

Arming the Met

The deployment of less-lethal weapons in London

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The Role of the Police and Crime Committee

The Police and Crime Committee examines the work of the Mayor's Office for Policing and Crime (MOPAC) and reviews the Police and Crime Plan for London. The Committee can also investigate anything that it considers to be of importance to policing and crime reduction in Greater London and make recommendations for improvements

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Contents

Chair's Foreword	4
Introduction	5
Chapter 1 – Decision making processes and public engagement	9
Chapter 2 – Monitoring and post-incident reporting	18
Chapter 3 – Training	23
Conclusion	25
Conclusions and Recommendations	26
Endnotes	29

Chair's Foreword

In a city as diverse and complex as London, it is vital that the police service retains the trust of the population. Ensuring that there is broad support for how officers use force is an important element of this trust.

This report is not concerned with whether or not Tasers should be used. While we have heard evidence that Taser should not be deployed in certain circumstances, it is clear that there are times where it is preferable to alternatives such as traditional firearms. This is the type of judgement call that officers will increasingly be expected to make as Taser becomes more widely available.



Instead, we highlight in this report how the decision to arm officers with Taser is taken. Previous practice, under the old police authority, held that such decisions should involve a wide number of stakeholders, and that there should be proper engagement with Londoners. Decisions that are subject to public challenge before they are implemented are ultimately more likely to enjoy broad political and public support and lead to better outcomes.

We do not believe this was the case with the decision to expand the use of Taser in early 2012. It was taken without proper public engagement, the public did not have access to decent data on Taser use, the Mayor was informed behind closed doors and there was little scrutiny. Home Office guidelines state that the police must take community views into account; it is hard to see how they could when they weren't asked.

Our report proposes a new framework for how the Commissioner and the Mayor's Office for Police and Crime (MOPAC) can better involve stakeholders in decisions related to less-lethal weapons. It seeks to retain what was best about the previous system, while identifying a new role for MOPAC and increasing the level of transparency regarding the release of data. We look forward to ensuring that a robust system is put in place in future that helps to protect the public while allowing officers to carry out their duties safely.

Joanne McCartney AM
Chair of the Police and Crime Committee

Introduction

Taser is the brand name of the 'conductive energy device' used by police forces in England and Wales. Taser is a laser-sighted, single shot weapon designed to incapacitate a subject through the use of an electrical current, which temporarily interferes with the body's neuromuscular system. Taser is classed as a restricted firearm under Section 5 of the 1968 Firearms Act.

Taser is one of a range of 'less lethal' weapons which have been approved by the Home Office. Under United Nations, European Union and national law, the Home Office is responsible for maintaining a range of weapons which allow officers to deploy the least amount of violence necessary to resolve a given situation. In England and Wales, Taser is part of a series of potential interventions which vary from verbal negotiation to CS spray, baton charges and traditional firearms in dealing with potentially disruptive or violent suspects. The term 'less lethal' is used as an acknowledgement that any weapon can be lethal if used incorrectly.

The Home Office first authorised the use of Taser by the Metropolitan Police Service (MPS) in 2003, and then allowed forces to expand its use in 2008. Taser is now used by two types of officer:

- Those who had undergone firearms training; and
- Additional officers who had been designated members of Specially Trained Units by the Chief Officer in their area.¹

The majority of Taser guns are used by specialist firearms officers and officers within the Territorial Support Group.

In February 2012, Sir Bernard Hogan-Howe, Commissioner of the Metropolitan Police Service, announced that Taser would be made more widely available to officers in London. The expansion began in April 2012, proceeding in stages of five boroughs at a time, moving inwardly from outer London. The final borough, Hackney, received its expanded Taser capacity in July 2013. This additional capacity will:

- Increase the number of officers trained to use Taser by 480 to 1280 at any time;
- Supply each borough with 40 officers trained in the use of Taser – this will mean 8 officers will be available during any one 8 hour shift on a 24/7 basis; and
- Equip two response vehicles with Taser in each borough, available on a 24/7 basis (Taser will not be available to patrol officers but will always be in vehicles).

This report is concerned with the governance of Taser and examines how the decision to expand the use of Taser in spring 2012 was taken. In particular, it explores how the system of authorising and monitoring Taser and other less lethal weapons has been changed by new governance structures brought in by the Police Reform and Social Responsibility Act 2011 and seeks to clarify the roles of the MPS and the Mayor's Office for Policing and Crime (MOPAC). It also calls for monitoring systems which are more robust and transparent.

Why we carried out this investigation

Use of firearms by the police is often controversial and public buy-in is needed for their deployment. Policing by consent remains the bedrock of the relationship between the police and the public; the visual manifestation of which is our largely unarmed police force. The Association of Chief Police Officers (ACPO) stresses that "any use of force, but particularly that of a firearm, should only be considered once all other options have been assessed."

There are ongoing concerns about Taser, and it is important that the MPS and MOPAC properly set out the case for its expanded availability.

Mission Creep

There are also concerns that the rapid growth in Taser use nationally is evidence of its increasing use in situations where it may not have been appropriate. Recent released data from the Home Office shows that the number of Taser deployments grew by 113% between 2009 and 2010,² and by 18% between 2010 and 2011.³

This has become an increasing worry for both policing bodies, such as ACPO, the Independent Police Complaints Commission (IPCC) and human rights groups, as restrictions on Taser have been reduced. Over the last decade, the range of situations where the use of Taser has been justified has increased significantly. When introduced in 2004, Taser was restricted to experienced firearms officers in instances where a firearm was the next option. In 2008, the Home Office changed the criteria to justify its use in operations or incidents where "the authorisation to issue firearms does not apply, but where officers are facing violence or threats of violence of such severity that they would need to use force to protect the public, themselves and/or the subject(s) of their action.

Disproportionality

Taser use disproportionately affects communities which already demonstrate lower confidence in the police. According to analysis of the latest available figures, black people represented half of those subjected to Taser deployment. During the period 2008/2009 to 2010/2011, the proportion of Emotionally or Mentally Distressed (EMD) people subject to Taser rose from 20 per cent to 30 per cent of the total numbers. Haringey Council's Overview and Scrutiny Panel and Black Mental Health UK have also raised concerns about the use of Taser on young people, particularly those from a Black and Minority Ethnic (BAME) background. Against the backdrop of ongoing controversy over the use of stop and search, the use of Taser is seen as potentially worsening relations between young people and the police. ACPO claims that the disproportionality represents the profile of the people who are involved in violent or potentially violent confrontations with the police but has yet to provide data supporting this statement.

Health effects

There continue to be concerns about the risk of death and injury occurring due to Taser use. Studies into the effects of Taser on the human body have generally shown that the risk of long-term or serious damage is low. Since 2002, the Home Office has tasked the Department of Defence's Sub-committee on the Medical Implications of Less-lethal Weapons with examining the health implications of Taser use. It has repeatedly said that while the risk of death is not zero, it is low enough for Taser to be authorised within its current limits⁴ with the following caveats:

- There should be prompt medical review after each Taser use;
- Taser may have adverse effects on children, and carries an increased risk of head injury from unsupported falls;
- Deaths associated with Taser are often the result of head injuries caused by falls after a person is Tasered; and
- There will always be a degree of uncertainty around how Taser will affect certain populations, particularly those with complex medical needs.

The Committee also heard that some people who have been Tasered allege long-term psychological and physical damage. According to Sophie Khan, a solicitor and legal director of the Police Action Centre, her clients have suffered some psychiatric effects, such as flashbacks, as well as breathing difficulties, nerve damage to hands, feet and legs. These claims are subject to current legal action. Black Mental Health UK said they had

additional concerns about the effect of Taser on people taking psychiatric medicine, which in some cases can weaken the heart muscle.

How we carried out this investigation

28 March 2013, the Police and Crime Committee set up the Taser Working Group to gather evidence on its behalf for this investigation.

Membership of the Taser Working Group was:

- Joanne McCartney AM (Labour - Chair)
- Tony Arbour AM (Conservative)
- Jennette Arnold OBE AM (Labour)
- Roger Evans AM (Conservative)
- Jenny Jones AM (Green)
- Caroline Pidgeon MBE AM (Liberal Democrat)

The Working Group undertook the following work on behalf of the Committee:

- A public meeting held on 14 March with representatives from the MPS, ACPO and the Metropolitan Police Federation.
- A site visit to the MPS Taser Training Centre at White City on 18 April.
- A second public meeting on 16 May with representatives from Amnesty UK, the Police Action Centre, Black Mental Health UK and Haringey Council.

A final public meeting was held by the full Committee with MPS Commissioner Bernard Hogan-Howe and Deputy Mayor for Policing Stephen Greenhalgh on 27 June 2013.

The Committee would like to thank everybody who contributed to its investigation. With our recommendations we hope to ensure that future decisions on the use of Taser and other less lethal weapons are made openly and transparently, and that Londoners are better informed of how Taser is used.

Chapter 1 – Decision making processes and public engagement

Conclusions

The decision to expand the availability of Taser in London in 2011/2012 demonstrated a lack of transparency and accountability in how decisions on less lethal weapons are currently taken. Neither the MPS nor MOPAC provided sufficient information or a fully reasoned rationale for the decision, nor did they provide an opportunity for public scrutiny before it was made.

The 2011/2012 process marked a shift in how decisions of this kind were taken. Under the Metropolitan Police Authority, discussion on the introduction and expansion of less-lethal weapons was held in public, which led to more opportunities to examine and potentially challenge the MPS. This helped generate public support and political buy-in for the use of Taser.

In future, MOPAC and the MPS have a responsibility to keep the public better informed about decisions related to less-lethal weapons. The MPS should clearly and publicly make the case for the future introduction or expanded availability of less-lethal weaponry. MOPAC should assess any proposed changes put forward by the MPS and provide an opportunity for public challenge of the MPS's assumptions and conclusions.

Recent decision making on Taser

The recent expansion of Taser in London happened without adequate prior public debate or scrutiny of the MPS's rationale. According to the MPS, the original decision to expand the availability of Taser resulted from an incident in Harrow in which four officers were seriously injured while trying to subdue a suspect wielding a knife in September 2011. Following the incident, the Commissioner told a radio audience that the injuries could have been avoided if officers had easier access to Taser, and that he was personally in favour of widening its availability. An expanded Taser deployment programme was carried out in five boroughs

between November and December 2011, with a decision to expand Taser availability across London announced in February 2012.

Previously, the Commissioner had said he would welcome a debate on the wider use of Taser by officers. The issue was discussed with the Metropolitan Police Authority (MPA) at a meeting in November 2011. MPA Members, several of whom served on a joint MPA/MPS Taser Scrutiny Board established in 2007, focused on the lack of evidence from the MPS demonstrating need, and highlighted the ongoing concerns about the effect that increased Taser use could have on the MPS's relationship with London's diverse communities. The Commissioner accepted these concerns, but reiterated his plan to examine how Taser could be more effectively deployed as part of a wider discussion with stakeholders on the appropriate level of use. He also committed to bringing back the issue to the MPA for further public discussion.

No further public discussion or debate was held before the decision to expand was made. In January 2012, the MPA was disbanded and MOPAC assumed many of the duties previously undertaken by the MPA. While this removed the opportunity for the MPS to raise this issue once more with the MPA, neither the MPS nor MOPAC sought an alternative forum for wider discussion and challenge on Taser use before the decision to expand was taken. Following discussions with the Deputy Mayor for Policing and Crime in June 2012, the Committee resolved to look at the governance of Taser in more depth.

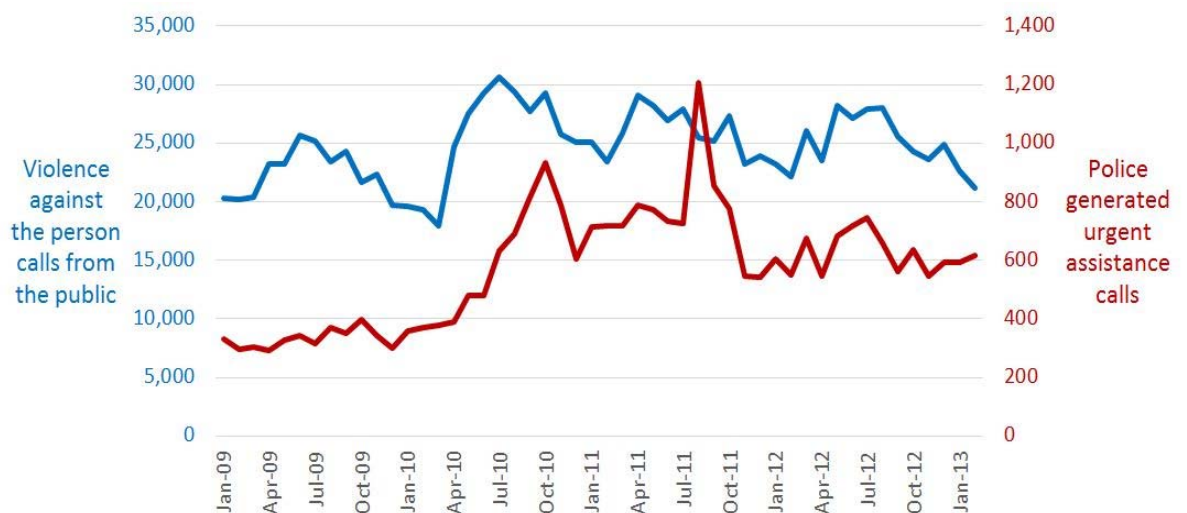
From this investigation, we now know that the reasoning underpinning the Commissioner's decision to expand the availability of Taser had several parts:⁵

- Officers face an increased risk of injury in responding to calls from the public. The MPS has argued that this risk is likely to remain high as the proportion of calls featuring suspects with mental health issues increases;
- Previous methods of dealing with potentially violent and unpredictable suspects require too many personnel, leaving borough commanders with too little resilience; and
- Taser provides a relatively safe method of allowing officers to subdue suspects from a distance, thus minimising the potential for injury during arrest.

The MPS did not clearly set out the evidence underpinning each of these reasons. For example, Figure 1 overleaf show two sets of figures

presented to the MPS Management Board in February 2012 in an internal report in support of the expansion of Taser.⁶ The first is police generated urgent assistance calls, which show a sudden rise beginning in mid-2010, hitting a peak in April 2011 (ie during the riots following the shooting of Mark Duggan) before trending downwards once again. The second set of figures is the number of Violence Against the Person calls from the public, which also shows an increase from 295,731 in 2007 to 362,723 in 2010, although this has also trended downwards since.

Figure 1 - Police generated urgent assistance calls and Violence Against the Person Calls



The Management Board report did not provide any analysis, or additional research on these figures. This might have included information on whether the rise in calls from officers and the public was due to any specific type of incident (eg a greater number of incidents involving people with mental health problems, or increasing number of cases of domestic violence). This might have provided greater confidence that increasing the availability of Taser was the appropriate response. Nor did the MPS address the general downward trend in urgent assistance calls (apart from at the time of the riots) or violence against the person calls after mid-2010. In response to our questions, ACPO and the MPS said that no public study on the effectiveness of Taser has been carried out since its introduction in 2004.⁷

Furthermore, there was no opportunity to challenge how Taser is used in London. This is particularly relevant as recent Home Office data suggests

that MPS officers are firing Taser in a greater proportion of incidents than the national average. According to the most recent set of national usage figures, the national average for the number of incidents of Taser deployment which resulted in a Taser discharge was 20 per cent, while the MPS was 36 per cent in 2010 and 31 per cent in 2011. A robust and transparent process would have provided an opportunity to examine this data and hear from the MPS before any further expansion took place.

The MPS's management of its public engagement programme was seen as lacking in comparison to earlier Taser roll-outs. In 2007/2008, when the availability of Taser was previously expanded, the MPS established a centrally managed public engagement programme, which was drawn up in consultation with the MPA. This programme was later praised for its comprehensiveness by stakeholders and the Home Office. In contrast, the 2012 public engagement programme was delegated to borough commanders, and the evidence we heard indicates that this led to variations in quality and debate. Councillor Reg Rice of Haringey's Overview and Scrutiny Panel said his Panel's request for a delay in the roll-out locally was rejected without any reason given, while the local commander would not engage with the Council as the expanded Taser programme was a senior officer initiative. In Hackney⁸ and Merton,⁹ public engagement took place after the programme had started, leaving some locals with a sense that it was just a formality.

MOPAC and the Mayor have not had a visible role during the decision-making process. According to the Commissioner, the then Deputy Mayor for Policing and Crime, Kit Malthouse AM, and the Mayor were informed of his intention to expand the availability of Taser in private conversations in early February 2012.

Neither has MOPAC been transparent about its decision to support the expanded availability of Taser. A key rationale for the introduction of Police and Crime Commissioners was to bring greater accountability to decisions on policing and crime than had existed under police authorities. While chief constables are responsible for decisions on operational policing, directly elected commissioners are publicly held to account and so are expected to evaluate decisions made by chief constables, and raise concerns where appropriate. The Deputy Mayor for Policing and Crime told us that he cannot give any information about how MOPAC determined its support as he was not in post at the time. He has not provided any evidence of MOPAC consulting with stakeholders or external experts and has said only that "conversations" had taken place between the MPS, the Mayor and MOPAC.¹⁰ The Deputy Mayor said he

also he receives regular reports on meetings of the MPS's Taser Programme Board and the Taser Engagement Board, as well data on Taser usage, but none of this information is made public.¹¹

Commissioner accepted that the processes followed could be improved in the future. In discussion with the Committee on 27 June 2013, the Commissioner recognised that devolving responsibility for public engagement to borough commanders had led to "inconsistencies", and that bringing the public into the process before final decisions had been taken would be preferable in future. He said that he hoped that the best practice from previous governance structures could be carried over under any future system.

The Committee agrees with the Commissioner that the recent process to expand Taser availability in London can be improved. It did not provide the public and key stakeholders with the information to decide whether the change was necessary or reassurance that Taser use was being properly monitored. The lack of information about MOPAC's own decision-making is unacceptable for a body representing the public interest in policing.

Previous decision making on less lethal weapons

Between 2002 and 2012, the Metropolitan Police Authority provided public scrutiny and accountability on decisions related to less lethal weapons. Table 2 overleaf outlines in greater detail the role played by the MPA in decisions related to Taser and other less lethal weapons:

Table 2 – Timeline of MPA/MPS work on less-lethal weapons¹²

Year	Issue
2002	MPA supports the introduction of a new type of baton round, following discussion with the MPS and a live demonstration during a site visit. This is the first time that a less-lethal weapon is addressed by the MPA and sets a precedent for how others, such as Taser, are dealt with in future.
2003/2004	MPS requests the support of MPA to take part in a pilot introduction of Taser. MPA gives its support following assurances that Taser would be restricted to firearms officers, and that reports would be given as requested on how and when it is used.
2006	MPA supports the introduction of a new type of Taser gun – X26
2007/2008	MPS requests the support of the MPA to take part in a pilot expansion of Taser to Specially Trained Units. MPA agrees to the pilot expansion but raises concerns around disproportionality, community relations and potential health effects. The MPA and MPS also establish a Joint Taser Scrutiny Board to monitor Taser use in London.
2009	MPA rejects the MPS' case for further expansion, and says that future support was dependent on a clear demonstration of need and a robust cost/benefit analysis from the MPS.

The range of stakeholders involved in previous decision-making encouraged wide political buy-in for decisions on Taser. As well as representatives from across the political spectrum, MPA Members also included council leaders, magistrates, lawyers and community activists. In gaining the support of the MPA, the MPS could be reassured that it had solid political backing as Taser use increased. The importance of this is also recognised by the Home Office in its guidance on the use of firearms by the police.¹³

The process was challenging for the MPS, with its proposals scrutinised at several points before agreement was reached. The MPA initially refused to support the MPS's proposal to pilot the use of Taser beyond firearms officers in 2007.¹⁴ Members felt that the MPS had not demonstrated a need for wider Taser availability, and had not taken appropriate precaution to monitor disproportionate use among BAME communities, young people and those with mental health issues. On three occasions, the MPS returned with modified proposals, eventually receiving support once it had agreed to restrict the use of Taser to the Commissioner's Reserve, and establish a joint MPA/MPS Taser Scrutiny Board.

The previous process also ensured that a regular flow of data on Taser use was available to the public. While there has never been a regular publishing schedule for Taser usage data, the MPS did submit reports on at least an annual basis to the MPA. These provided regular data on usage across London, including analysis of potential disproportionality. Members could then discuss these figures in public with senior officers, providing Londoners with a clearer picture of what was occurring locally. This helped to ensure that Taser's value as a policing tool and its potential effect on London's diverse communities were recognised and discussed. The joint MPA/MPS Scrutiny Board also undertook individual investigations, such as examining the training given to officers and reporting separately on the issue of racial disproportionality.

The previous processes for debating and approving the introduction or expansion of less-lethal weapons were developed in partnership between the MPA and MPS over the course of nearly a decade. While the Committee recognises that we are now in a new policing environment, we consider the principles which underlined the process - debate, challenge, openness, data transparency and accountability - must be preserved under the new governance structures.

Future decisions on Taser

Under ACPO guidance, the MPS Commissioner has the power to increase the availability of Taser in London in response to changing local need as long as it stays within the limits of the original Home Office authorisation. These decisions are justified within each force's Strategic Threat and Risk Assessment, which is mandated annually by the Home Office. However, this is a protected document, drawn up internally with no potential for public challenge. The Home Office's Guidance on the Use of Firearms places an additional duty on the Commissioner to have "regard" for community concerns and the views of key stakeholders in making final decisions on weapons deployment.

Londoners must be assured that they have a strong public advocate for their interests and concerns in relation to policing. Yet the lack of transparency from MOPAC on its decisions around Taser makes it difficult for Londoners to determine if MOPAC and the Mayor are acting as a 'critical friend' in providing informed challenge to police requests for the expanded availability.

Public engagement in decisions around less-lethal weapons should also be seen as central to the decision-making process. The Commissioner has acknowledged that the process for involving the public in the Taser roll-

out in 2012 led to inconsistencies, and that Londoners should have been brought into the process earlier, which is encouraging.¹⁵ In responding to this investigation, the Home Office said that Police and Crime Commissioners – MOPAC in London – should ensure that a full Community Impact Assessment is carried out before the introduction of any new weaponry, and public forums are held where the rationale can be challenged.

Improvements to the decision-making process are needed before the next decision on less-lethal weapon availability is taken. There is evidence to suggest that a similar ‘closed’ process to that for the expansion of Taser is currently being followed for the potential introduction of water cannon in the capital. The MPS has confirmed that it has been in discussions with the Home Office for over a year with a view to licensing the use of water cannon on London’s streets. Historically, water cannon has only been authorised for use in Northern Ireland and it is not clear on what basis the MPS have determined that it now needs to be introduced in London. There also appears to be some ambiguity as to how its use would be governed. While the Mayor has said that he “cannot believe for one second that any Commissioner of the Metropolitan Police Service would dream of using water cannon on the streets of London without having the sanction of the Mayor”¹⁶ he has also confirmed that the decision to use rests solely with the Commissioner. Despite these grey areas, the Deputy Mayor for policing and crime also declined to guarantee public engagement before any decision to make water cannon available.

MOPAC and the MPS must establish robust decision-making and governance structures for less-lethal weaponry. If London gets this right, its processes can stand as an exemplar for the rest of the country. Our suggested framework for the introduction or expansion of less-lethal weapons, outlined below, would help to provide real challenge to the MPS and allow for broad consensus to be built amongst local communities and other stakeholders.

The Committee recognises that the operational independence of the police must be maintained. However, there appears to be a real grey area in issues related to the governance of less lethal weapons that would benefit from clarity. The Committee is clear that significant decisions such as the introduction of water cannon require prior public engagement.

Recommendation 1

The process for introducing or expanding the availability less-lethal weapons should include:

- A published MPS case outlining why additional measures are required, how the specific changes requested to less-lethal weapons deployment would meet that need, how it intends to engage the public on chances and a proposed timetable for implementation. The MPS should include relevant data to allow the public, stakeholders and experts to assess the case and raise any concerns.
- A proposed programme of public engagement by the MPS to allow it and MOPAC to hear from those directly affected by the changes, before they are agreed.
- A published MOPAC Decision which sets out its position on the Commissioner's decision, including the evidence it took into account. The MOPAC Decision should also evaluate the proposed public engagement programme to ensure it is suitably comprehensive and suggest changes if appropriate.

Chapter 2 – Monitoring and post-incident reporting

Conclusions

Detailed monitoring of individual Taser deployments and longer term trends is essential to maintaining public confidence in Taser use. This should be underpinned by credible post-incident reports and publicly available usage data.

Data and monitoring

Data on Taser use is collected after every deployment. This data includes the facts of each Taser use (eg the age, gender and ethnicity of the person Tasered) and key contextual information such as the circumstances surrounding each discharge, if there were any mental health issues taken into consideration and whether medical attention was sought. This information is gathered through the post-incident reporting system but is currently only used for internal monitoring by the MPS, ACPO and, in some circumstances, the IPCC.¹⁷

At present, the public does not have regular access to usage data. The Committee has heard how the lack of data makes it impossible to determine how Taser is being used both in London and nationally. Deputy Chief Constable Simon Chesterman, ACPO lead on firearm use, said important work identifying trends in mission creep and disproportionality could not be carried out because, at that stage, two years of national data had yet to be released by the Home Office. In London, local communities have not been able to determine how the MPS has deployed and used Taser since its introduction in 2003. One of our greatest concerns is that usage data and the appropriate contextual information is not currently available.

MOPAC should take responsibility for ensuring that this broad range of data is easily accessible to the public. Over the course of our investigation, the MPS and Home Office have made positive moves towards making data on Taser use more public:

- The MPS said it is planning a website which would make Taser data available to the public on a regular schedule, in a similar way to how

stop and search information is currently reported. The Committee welcomes this development.

- The Home Office has released basic Taser usage data up to December 2011, and has committed to publishing future Taser usage data as part of the programme of Official Statistics.

Past experience has proved that agencies may need to be pushed to ensure that this information is freely available and easy to comprehend to Londoners. MOPAC would be in a good position to fulfil this role.

Alongside greater access to Taser usage data, Community Impact Assessments could provide an opportunity to build a broader picture of Taser impact in London. These Assessments are carried out by every borough commander to analyse “community concerns, engagement activity and operational deployments”.¹⁸ They are also intended to acknowledge that the use of Taser can have wider social consequences. The first Assessments were completed in June of this year but have not been made public. The MPS expects borough commanders to submit Assessments at regular intervals.

Releasing Community Impact Assessments could provide more transparency and accountability at a local level. The Mayor is currently planning to establish a network of Safer Neighbourhood Boards in each borough to provide a forum where local people can be informed and potentially challenge their local police. These Boards would provide an ideal forum for borough commanders to present their Assessments and local Taser data for discussion with local communities, which we consider to be central to maintaining public confidence in Taser.

The Commissioner and ACPO told the Committee that Taser usage data and impact assessments demonstrate the value of Taser to officers and how carefully it is deployed.¹⁹ It is not possible to evaluate this assertion independently as this information is not publicly available. The MPS and MOPAC must take ownership of this to ensure that information which addresses both use and context is easily accessible and regularly updated.

Recommendation 2

MOPAC must ensure that data on pan-London and borough Taser use is released publicly on a quarterly basis. This should include breakdowns of age, ethnicity, and people with mental health issues as well as key narrative and/or contextual information.

MOPAC should ensure that this information is easily accessible to the public, whether through a specially designed MPS website or through the London Datastore.

Recommendation 3

The MPS should publish the initial round of Community Impact Assessments carried out earlier this year.

The MPS should regularly publish Community Impact Assessments on Taser use in each borough on at least an annual basis and share them with local community engagement groups. We do not yet know how often borough commanders will be expected to carry out these Assessments but we would expect it to be at least on an annual basis.

Post incident reporting

Post incident reporting could be improved in future. The MPS contends that the current post-incident reporting system captures sufficient information to allow for detailed internal and external monitoring. But we feel that additional measures could be put in place to provide further reassurance to the public. For example, data captured by the Taser gun itself is partial and does not independently record the majority of Taser deployments. According to the MPS, up to 80 per cent of all Taser deployments in London involve drawing the Taser gun alone or drawing and then proceeding to 'red-dotting' a suspect. The current Taser model used by the MPS (the X26) will only independently record a discharge once the trigger has been pulled. If not discharged, recording the drawing of Taser relies on each officer completing a form justifying its use.

Post incident reporting is based on how officers interpret the guidelines governing Taser deployment to provide justification for its use. These guidelines were established by the Home Office and ACPO, and some critics have argued that they are too broad, and give officers too much flexibility on how they can be interpreted.

Oliver Sprague of Amnesty UK said:

“It does not specify the kind of imminent threat to life, life-threatening situations, as the threshold to when you should use the Taser... You are likely to see it over time begin to be removed from these very serious incidents and you start seeing it used as more of a compliance tool or more as a response to a more low level threat type of incident”.

Some of what we heard during our visit to the Taser Training Centre may lend further substance to these claims. The Working Group was told that Taser was seen as most valuable during “unpredictable” incidents where there were “vulnerable” people and a threat of violence. There is a risk that a broad interpretation of these terms could make Taser use too easily justified in situations where lesser force could have been used. This increases the necessity of a robust post-incident reporting system.

The use of camera technology to record Taser discharges may help to improve post-incident reporting by introducing additional objectivity and further reassurance in the robustness of the data. New advances in camera technology, including placing the camera on the body of a police officer or on the Taser itself, could provide additional video evidence of the circumstances surrounding each Taser discharge. In the US, the introduction of cameras has led to significant falls in the use of force by officers and in complaints against forces.²⁰ There are obvious limitations with this technology – for example, it can only ever show a portion of each situation, and there are some civil liberties issues to be taken into account. But ACPO are currently in the process of testing how cameras might be used on a regular basis with local forces in London and the MPS’s training officers also expressed some support for the idea.

The MPS told us of its intention to set up a Taser Scrutiny Board of independent experts who would advise the MPS on Taser policy a pan-London basis. In March, the Board was apparently within weeks of being established, yet we await further information on its membership and terms of reference. The Committee believes that members must be independent of the police service to ensure robust scrutiny takes place.

The Taser Scrutiny Board could play a role in improving reporting and monitoring by examining the MPS’ post-incident reporting system. This would be a way for the Board to establish a role as ‘critical friend’ to the MPS, as well as provide reassurance that the system is as robust as it could be. For example, Sophie Khan of the Police Action Centre suggested at one of our meetings that one of the issues with the current system is that it relies on the sole statement of the officer who

discharged the Taser. The Board could explore the practicalities of adding witness or victim statement to the post-incident reports, perhaps in cases where the Taser is fired.

Post-incident reporting plays a major role in establishing and maintaining trust in the use of Taser. We hope that the Taser Scrutiny Board will look to improve the process by examining the systems in place and reporting on possible improvements early in its work programme.

Recommendation 4

The MPS should provide the Committee with a progress report on the Taser Scrutiny Board, including details on who will sit on the Board and its remit.

Recommendation 5

The Taser Scrutiny Board should examine Taser post-incident reporting procedures, particularly how victim and witness statements, and camera technology, might make accounts more robust. In its response to this investigation, the MPS should also provide their current thinking on the specific suggestions of wider adoption of camera technology and victim and witness statements.

Chapter 3 – Training

Conclusions

The training that officers undergo to use Taser is among the best in the world. In developing its programme over the coming months, the MPS will need to ensure that strong links are maintained between patrol officers and professional trainers. It should also take care that any changes made to reduce the current failure rate do not affect the quality of the overall course.

The MPS's Taser training programme is recognised internationally as high quality. The programme takes place over three days, with a mixture of theoretical learning and practical 'scenarios' based assessments where officers have to justify their action in a range of situations. We had the opportunity to observe some of this training and recognise how effectively the MPS has developed it over the last decade, and the skill of the trainers involved. The course has several points at which officers are tested before progressing: failure at any one of these points means an automatic failure for the officer for the entire course.

Amnesty UK said that the relatively high failure rate of 20 per cent is an indicator of how challenging the programme is for officers. While they were positive about the scenario approach, they have also raised concerns that the refresher training (whereby officers undergo one day of further scenario training a year) may not be enough. Since the publication of new Taser usage data in September 2013, both Amnesty and the Police Action Centre questioned about whether the three day course allows non-firearms officers to develop sufficient judgement to use Taser wisely.

The MPS has plans to reduce the failure rate of the programme. Currently, a majority of officers fail as a result of problems handling or aiming the Taser gun. The MPS is exploring how video technology might better prepare officers in handling and aiming the Taser gun before attending the three-day training course. Any such changes would need to be monitored carefully to ensure the quality of the training is not compromised.

The MPS is also considering moving to dedicated full-time trainers. The current group of trainers split their time between the Taser Training

Programme and their duties as members of Territorial Policing. This means that trainers are never far from the daily reality experienced by the officers undertaking Taser training and has been a notable strength for the programme. In the near future, the MPS will switch to having a permanent corps of professional trainers who will no longer be expected to go out on patrol.

The Committee was impressed and reassured by the robustness of the Taser training course and the quality of the officers involved in the training. We believe it is important to maintain this, even in the face of budget cuts.

We recognise that the MPS's Taser Training Programme needs to continue to develop to facilitate the current deployment programme. However, the MPS must be able to demonstrate that planned changes preserve the high standards of the programme to ensure that Taser is used responsibly and sparingly.

Recommendation 6

The MPS should refer to the Taser Scrutiny Board any changes it plans to make to the Taser Training Course before they are put in place to allow the Board to evaluate their potential impact.

Conclusion

The introduction of MOPAC, and the development of its relationships with and responsibilities toward the MPS and the public, is an ongoing process. It is understandable that as the full implications of the police governance changes brought in since January 2012 emerge, new processes and structures will have to be created to enable all stakeholders to play a full role in holding the police to account and helping to reduce crime.

Decisions on the deployment of less lethal weapons have always been complex. They require the police, governing authorities and communities to balance a wide variety of concerns, such as the safety of officers, the relationship between the MPS and Londoners and how best to meet the changing demands of policing such a diverse city. Previous processes under the MPA, while not perfect, provided a number of ways for these issues to be discussed openly and ensure political buy-in for decisions which some viewed as controversial, in part because of the unavailability of data. While the decision undoubtedly rests with the Commissioner, the recent process did not enable him to “have regard for community concerns”, as the Home Office guidance outlines.

The decision taken to expand the use of Taser in early 2012 demonstrated the confusion and concerns which can arise when this process takes place through private conversations and behind closed doors. It did not allow Londoners an opportunity to challenge the MPS’s reasoning or determine how successfully Taser had been used in the past.

This report recommends a system in which the operational independence of the Commissioner is balanced against the need to be open and accountable about decisions which have a direct bearing on the type of force used by the police on Londoners. It clarifies the role of MOPAC in ensuring the concerns of London’s diverse communities are heard and that, in future, information is made regularly available to monitor Taser use.

The Committee welcomes further discussion with the MPS and MOPAC on how these recommendations might be implemented, so that Londoners can be assured that a robust and responsible system of governance is in place for future decision making.

Conclusions and Recommendations

Conclusion 1

The decision to expand the availability of Taser in London in 2011/2012 demonstrated a lack of transparency and accountability in how decisions on less lethal weapons are currently taken. Neither the MPS nor MOPAC provided sufficient information or a fully reasoned rationale for the decision, nor did they provide an opportunity for public scrutiny before it was made.

The 2011/2012 process marked a shift in how decisions of this kind were taken. Under the Metropolitan Police Authority, discussion on the introduction and expansion of less-lethal weapons was held in public, which led to more opportunities to examine and potentially challenge the MPS. This helped generate public support and political buy-in for the use of Taser.

In future, MOPAC and the MPS have a responsibility to keep the public better informed about decisions related to less-lethal weapons. The MPS should clearly and publicly make the case for the future introduction or expanded availability of less-lethal weaponry. MOPAC should assess any proposed changes put forward by the MPS and provide an opportunity for public challenge of the MPS's assumptions and conclusions.

Recommendation 1

The process for introducing or expanding the availability less-lethal weapons should include:

- *A published MPS case outlining why additional measures are required, how the specific changes requested to less-lethal weapons deployment would meet that need, how it intends to engage the public on chances and a proposed timetable for implementation. The MPS should include relevant data to allow the public, stakeholders and experts to assess the case and raise any concerns.*
- *A proposed programme of public engagement by the MPS to allow it and MOPAC to hear from those directly affected by the changes, before they are agreed.*
- *A published MOPAC Decision which sets out its position on the Commissioner's decision, including the evidence it took into account. The MOPAC Decision should also evaluate the proposed public*

engagement programme to ensure it is suitably comprehensive and suggest changes if appropriate.

Conclusion 2

Detailed monitoring of individual Taser deployments and longer term trends is essential to maintaining public confidence in Taser use. This should be underpinned by credible post-incident reports and publicly available usage data.

Recommendations 2 and 3

MOPAC must ensure that data on pan-London and borough Taser use is released publicly on a quarterly basis. This should include breakdowns of age, ethnicity, and people with mental health issues as well as key narrative and/or contextual information.

MOPAC should ensure that this information is easily accessible to the public, whether through a specially designed MPS website or through the London Datastore.

The MPS should publish the initial round of Community Impact Assessments carried out earlier this year. The MPS should regularly publish Community Impact Assessments on Taser use in each borough on at least an annual basis and share them with local community engagement groups. We do not yet know how often borough commanders will be expected to carry out these Assessments but we would expect it to be at least on an annual basis

Conclusion 3

Post-incident reporting plays a major role in establishing and maintaining trust in the use of Taser. We hope that the Taser Scrutiny Board will look to improve the process by examining the systems in place and reporting on possible improvements early in its work programme

Recommendations 4 and 5

The MPS should provide the Committee with a progress report on the Taser Scrutiny Board, including details on who will sit on the Board and its remit.

The Taser Scrutiny Board should examine Taser post-incident reporting procedures, particularly how victim and witness statements, and camera technology, might make accounts more robust. In its response to this investigation, the MPS should also provide their current thinking on the specific suggestions of wider adoption of camera technology and victim and witness statements.

Conclusion 4

The training that officers undergo to use Taser is among the best in the world. In developing its programme over the coming months, the MPS will need to ensure that strong links are maintained between patrol officers and professional trainers. It should also take care that any changes made to reduce the current failure rate do not affect the quality of the overall course.

Recommendation 6

The MPS should refer to the Taser Scrutiny Board any changes it plans to make to the Taser Training Course before they are put in place to allow the Board to evaluate their potential impact.

Endnotes

¹ Specially Trained Units (STUs) include non-firearms trained officers who have passed the MPS's Taser Training programme

² This significant jump was due to a majority of police forces expanding the use of Taser beyond firearms officer to those in Specially Trained Units between 2008 and 2009.

³ <https://www.gov.uk/government/publications/police-use-of-taser-statistics-england-and-wales-2009-to-2011/police-use-of-taser-statistics-england-and-wales-2009-to-2011>

⁴ In 2004 Taser authorisation was limited to use by firearms officers. This was expanded in 2008 to include officers within Specially Trained Units and in situations where there was a threat of serious violence

⁵ In 2004 Taser authorisation was limited to use by firearms officers. This was expanded in 2008 to include officers within Specially Trained Units and in situations where there was a threat of serious violence

⁶ Figures for this graph were provided by the MPS through an information request made during the course of the Committee's investigation (officer generated calls) and from the London Datastore (Violence against the Person calls). The original Management Board paper included figures up to October 2011. During our investigation, the Committee requested the MPS provide updated figures to March 2013. Full details of both sets of figures can be found on the Committee's investigation website.

⁷ In 2004, Price Waterhouse Coopers carried out an independent evaluation on the operational trial of Taser on behalf of ACPO. The report was published in May 2004 and 'To evaluate how successfully Taser devices have been used as a supplementary option to other deployment methods, namely firearms, dogs, baton rounds and irritant spray.' The evaluation did not cover any medical assessment of the use of Tasers, nor did it include making judgements on the operational decisions to deploy Taser in respect of specific incidents

⁸ Hackney Gazette, 29 April 2013

⁹ Sophie Khan (Police Action Centre), Transcript of 16 May Taser Working Group meeting

¹⁰ When the Assembly question both the Mayor and Deputy Mayor on these meetings, neither would initially confirm that they had taken place

¹¹ Information taken from a letter from Deputy Mayor Stephen Greenhalgh to the Police and Crime Committee, 16 May 2013

¹² This table was constructed through researching the MPA archives online, principally looking at meeting archives of the Full Authority, the Communities, Equalities and People Committee, and the Strategic and Operation Policing Committee – details of the archive can be found at <http://policeauthority.org/Metropolitan/work/index.html>

¹³ Code of Practice on Police Use of Firearms and Less Lethal Weaponry, The Home Office

¹⁴ Minutes of the MPA Full Authority, 25 October 2007, <http://policeauthority.org/Metropolitan/committees/mpa/2007/071025/index.html>

¹⁵ Commissioner Bernard Hogan-Howe to the Police and Crime Committee – 27 June 2013

¹⁶ Mayors Question Time - 2013/2014

¹⁷ Police forces are not subjected to an IPCC investigation unless a Taser incident results in serious injury or death, or a direct complaint is made. The IPCC does publish reports collating information from its complaints on Taser, but that work has been hampered in the last two years by the lack of national data from the Home Office.

¹⁸ Quote taken from a draft Community Impact Assessment given to the Committee during its visit to the Taser Training Centre in April 2013

¹⁹ DCC Simon Chesterman and Sergeant Andy Harding, 14 March Working Group Meeting

²⁰ Camera technology was introduced in Rialto, South California in February 2012. In the first year the number of complaints filed against officers fell by 88 per cent compared with the previous 12 months while use of force by officers fell by almost 60 per cent - <http://mobile.nytimes.com/2013/08/22/us/in-california-a-champion-for-police-cameras.html?hp=&pagewanted=all&>

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