	Staffordshire									
	Surrey									
	Thames Valley									
	West Mercia	2			2					
	West Midlands	1	2	3						
	West Yorkshire	1*		1						
TOTAL		21	10	21	7			1	1	1

* Case involved use of Taser by STU

† One complaint and one conduct matter involved use of Taser by STUs

