

# EMBARGOED

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**ipcc**  
independent  
police complaints  
commission

## IPCC review of Taser complaints and incidents

2004-2013

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## 1. Foreword

The use of Taser and the number of police officers in England and Wales authorised to use the device has risen considerably since Tasers were first introduced in 2003. The increases mean that Taser is currently the subject of debate nationally and internationally. Since its formation in 2004 the IPCC has taken a keen interest in this issue and in 2008 published a review of its experiences of cases involving use of the device. This new report follows on from that work and examines the issues and patterns that have arisen as the availability and use of Taser has expanded.

The IPCC has always accepted that there are legitimate reasons for using Taser in policing – as long as it is used appropriately and monitored by police forces correctly. It can be a valuable tool in assisting police officers to manage difficult and challenging situations, provided it is used appropriately. The device was originally introduced as an alternative to firearms, so that police officers had what is described as a ‘less lethal’ option available to them. Since its introduction, the number of operations in which the use of police firearms is authorised has decreased every year from 2007/08 to 2012/13.<sup>1</sup> However, in 2007 the use of Taser was authorised in a much wider range of situations – where there is a threat of severe violence – and extended to a larger number of police officers. Home Office data shows that Taser use has increased by 232 per cent. The number of complaints about Taser use has also risen in line with this. In light of this significant increase in use, it is important to ensure there has not been ‘mission creep’: that Taser is not being used inappropriately or as a default choice where other tactical options, including communication, could be effective. For that reason, it is very important that each individual use is supported by a rationale that can be defended, and that police forces closely analyse the extent and type of use. It is, for example, concerning that the Home Office data shows considerable differences between police forces: with some police forces having a proportionately much higher rate of Taser use in relation to their size than others.

There appears to be a difference between the way that members of the public view the significance of Taser use, and the way in which it is viewed – and therefore used – by the police service. In many of the cases the IPCC has examined, police officers have said that Taser was the most appropriate option available to them, and there was less risk of an injury being sustained than, for example, a baton strike. However, it is clear from many complainants, non-police witnesses and media reporting that Taser is viewed outside the police service as a relatively high-level use of force.

This would suggest that there is a need for police forces to discuss the use of what are described as ‘less lethal weapons’ to increase understanding of concerns about the use of Taser and address any issues and misunderstandings.

However, public perception will be influenced by instances when Taser has not been used appropriately or when police forces have found it difficult to justify. There is also regular media interest in Taser, usually highlighting the most extreme cases. It is therefore important that police forces are able to justify each individual use.

The IPCC has particular concerns about the use of Taser on people who are in police custody and has carried out investigations that have looked at this. The IPCC believes that this is only justifiable in exceptional circumstances, taking into consideration the controlled nature of the custody environment. It is also important to note that use of Taser in a custody environment involves not only the Taser officer but also the wider team working in the custody environment. Accordingly, guidance and training for police officers equipped with Taser must refer to the use of Taser in custody scenarios and this should be part of training for police officers working in the custody environment.

This report also considers the use of Taser on people with mental health difficulties or those who were otherwise vulnerable. In addition, there has been considerable concern expressed about the use of Taser on young people. All decisions on the use of Taser should take into account any specific vulnerabilities of an individual, whether due to their mental health, age or other factors, and these considerations should be detailed when the police officer records their justification.

The IPCC has major concerns about the use of Tasers in 'drive-stun' mode, where the Taser is applied directly to the body without a cartridge rather than fired from a distance. When used in this way, the Taser does not have the incapacitating effect it has when used with a cartridge and is purely a means of pain compliance. Yet in several of the cases we reviewed, where it was used for the purpose of gaining compliance, it in fact had the opposite effect, stimulating further resistance.

One of the key areas that arises when the IPCC considers appeals from complainants who are unhappy with police investigations is the justification for Taser use given by police officers. Many of the appeals the IPCC has upheld have shown that police forces take a police officer's account at face value without any further probing. It is important that police officers record their rationale for using Taser with reference to the specific circumstances of the case. When that rationale is investigated by police forces it should be subject to robust challenge where required.

Through its work the IPCC has found that training is vital in ensuring police officers are properly supported in making appropriate decisions about the use of force and in providing a rationale. This applies to those equipped with Taser and those who authorise its use. However, correct Taser use relies on more than training.

There is also a need to ensure that training is implemented within police forces and that selection processes are properly followed so that the police officers who are equipped with Taser are suitable. It is also important that Taser use is monitored locally by police forces themselves. This will enable police forces to review their training and policies in light of any learning, trends or issues; make appropriate decisions about the number of police officers who are equipped with Tasers; and contribute to national learning and debate about the use of Taser. It should also look expressly at concerns in some communities that they are subject to proportionately more discharges than others. Monitoring of Taser use may be an area in which Police and Crime Commissioners can play a useful oversight role as part of their role in holding chief officers to account.

This report forms only one part of the IPCC's work in relation to Tasers. We have today published a Learning the Lessons bulletin, to share the learning about Taser from cases.<sup>2</sup> We will also be carrying out a review of the use of force, which will place Taser in context amongst other options available to police officers. There are also a number of significant ongoing IPCC investigations that relate to the use of Taser and which will develop our thinking further.

The debate about Taser is likely to continue changing in the light of experience, and as learning from investigations is identified and the technology develops. The IPCC will continue to monitor the emerging picture through the appeals and referrals that we receive.

2. Since 2007 the IPCC has published a regular Learning the Lessons Bulletin with input from ACPO (Association of Chief Police Officers), the College of Policing, HMIC (Her Majesty's Inspectorate of Constabulary), the Home Office, the Police Superintendents Association of England and Wales and the Police Federation [www.ipcc.gov.uk/reports/learning-the-lessons/learning-lessons](http://www.ipcc.gov.uk/reports/learning-the-lessons/learning-lessons)

## 2. Introduction

Tasers – a form of conducted energy device (CED) – have been in use by police forces in England and Wales since 2003. Their use is contentious and has provoked public debate both nationally and internationally.

The IPCC has maintained a close interest in this controversial area, bearing in mind public concerns, such as whether using Tasers can cause death or serious injury, and whether these devices are being used appropriately and proportionately.

In November 2008, we published a report, which looked at IPCC cases involving the use of Taser from 1 April 2004 to 30 September 2008.<sup>3</sup> At the time, we expressed cautious support for a gradual and monitored extension of the use of Taser, expressing some concern about its use in ‘drive-stun mode’ (a pain compliance tool). We also explained our intention to continue to monitor any complaints of abuse and raise concerns where appropriate.

Since June 2009 police forces have been required to refer all public complaints about the use of Taser to the IPCC. The use of Taser has increased continually in this time, as have complaints about its use. Cases of concern continue to come to our attention, and a number are currently being independently investigated. This report sets out the emerging concerns from the IPCC.

### 3. Background

Before police forces in England and Wales began to use Tasers there were calls for less lethal options to be explored as an alternative to the use of lethal force. In its 2003 report about police shootings,<sup>4</sup> the Police Complaints Authority identified a requirement for “the development of a coherent strategy for the use of ‘less lethal’ options” and the need to look into alternative weapons including “electrical or mechanical incapacitation devices.”

A Home Office review of less lethal options led to a trial of Tasers in five police forces<sup>5</sup> in 2003. This review restricted the use of Tasers to firearms officers, and to incidents or operations where the criteria for the issue of firearms were met and firearms authority had been granted.

In 2004, following an evaluation of the trial, the Home Secretary extended the availability of Tasers to firearms officers in all police forces in England and Wales. In 2007, their use was further extended. Firearms officers were given permission to use Tasers in incidents or operations where the use of firearms was not authorised, but this had to be in accordance with guidance issued by the Association of Chief Police Officers (ACPO), in situations involving “violence or threats of violence of such severity that they would need to use force to protect the public, themselves or the subject.”

Following a trial in 2007/08, there was a further extension. ‘Specially trained units’ in ten police forces were able to use Tasers.<sup>6</sup> These units include non-firearms officers who have received special training in the use of Tasers. This in turn was extended to such units in all police forces in England and Wales. In 2009 the Home Secretary made additional finances available to police forces to purchase Tasers.

Over the last ten years, Taser use has therefore widened from use by firearms officers in situations justifying armed intervention, to deployment by other trained police officers in situations assessed as posing a severe threat of violence. This inevitably raises questions about the threshold and justification for its use. Since Tasers were introduced, it has been mandatory for those using them to complete a Taser deployment form recording any and all uses. This data is kept by the Home Office and reported publicly.<sup>7</sup> Similar national records are not currently kept about all other uses of force so it is not possible to compare the number of Taser uses against other types of use of force. However, as Annex 2 shows, Taser use varies considerably between forces, in a way that does not always correlate with the size of the force.

4. Review of shootings by police in England and Wales from 1998 to 2001, Police Complaints Authority, 2003.

5. Lincolnshire Police, Metropolitan Police Service, Northamptonshire Police, North Wales Police and Thames Valley Police.

6. Avon and Somerset Police, Devon and Cornwall Police, Gwent Police, Lincolnshire Police, Merseyside Police, Metropolitan Police Service, Northamptonshire Police, Northumbria Police, North Wales Police and West Yorkshire Police.

7. [www.gov.uk/government/collections/use-of-taser-statistics](http://www.gov.uk/government/collections/use-of-taser-statistics)

Table 1 shows the total number of Taser uses in England and Wales and the number of referrals made to the IPCC involving Taser use each year from 2009 to 2013.

Year	2009	2010	2011	2012	2013
Number of uses <sup>8</sup>	3128	6649	7877	8161	10380
Referrals	59	99	125	127	154

## What is a Taser and how is it used?

A Taser uses electrical current to disrupt voluntary control of muscles. When effective, this usually causes the person to freeze on the spot or fall immediately, giving police officers time to restrain them.

The ‘use’ of a Taser, as recorded by the Home Office, involves any situation when the Taser is:

- **drawn** – Taser removed from holster in any circumstances where any person could reasonably perceive the action to be a use of force
- **aimed** – Taser deliberately pointed at a person
- **arced** – Taser activated to demonstrate electrical discharge without aiming or firing it
- **red dot** – Taser pointed at a person using the target red dot
- **drive-stun** – Taser discharged (without a cartridge) in direct contact with the body rather than fired from a distance. No probes are fired and this causes pain, but does not deliver an incapacitating effect
- **angled drive-stun** – Taser discharged and one or both probes connect with the subject, the Taser is then held against a different area of the subject’s body to deliver an incapacitating effect<sup>9</sup>
- **fired** – Taser fired at a person releasing two barbs through which an electrical discharge is transmitted delivering an incapacitating effect

Each Taser has an electronic audit trail. This can be downloaded to give information about the duration of any activation of the device.

Tasers are referred to as a less lethal, rather than non-lethal option. This reflects the fact that although the intention is that their use will not be fatal, all equipment carries risks.

8. [www.gov.uk/government/publications/police-use-of-taser-statistics-england-and-wales-2012-to-2013-data-tables](http://www.gov.uk/government/publications/police-use-of-taser-statistics-england-and-wales-2012-to-2013-data-tables)

9. This report does not separate out use in drive stun and use in angled drive stun as Home Office reporting did not do this until 2012.



ACPO sets the minimum contact time for initial training on the use of Taser at 18 hours, followed by a minimum six hours per year refresher training. The training provided to police officers highlights key aspects of a Taser's use on an individual, including:

- its use on vulnerable people
- the signs indicating that a person may be vulnerable
- the potential risks of Taser such as flammability
- other risk factors about a person's behaviour or demeanour that may need to be considered before using Taser.

## Legal and human rights framework

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The use of force by police officers in England and Wales is governed by the common law, the Police and Criminal Evidence Act and the Human Rights Act 1998. The threshold for any use of force that interferes with an individual's personal integrity is that the use, and the kind, of force must be lawful, necessary and proportionate. In other words, it is necessary to show that a lower level of force, or no force at all, would not achieve the desired effect.

In some circumstances, if usage results in treatment that could be categorised as inhuman or degrading, Article 3 of the European Convention on Human Rights (ECHR) will be engaged. If death or serious injury results, Article 2 of the ECHR is engaged. This requires the authorities to show that it was "absolutely necessary" to defend a person from unlawful violence, effect an arrest (or prevent escape) or to "quell a riot or insurrection". Article 2 may also be engaged in relation to the police's duty of care to take reasonable steps to prevent a person self-harming or threatening to self-harm. The force used must be the least required to deal with the harm anticipated, and designed to minimise the risk of harm to the subject. It should also be at the most minimal level necessary to achieve the stated aim.

## Public opinion about Taser use

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Public opinion and media reporting of Taser use, both overseas and in the UK, continue to prompt debate and discussion about its safety and the circumstances in which it should be used.

In 2010 the Home Office conducted a survey on public attitudes towards Tasers.<sup>10</sup> Some of the key findings of this survey were:

- Just under three-quarters (71 per cent) supported the police using Tasers with a similar number (73 per cent) having a great deal or a fair amount of trust that their local police force used Tasers responsibly.
- In relation to questions about when it was appropriate to use Tasers, respondents believed that their use was justified:
  - on people behaving violently (50 per cent)
  - on people suspected of carrying a weapon (48 per cent)

However, only 25 per cent supported using a Taser on someone threatening to harm themselves.

- As an alternative to other weapons at the disposal of the police:
  - 56 per cent agreed it was safer than a baton
  - 50 per cent agreed it was safer than CS spray
  - 84 per cent agreed it was safer than a gun.

Anecdotally it appears that some of the public concerns surrounding the use of Taser stem from reported deaths following the use of Taser overseas.<sup>11</sup> In the USA, for example, a number of deaths have been reported following the use of Taser. However, it must be noted that because of the number and range of different law enforcement agencies in the USA, there is no standardisation in guidance or the way in which Taser is used there. There is also no national oversight or scrutiny of either Taser use or policing in general.

10. Public attitudes towards Tasers – results from an opinion poll; Home Office; February 2010 <http://uk.taser.com/images/research-and-safety/public-attitude-to-tasers2835.pdf>

11. [www.amnesty.org/en/news-and-updates/report/tasers-potentially-lethal-and-easy-abuse-20081216](http://www.amnesty.org/en/news-and-updates/report/tasers-potentially-lethal-and-easy-abuse-20081216)

## IPCC involvement in reviewing the use of Taser

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Initially, the IPCC, like its predecessor body, the Police Complaints Authority, required all Taser discharges to be referred to it. In May 2005, at a point when Tasers were used only by authorised firearms officers, the IPCC decided that Taser use would only mandatorily be referred on the same basis as firearms discharge – when it resulted in death or serious injury.

When the second trial began in 2007, the IPCC asked the ten police forces involved to refer all public complaints about Taser use (as opposed to all instances of use). The IPCC published its findings in relation to those referrals in November 2008. We found that public complaints about the use of Taser were minimal, but that its use in ‘drive-stun’ mode (directly against the body) generated the most complaints. We recommended more training and better guidance for police officers on this, and stated that we would continue to monitor any complaints of abuse and raise any concerns. Training has since been changed. Officers are no longer trained to use Tasers in “cartridge off drive-stun”, although they are still shown that it can be used in this way. This seems counter-intuitive if they are not supposed to be doing so. Current training also makes clear that increased scrutiny will be applied to use of Taser in drive-stun mode.

Following the national rollout of Taser use to specially trained units, in June 2009 the IPCC asked all police forces to refer all complaints about the use of Taser. The referral of complaints to the IPCC does not mean that the IPCC will necessarily carry out an investigation. Following referral, the IPCC must determine whether a matter should be investigated, and if so, what form that investigation will take.<sup>12</sup>

In addition to this, police forces are required to refer to the IPCC all deaths or serious injuries following the use of Taser. Police forces may voluntarily refer other incidents involving Taser use (these are referred to below as ‘non-complaint matters’).

The IPCC will only be directly involved if an incident is subject to an independent, managed or supervised investigation, or if a complainant appeals following a supervised or local investigation. However, the referral of all complaints allows the IPCC to monitor complaints of abuse, identify patterns and raise any concerns.

12. The types of investigation are:

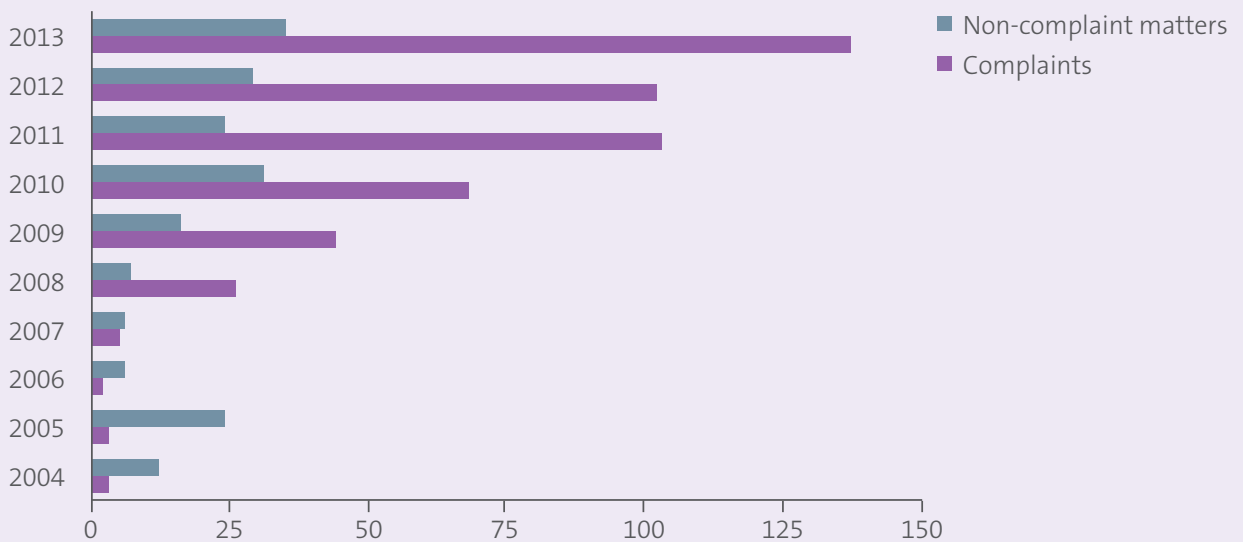
- independent – conducted by IPCC investigators
- managed – conducted by the police under the direction and control of the IPCC
- supervised – conducted by the police with oversight by the IPCC. A complainant also has a right of appeal to the IPCC at the end of the investigation
- local – conducted by the police with no IPCC involvement. A complainant has a right of appeal to the IPCC at the end of the investigation

In November 2010 the IPCC decided to continue to request that police forces refer all public complaints, and also to conduct a thematic supervision of the types of complaint that appeared to be generating the most concern. These were:

- the use of Taser in “drive-stun” mode
- Taser use on people with mental health difficulties, the young and other vulnerable people
- Taser use in confined spaces – for example, a custody cell

Figure 1 shows the number of referrals we have received about the use of Tasers since 2004. It shows both cases where a complaint was made and cases where no complaint was made.<sup>13</sup> For the total period, the IPCC received 493 referrals where a complaint had been made and 190 referrals where no complaint had been made. The following sections of this report examine more closely the patterns in non-complaint (usually death and serious injury) and complaint cases.

**Figure 1** Taser complaint and non-complaint matters received by IPCC 2004 to 2013



13. For this report the IPCC has used data based on the number of complaints and non-complaint matters recorded by the IPCC with a Taser marker. The data represents calendar years with the exception of 2004 when data was only available from 1 April 2004, when the IPCC became operational.

## 4. Death or serious injury and other non-complaint matters

This section of the report looks at referrals we have received where no complaint has been made by a member of the public, but the police force has made a referral to the IPCC either because of a death or serious injury (DSI) or as a voluntary referral because of the circumstances of the case.

### How Taser is used

Figure 2 provides a breakdown of non-complaint matters referred to the IPCC by type of use for the period 2004 to 2013.



The number of non-complaint matters relating to the firing of Tasers has fluctuated over the years, but it is consistently a very small proportion of the total firings. Over the past three years less than 2 per cent of Taser firings have resulted in a non-complaint matter being notified to the IPCC.

## Non-complaint matters notified to the IPCC

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In total the IPCC received 190 referrals where no complaint had been made. Eleven of these referrals involved someone having died. Eight investigations have been completed, and in none of them has the use of Taser been found to have directly caused a death. Those cases occurring between 2006 and 2012, are set out in Appendix 1.

Investigation and inquest processes are still ongoing in relation to three other deaths following the use of Taser: of Martin Baskeyfield, Andrew Pimlott and Jordan Begley. They have raised further concerns about Taser use, which will be considered fully in the course of those proceedings and will inform our developing thinking in this important area.

The remaining 179 matters involved varying degrees of injury to an individual or referral due to concerns about the incident. Not all serious injuries were attributable to the use of Taser during the incident and reasons for referral included:

- secondary injuries following the use of Taser
- injuries received during the incident from other police equipment or police contact
- the overall circumstances of the incident in question

Only a small proportion of these cases have had IPCC oversight. In the majority (82 per cent) of cases, the IPCC decided they could be investigated locally by the relevant police force.

The key factors that have influenced IPCC involvement are:

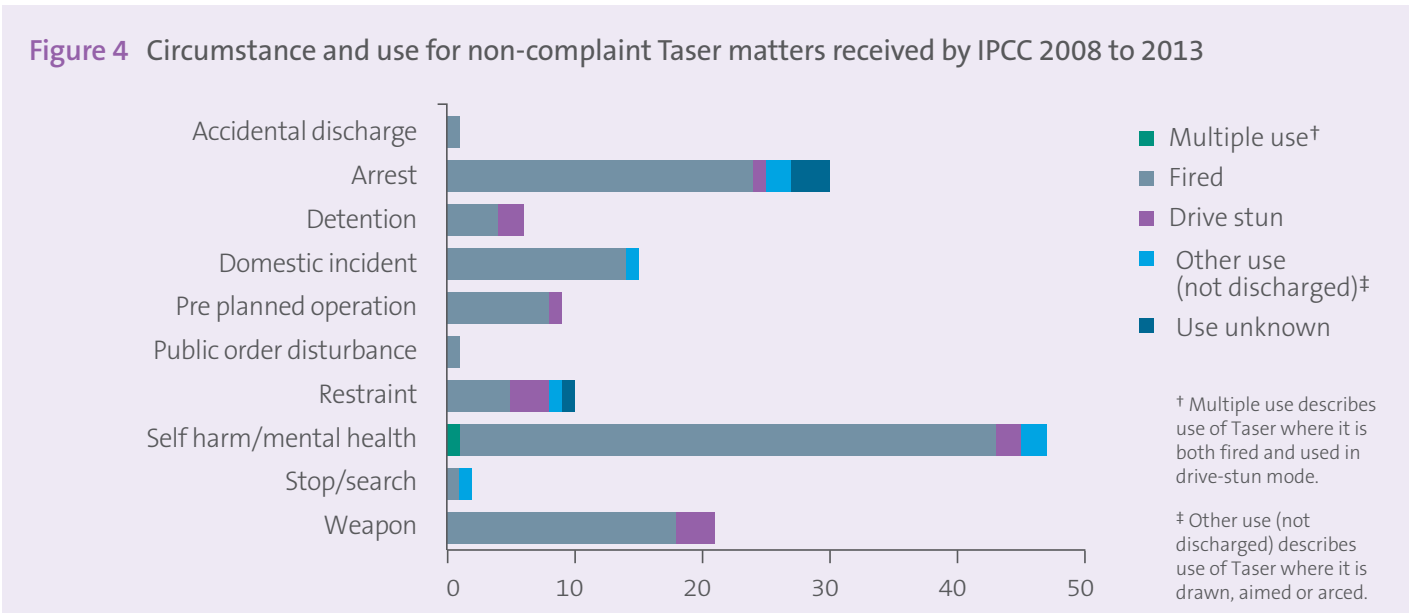
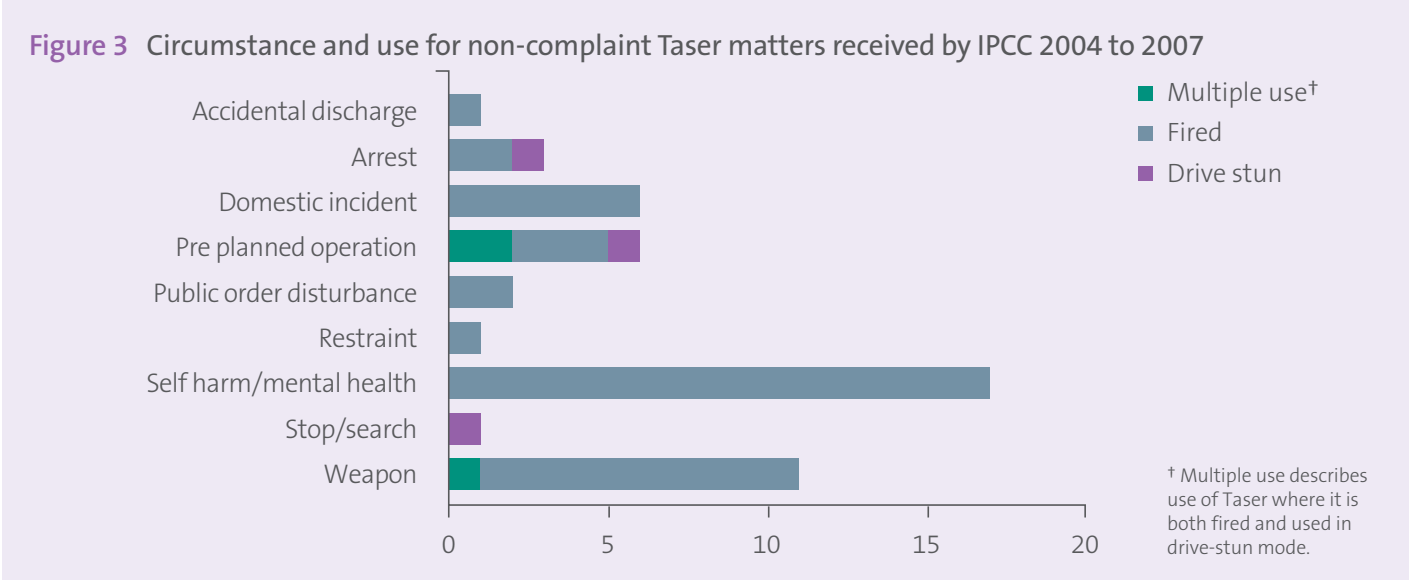
- whether the matter involves someone's death
- vulnerability factors, such as age and mental health concerns
- the level of public concern about an incident

### Circumstances leading to Taser use

Figures 3 and 4 provide a breakdown of the main reason for Taser use during an incident referred to the IPCC, and the way in which the Taser was used. Due to the changes in the way that Taser has been deployed within the police service, data for this period has been separated into two periods:

- 2004 – 2007, with the exception of the latter months of 2007, when Taser use was confined to authorised firearms officers<sup>14</sup>
- 2008 – 2013 when Taser use was extended to specially trained units.<sup>15</sup>

Each matter is recorded according to the main reason for the interaction with the police.



14. A pilot trial to extend Taser use to specially trained units within ten forces started on 1 September 2007.

15. The pilot trial to extend Taser use to specially trained units within ten forces continued until 30 September 2008. The Home Office announced in December 2008 that Taser would be extended across the police service to specially trained units as well as authorised firearms officers.

It is clear that in the majority of non-complaint matters involving the use of Taser, the main reasons were reported self harm or mental health concerns. Over half of these incidents also involved the possession or possible possession of a weapon.

Just under a third of the incidents where the main interaction was restraint or detention also involved mental health concerns. The number of cases in total where mental health was an issue is not known and more work needs to be done to examine this area.

Just over half of the reported domestic incidents also involved the possession or possible possession of a weapon and just under a third involved mental health concerns.

It is also noticeable that it is only after 2008 that 'detention' appears as a category associated with Taser use.

## IPCC findings and observations relating to non-complaint matters

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As noted, the IPCC's direct involvement in these cases was limited. In the majority of these cases, the reported findings were that the use of Taser was appropriate in the circumstances.

In the eight concluded cases of death following Taser use (see Annex 1) the use of Taser has not been found to have caused or contributed to the death. However, investigation and inquest processes into other deaths following the use of Taser are continuing.

DOMILL,<sup>16</sup> which monitored the medical implications of the use of Taser, has reported on various potential physical effects of Taser, but has not reported any deaths that are directly attributable to the use of Taser.<sup>17</sup>

In 2011, the IPCC highlighted to the Association of Chief Police Officers a risk of injury following two incidents in which the combined use of Taser and CS spray caused a flammable reaction. This risk is covered in training and arises only where CS spray has been used. This is not a risk associated with the use of PAVA spray (another type of incapacitant spray), used by some police forces.

### Monitoring of referrals

One of the main concerns about Taser is whether it causes serious injury. When a Taser is fired, two barbs are released. If they hit the target, they will penetrate clothing or a person's skin. When used in drive-stun mode, burn marks may be left on the skin. One of the highest risks identified by DOMILL is the risk of secondary injury from falling unsupported, following the use of Taser, particularly the possibility of head injuries.

We have received several referrals following reported secondary injuries caused by the use of Taser, which included head injuries and stitches.

It is important to note that there are also cases reported where Taser is believed to have saved lives.

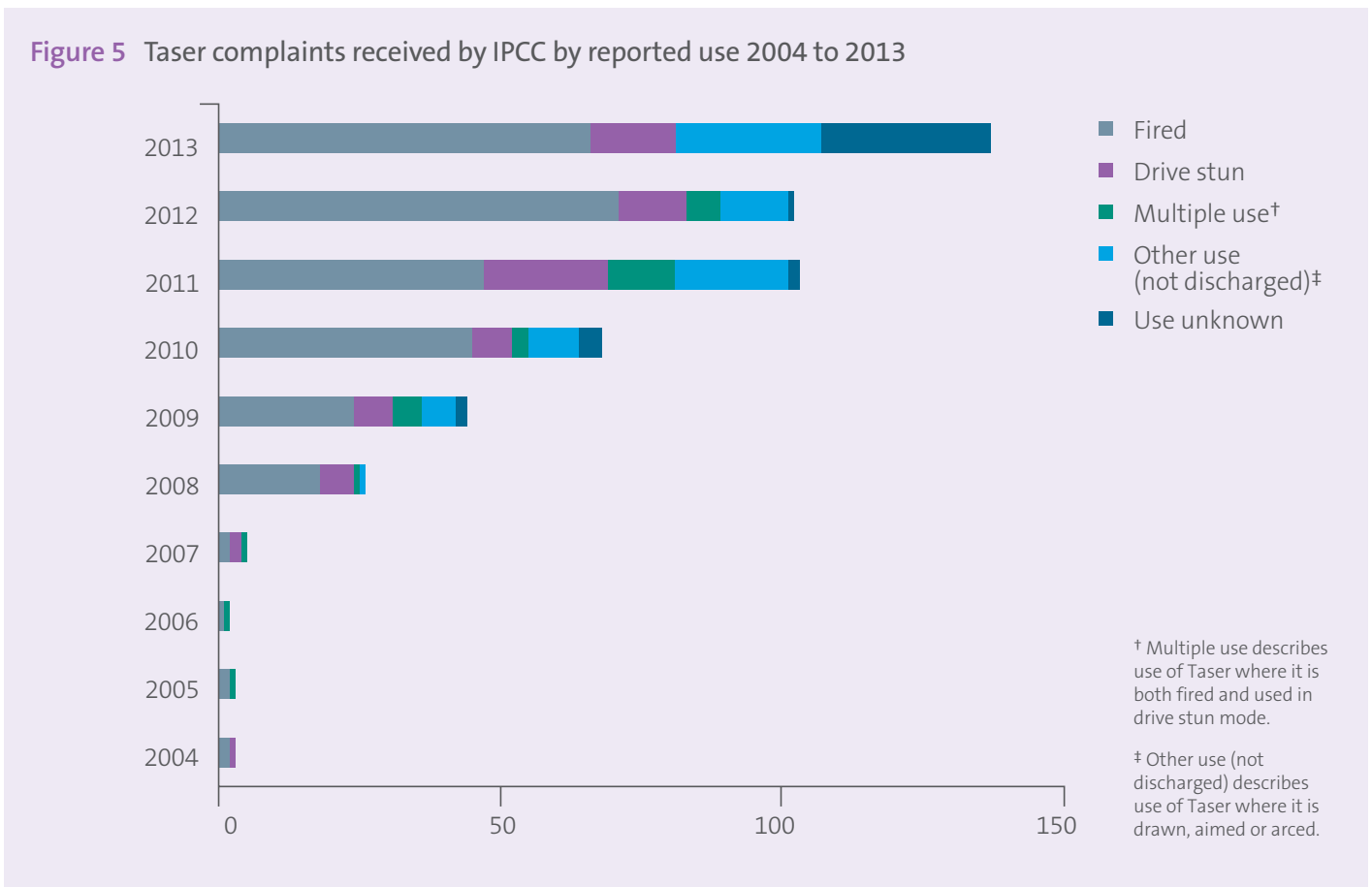
16. The Defence Scientific Advisory Council sub-committee on the Medical Implications of Less Lethal Weapons. DOMILL has been superseded by SACMILL (the Scientific Advisory Committee on the Medical Implications of Less Lethal Weapons).

17. <http://data.parliament.uk/DepositedPapers/Files/DEP2012-0729/96605%20Library%20Deposit.pdf>



## 5. Complaints about the use of Taser

Figure 5 provides a breakdown of complaints referred to the IPCC by type from 1st April 2004 to 31st December 2013. There is a clear rise in the number of complaints, but this should be viewed in the context of the fact that the IPCC only required police forces to refer all complaints about the use of Taser from 1st June 2009 onwards.



Data collected by the Home Office shows that there has been an increase over time in the number of uses of Taser. The number of complaints about Taser use has increased in line with this. Between 2009 and 2013, Taser uses have increased from 3,128 to 10,380 (an increase of 232 per cent), and complaints have increased from 44 to 137 (an increase of 211 per cent) in the same period. Although the number of uses and complaints has increased, the proportion of complaints in relation to uses has remained stable: approximately 1 per cent of Taser uses overall have resulted in a complaint each year from 2009 to 2013.

The proportion of incidents where a Taser has been fired and resulted in a complaint has remained relatively stable at around 3 per cent to 4 per cent each year from 2009 to 2013. There was a peak in drive-stun complaints in 2011 when one in ten uses of Taser in drive-stun resulted in a complaint, but in other years this has been stable at around 3 per cent to 5 per cent of uses. Table 2 shows the number of times Taser was fired and the number of times it was used in drive-stun<sup>18</sup> alongside the number of complaints referred to the IPCC about each of these types of use. It should be noted that in drive-stun mode the Taser does not incapacitate, but is most often used as a tool of pain compliance. The issues associated with this are set out on page 21.

**Table 2** Type of Taser use and number of complaints referred to the IPCC 2009 to 2013

Year	2009	2010	2011	2012	2013
Number of times Taser fired	725	1239	1506	1620	1733
Complaints about firing	24	45	47	71	66
Proportion of uses resulting in complaint	3%	4%	3%	4%	4%
Number of times used in drive-stun	133	229	212	320	287
Complaints about drive-stun	7	7	22	12	15
Proportion of uses resulting in a complaint	5%	3%	10%	4%	5%

We raised concerns about the use of Taser in drive-stun mode in our previous report in 2008. The report set out that this type of use resulted in the majority of complaints, and that Taser was used on many occasions to the chest, neck, head or shoulder blades. Although they are no longer the majority of complaints, it is noted that the use of Taser in drive-stun mode has more than doubled over the period – however only a small number of complaints in 2009-13 related to its use on the chest or neck, and none to the head or shoulder blades.

18. [www.gov.uk/government/publications/police-use-of-taser-statistics-england-and-wales-2012-to-2013-data-tables](http://www.gov.uk/government/publications/police-use-of-taser-statistics-england-and-wales-2012-to-2013-data-tables)

## Complaints notified to the IPCC

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In total, from 1st April 2004 to 31st December 2013, police forces referred 434 complaints about the use of Taser to the IPCC. After considering the details, we decided that most of these complaints (78 per cent) could be investigated locally by the relevant police force. Of those where the IPCC was, or is, involved:

- 79 were or are subject to a supervised investigation
- three were subject to a managed investigation
- 14 were or are subject to an independent investigation

The key factors that have influenced IPCC involvement in Taser-related complaints include:

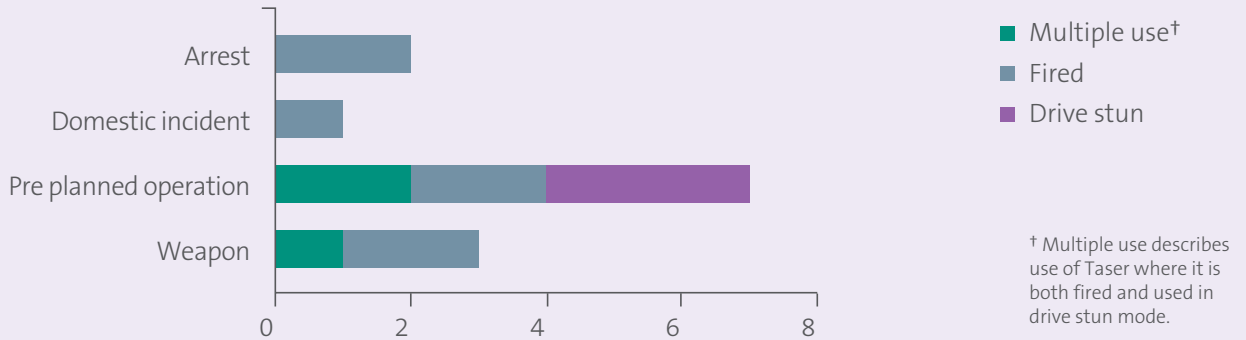
- whether they involve areas that we have identified as being of specific interest for supervision (drive-stun use, use on people with mental health issues or who are otherwise vulnerable, and use in confined spaces)
- the injuries those involved allege they have received following the use of Taser
- specific concerns about the circumstances.

## Circumstances leading to Taser use

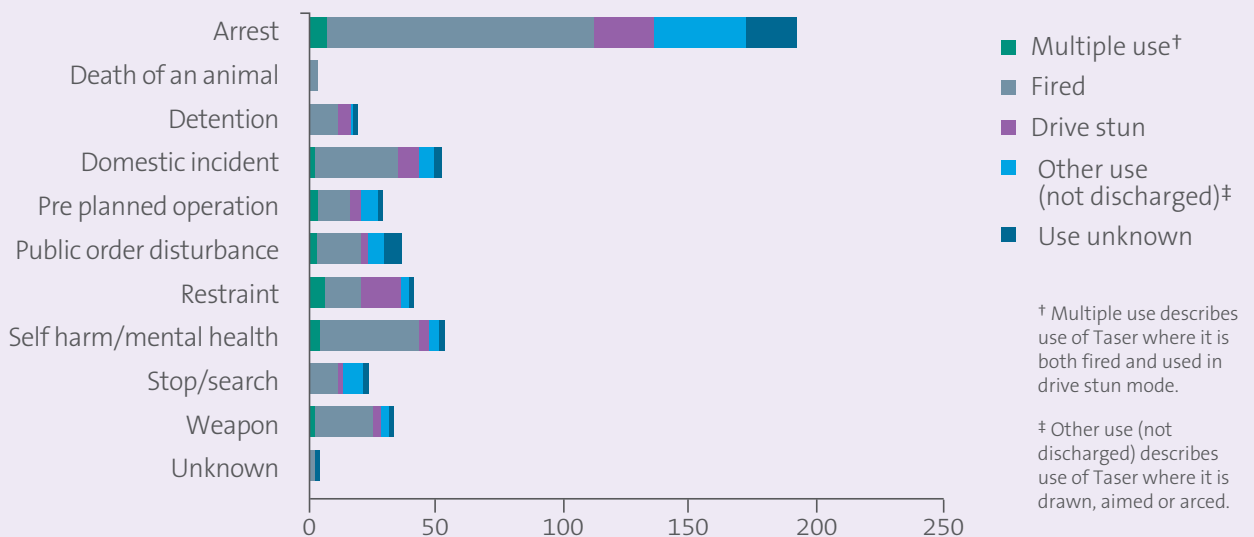
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Figures 6 and 7 provide a breakdown of the main reason for Taser use and the way in which the Taser was used. As noted earlier, this information has been separated into two periods. Each complaint is recorded according to the main reason for the interaction with the police.

**Figure 6** Circumstance and use for Taser complaints received by IPCC 2004 to 2007



**Figure 7** Figure 7: Circumstance and use for Taser complaints received by IPCC 2008 to 2013



It is clear that there has been a significant increase in complaints relating to Taser use in connection with arrests and in relation to self-harm or mental health issues. Only a small number of arrests involved possession of a weapon. More than half of the reported self harm/mental health incidents and just under a third of the domestic incidents involved possession or possible possession of a weapon. Police reported using Taser to assist them in restraining and/or handcuffing someone.

## Findings and observations about Taser-related complaints

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### Use of Taser in custody

Use of the Taser on people who are in police custody is of particular concern, given that the threat of severe violence, which is not otherwise containable, would appear to be much lower than in the community. Although there is a relatively small number, all of these complaints relate to the Taser either being fired or used in drive-stun mode. In the majority of cases, Taser was used to remove someone from a cell or to allow a search to be carried out. It is, however, important to acknowledge that the people police officers are dealing with will often have just arrived in a custody environment, may be in a heightened emotional state, have had weapons or a history of concealed weapons and may have a history of self-harm. The IPCC does not, therefore, believe that Taser should never be used in custody. However, its use in this setting will need to be justified and appropriate in light of the controlled environment and should be subject to robust local scrutiny and monitoring.

### Drive-stun

In total, 13 (two-thirds) of the completed investigations in the thematic supervision involved the use of Taser in drive-stun mode. All of these involved the use of Taser in order to restrain someone. This was usually in circumstances where police officers were struggling with a person and therefore in close proximity to them. The rationale for the use of Taser in drive-stun mode was broadly consistent in the majority of cases:

- It would be inappropriate to use spray (either CS or PAVA) because of the close proximity of other police officers who were assisting with the restraint. Using spray would risk affecting the police officers and losing control of the person being detained.
- Use of a baton risked causing injury to other police officers who were close by. Batons could also potentially cause more serious injury to the person being restrained than Taser.
- The officer using Taser was too close to the person being detained for the Taser to be fired. There would be a risk of Taser barbs hitting other police officers rather than the intended target.

As noted earlier, in drive-stun mode the Taser does not incapacitate, but is mostly used as a tool for pain compliance. In several of the investigations reviewed for this report, when a Taser has been used solely in drive-stun mode, this either did not result in the control the officers were hoping to achieve or it made the person involved struggle and resist further, sometimes leading to further use of the Taser.

The fact that the investigations reviewed found that the decision to use Taser was in line with guidance and training raises issues about that guidance and training. This is explored further below. It also raises issues about the sequence of events that preceded the circumstances described above: in other words, whether sufficient action was taken to diffuse a difficult situation before resorting to close contact struggle.

### **Mental health**

Nine of the completed investigations in the thematic supervision involved people with mental health difficulties or people who were otherwise vulnerable. In five of these cases, police officers were responding to reports that someone was harming themselves and in two, they were attempting to detain someone under Section 136 of the Mental Health Act.

In the vast majority of cases, police officers were aware of the person's mental health difficulties or vulnerability, but did not, or did not have the opportunity to take professional advice. In the one case where mental health professionals were present when Taser was used on someone, they commented in their subsequent statements that the use of Taser was quick and effective, and it was difficult to think how else the police could have handled the situation.

Four of the people who were subjected to Taser were armed, three with a knife and one with a samurai sword.

In two cases, the police officers who responded also had access to conventional firearms. They considered whether their use would be necessary, but were able to resolve the situation with Taser and did not need to resort to the use of lethal force.

### **Confined spaces**

Nine of the investigations completed as part of the thematic supervision related to use of Taser in a confined space. Three of these involved the Taser being used in drive-stun mode as outlined above.

Two of the cases related to Taser being used on a person in a car or police van, but evidence showed that it was more likely in these cases that the Taser was used after the person had been removed from the vehicle. Two cases related to use of Taser in custody. The others were mainly in the home of the person involved.

## Use of Taser on young people

There has been considerable concern in the media recently about the use of Taser on young people. The IPCC has not to date received a large number of referrals from police forces about the use of Taser on children or young people. However, we are currently supervising an investigation into the use of Taser on pupils in a school for children with learning difficulties and will report on this in due course.

## Decision-making

In the majority of finalised investigations, the explanations given by police officers who have used Taser include reference to this being one of the lowest forms of use of force feasible in the circumstances. In addition, police officers generally asserted that the use of other police equipment or tactics, such as physical restraint, the use of CS spray or a baton or asp (a type of extended baton used by some police forces), would have caused more serious injury or harm to those involved. In one case, a police officer said that the use of Taser allows a matter to be resolved without any contact being made, and that this minimises the risk both to police officers and to those on whom Taser is used. We would expect to see greater emphasis placed on the initial stages of the decision-making model used by officers, using communication and the information they have rather than a quick escalation to use of force.

## Managed and independent investigations

In the period covered, from 2004 to 2013, the IPCC completed 13 independent and three managed investigations in relation to complaints about the use of Taser.

One of these cases involved a man who was on a roof causing damage and threatening to self harm. Having been unable to persuade him to come down, the police officers involved obtained authority to Taser him although a trained negotiator had been called. The IPCC was concerned that force was used while the option of persuading the man to come down safely was still an option. The IPCC found that two police officers had a case to answer for misconduct because they had not fully considered the risks in authorising the use of the Taser and not waiting for a negotiator to arrive at the scene. The police officers received management advice about carrying out their duties and responsibilities.<sup>19</sup> There were no findings of misconduct in the use of force.

Another case, in which a Taser was discharged at a partially-sighted man, resulted in a gross incompetence meeting. After this meeting, the police officer involved received a performance improvement notice and was required to apologise. The IPCC's view was that the police officer could and should have listened to instructions from his force controller and taken greater steps to establish whether this was the man he was looking for. In addition, when he realised his mistake, the police officer should have acted more quickly to put things right.<sup>20</sup>

In the remainder of the cases the use of Taser was not found to be inappropriate or excessive in relation to current guidance.

19. [www.ipcc.gov.uk/news/ipcc-finds-use-taser-west-mercia-police-officers-was-inappropriate-and-caused-man-fall-roof](http://www.ipcc.gov.uk/news/ipcc-finds-use-taser-west-mercia-police-officers-was-inappropriate-and-caused-man-fall-roof)

20. [www.ipcc.gov.uk/news/report-ipcc-investigation-police-officer-who-fired-taser-partially-sighted-man-lancashire](http://www.ipcc.gov.uk/news/report-ipcc-investigation-police-officer-who-fired-taser-partially-sighted-man-lancashire)

## Monitoring of referrals

The IPCC received 11 referrals in relation to complaints where there was a reported or confirmed secondary injury following the use of Taser. Of particular concern, one complaint involved someone who suffers from epilepsy experiencing a seizure while being Tasered. The complainant wanted this to be highlighted to police officers using Taser, and for all officers to receive further training in epilepsy issues. At the time this complaint was made, the IPCC was already investigating an incident involving the use of Taser on someone who was experiencing an epileptic seizure. The IPCC highlighted to ACPO the risk of using Taser on a person known to have epilepsy. ACPO subsequently worked with a national epilepsy organisation to produce national training material and a DVD, which is now incorporated into national and refresher training.

Three complaints involved the use of Taser on someone other than the identified suspect. In two complaints, the person on whom Taser was used was wrongly identified as the suspect in an incident. In another, the person who had been “red dotted” and upon whom Taser was going to be used pulled another person in front of them, causing that person to suffer the effects of Taser.

## Appeals

The IPCC has additional oversight of complaints if the complainant appeals. The majority of 111 appeals received in relation to complaints about Taser use specifically questioned the local investigation and findings. 32 of the 101 completed appeals were upheld. Some of the main reasons for these appeals were:

- the level of violence of the person involved did not justify the use of Taser
- the Taser was pointed at the person at the start of the interaction with the police officers
- the Taser was pointed at the person when they posed no threat

The proportion of appeals upheld about investigation of a Taser complaint is lower than the current rate of appeals upheld overall (in 2012/13 the IPCC upheld 40 per cent of investigation appeals overall). However, it should be noted that we often uphold appeals about the use of Taser because the examination of the police officer’s justification for using Taser was insufficient. When investigating use of Taser, regardless of whether a complaint has been made, it is important that the investigating officer properly considers and, where appropriate, questions the rationale provided by the police officer to ensure that it is robust, rather than taking it at face value.



## 6. Conclusions and recommendations

There can be little doubt that there remains considerable public concern about the use of Taser, as well as limited understanding of how and why it is deployed. There is an obvious mismatch between the public perception that Taser is a high level use of force that should only be considered when faced with the most serious threats of violence, and the police's most frequent rationale for use, that Taser presents a lower risk than other equipment such as CS spray, physical restraint or a baton. The IPCC is aware of cases where Taser is said to have saved lives and reduced injuries both to the public and the police.

As stated earlier in the report the number of uses of Taser have increased year on year. The number of complaints about Taser use have also continued to rise.

This report is only part of the picture in relation to the use of Taser. Data has only recently become available from the Home Office, and this needs to be analysed further in light of the pattern of complaints. This data shows that there are significant variations between forces: indeed, almost half of all Taser use nationally is accounted for by five police forces.<sup>21</sup>

It is unsurprising for urban areas with large populations and a large number of officers to have higher than average rates of Taser use, but that is not the case for all the forces listed. There may be valid reasons for the frequency of use, in line with the Strategic Threat and Risk Assessment for the force, but the frequency and type of Taser use, and its justification on each occasion, should be carefully monitored and analysed by forces and Police and Crime Commissioners.

The IPCC has ongoing independent investigations, which are likely to have an impact on our conclusions and recommendations.

We are also currently conducting an in-depth study examining our experience of all types of police use of force. This will include the use of Taser. In particular, it will look at areas of concern including:

- the rationale for use of force, the circumstances within which it is used and the combination of methods used
- force used on people with mental health or general health concerns, and force being used in the custody environment
- demographics of people who have force used against them, and any concerns that particular populations may have around police use of force, for example, the use of force as it relates to Black and Asian populations
- whether there is any IPCC learning around how different police forces use force

21. Metropolitan Police, West Midlands Police, Greater Manchester Police, Staffordshire Police and Humberside Police

We have also published a Learning the Lessons bulletin focusing on use of Taser. This looks at recommendations made in IPCC investigations, learning identified by police forces in local investigations, general best practice, and guidance on investigating complaints about use of Taser.

In the meantime, it is clear that the use of Taser has widened considerably – not only in terms of the number of police officers using it, but also in terms of its use in circumstances where it would not have been used in the past. Given the need always to avoid ‘mission-creep’ – the use of equipment because it is available, rather than because it is necessary – we believe that there are some clear areas in which action by the police service is needed.

- We are aware that the College of Policing is carrying out a review of Taser training. We support this review, and will feed in learning from the IPCC’s experience. Consideration should be given to the fact that although cartridge-off drive-stun is no longer included in training, it is still being used. It is important to ensure that it is not used solely as a pain compliance tool. There is a risk, given the increase in Taser use, that police officers could become increasingly reliant on using force to gain compliance. This is particularly apparent in drive-stun mode which, as noted, generates a considerable number of complaints.
- In addition to this it is vital that the process for selecting police officers to be trained to use Taser, the culture surrounding Taser use, and supervision are appropriate. Training in itself is not the only way to monitor and address any issues that arise. An important part of the process is understanding how training is translated into operational use of Taser, and how that use is effectively supervised by line managers.
- Guidance is needed on the use of Taser in custody. When a person has been detained and is in a controlled environment, it is difficult to understand the justification for the use of Taser, other than in the most exceptional circumstances. Guidance or training covering custody scenarios would help police officers to understand when this course of action may or may not be appropriate.
- As Taser becomes a bigger part of policing practice, the police service should also consider wider training scenarios for non-Taser equipped police officers involving how to work effectively as part of a team with Taser-trained officers.
- Finally, monitoring and analysing of Taser use locally has a key role to play. Such monitoring helps to ensure that Taser is not being used too readily and too often by particular police officers or teams. Police and Crime Commissioners (and any local policing ethics committees) should review data around Taser use for their police force and for most similar forces to enable them to identify reasons for any significant differences.

## Appendix 1:

### Deaths following Taser use investigated by the IPCC where inquests have been held

#### **Death of Brian Loan on 14 October 2006**

*Although referred to the IPCC, following the post-mortem this case was referred back to the police force and was the subject of a local investigation by Durham Constabulary. Taser was used on Mr Loan when armed police attended after a report that he was behaving violently at his home. Mr Loan died three days later. The coroner reached the conclusion that Mr Loan had died of a long-standing heart disease and there was no evidence to suggest he died as a result of the Taser.<sup>22</sup>*

#### **Death of Robert Haines on 31 October 2006**

*This death was subject to an independent investigation by the IPCC. Mr Haines was shot by a Metropolitan Police officer following an armed robbery at a building society after discharging a sawn off shotgun when police tried to arrest him. The investigation considered the decision of a firearms officer to use a Taser on Mr Haines after he had been shot. Firearms officers gave evidence that they believed Mr Haines may have still had the shotgun. The investigation found that the use of Taser was an appropriate tactic to minimise the potential risk. The evidence also suggested that the Taser did not connect properly to Mr Haines. The inquest found that Mr Haines died of multiple gun shot wounds after discharging a sawn off shotgun as armed police tried to arrest him. The inquest found that he was lawfully killed.*

#### **Death of John Butler on 9 May 2006**

*This death was subject to an IPCC managed investigation carried out by Lancashire Constabulary under the direction and control of the IPCC. Mr Butler died after shooting himself in the head at the end of a 19-hour stand-off. It was reported that Mr Butler had threatened his partner with a firearm before leaving their home. Armed police officers spotted the car he was driving and when he stopped it was surrounded by three police vehicles. Mr Butler placed a handgun to his head and a stand-off ensued. Negotiators tried to persuade Mr Butler to put his weapon down and surrender. Although negotiations appeared to be leading to a peaceful solution, Mr Butler shot himself. Officers forced entry to the car and, as Mr Butler was still alive and in possession of the firearm, two Tasers were discharged to prevent him from harming the officers or himself any further. One Taser failed to discharge properly. The investigation found that the police officers were justified in their use of Taser to minimise any potential danger to themselves, the public or Mr Butler. The inquest verdict was suicide.*

22. [www.thenorthernecho.co.uk/news/1651953.family\\_attacks\\_inquest\\_ruling\\_on\\_taser\\_death](http://www.thenorthernecho.co.uk/news/1651953.family_attacks_inquest_ruling_on_taser_death)

**Death of Justin Petty on 19 January 2008**

*The circumstances of Mr Petty's death following an incident at a house were referred by Bedfordshire Police to the IPCC. The post mortem examination found that Mr Petty died as a result of stab wounds to the chest and neck with all wounds "consistent with self infliction". Although Taser had been used it clearly had not caused Mr Petty's death. This matter was sent back to Bedfordshire Police for local investigation.*

**Death of Raoul Moat on 10 July 2010**

*This death was subject to an independent investigation by the IPCC. Police officers were looking for Mr Moat, who had killed one person, seriously injured two others and had expressed intent to kill police officers and members of the public. A decision was made to use unauthorised weapons in the form of XRep Taser, as this was believed to present an opportunity to stop him. Mr Moat was struck by one of the XRep Tasers, but this appears to have been a glancing blow, which would have had very little effect. All the evidence showed a distinct movement from Mr Moat to raise the shotgun to his head before firing. The inquest led to a narrative verdict, but it was not found that Taser caused Mr Moat's death.*

**Death of Dale Burns on 16 August 2011**

*This death was subject to an independent investigation by the IPCC. Police responded to a report that Mr Burns was self-harming and had caused damage to his flat. While at his flat, a police officer discharged his Taser as he said he feared for his safety. The Taser was activated four times. Mr Burns later died in hospital. The post mortem found no evidence to suggest that the use of Taser had contributed to Mr Burns' death in any way.*

**Death of Philip Hulmes on 23 August 2011**

*The circumstances of Mr Hulmes's death, following an incident at a house, were referred to the IPCC by Greater Manchester Police. The post mortem examination found that Mr Hulmes died as a result of self-inflicted stab wounds and not from being subject to Taser discharge. This case was referred back to Greater Manchester Police to deal with. The inquest found that Mr Hulmes had taken his own life while the balance of his mind was disturbed.<sup>23</sup>*

23. [www.theboltonnews.co.uk/news/9580486.Tragedy\\_of\\_man\\_who\\_stabbed\\_himself\\_to\\_death](http://www.theboltonnews.co.uk/news/9580486.Tragedy_of_man_who_stabbed_himself_to_death)

***Death of Ernestas Anikinas on 8 February 2012***

*This death was subject to an independent investigation by the IPCC. Police officers responded to a call from staff at Gatwick Airport about a man who was acting strangely and had self-harmed. After communicating with Mr Anikinas and assessing him for injuries he was escorted to Gatwick Airport railway station. Witnesses later reported seeing Mr Anikinas smashing a bottle, which he used to injure the right side of his neck. Two police officers used Taser on Mr Anikinas, which resulted in him dropping the broken bottle. The investigation found that the use of Taser and restraint was appropriate. The inquest found that Mr Anikinas took his own life.*

## Appendix 2:

### Number of Taser uses per 100 officers by force 2013

	Total uses <sup>24</sup>	Total number of officers <sup>25</sup>	Taser use per 100 officers
<b>North East</b>			
Cleveland	108	1490	7
Durham	95	1365	7
Northumbria	132	3852	3
<b>North West</b>			
Cheshire	123	2025	6
Cumbria	81	1128	7
Greater Manchester	816	7323	11
Lancashire	367	3237	11
Merseyside	115	3995	3
<b>Yorkshire and the Humber</b>			
Humberside	462	1831	25
North Yorkshire	157	1394	11
South Yorkshire	73	2775	3
West Yorkshire	300	5095	6
<b>East Midlands</b>			
Derbyshire	83	1822	5
Leicestershire	94	2104	4
Lincolnshire	259	1132	23
Northamptonshire	83	1220	7
Nottinghamshire	119	2127	6
<b>West Midlands</b>			
Staffordshire	626	1899	33
Warwickshire	160	827	19
West Mercia	179	2131	8
West Midlands	995	7687	13

continued >

24. [www.gov.uk/government/collections/use-of-taser-statistics](http://www.gov.uk/government/collections/use-of-taser-statistics)

25. [www.gov.uk/government/publications/police-workforce-england-and-wales-30-september-2013/police-workforce-england-and-wales-30-september-2013](http://www.gov.uk/government/publications/police-workforce-england-and-wales-30-september-2013/police-workforce-england-and-wales-30-september-2013)

> continued	Total uses <sup>24</sup>	Total number of officers <sup>25</sup>	Taser use per 100 officers
<b>East of England</b>			
Bedfordshire	85	1,128	8
Cambridgeshire	93	1,348	7
Essex	152	3,331	5
Hertfordshire	80	1,968	4
Norfolk	180	1,524	12
Suffolk	84	1,175	7
<b>London</b>			
City of London	13	809	2
Metropolitan	2,110	31,435	7
<b>South East</b>			
Hampshire	100	3,453	3
Kent	229	3,400	7
Surrey	178	1,981	9
Sussex	164	2,896	6
Thames Valley	208	4,328	5
<b>South West</b>			
Avon & Somerset	245	2,957	8
Devon & Cornwall	299	3,146	10
Dorset	109	1,337	8
Gloucestershire	91	1,218	7
Wiltshire	227	1,062	21
<b>Wales</b>			
Dyfed-Powys	26	1,120	2
Gwent	116	1,416	8
North Wales	69	1,466	5
South Wales	95	2,881	3

This data is based on the total number of officers in each force (taken from Home Office statistics for 30th September 2013), in order to give an indication of the relative size of the force. It is not the number of officers trained to use Taser, which will differ between forces.

24. [www.gov.uk/government/collections/use-of-taser-statistics](http://www.gov.uk/government/collections/use-of-taser-statistics)

25. [www.gov.uk/government/publications/police-workforce-england-and-wales-30-september-2013/police-workforce-england-and-wales-30-september-2013](http://www.gov.uk/government/publications/police-workforce-england-and-wales-30-september-2013/police-workforce-england-and-wales-30-september-2013)

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