



THE GOVERNMENT RESPONSE TO THE FIFTH
REPORT FROM THE HOME AFFAIRS COMMITTEE
SESSION 2010-11 HC 646

Police use of Tasers

**Presented to Parliament
by the Secretary of State for the Home Department
by Command of Her Majesty**

June 2011

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Introduction

In December 2010 the Home Affairs Committee (HAC) took a decision to hold an urgent evidence session to address its concerns that forces were running low on Taser equipment. This followed the Home Office's decision not to renew the section 5 authority of the sole supplier of Tasers in the UK, Pro-tect Systems, following breaches of its section 5 authority. The HAC published a brief Report, *Police use of Tasers*, on 15 February setting-out its observations and recommendations.

2. The Government is committed to a transparent approach to the police use of Taser. Home Office officials provided oral evidence to the Committee on 7 December. The Home Secretary wrote to the Chair in October 2010 clarifying the police use of Taser, and the Parliamentary Under-Secretary of State for Crime Prevention submitted memoranda in December 2010 and January 2011 providing further factual information on Taser and wider Home Office policy on less-lethal weapons. The Government now welcomes the opportunity to respond to the issues raised by the Home Affairs Committee (HAC) relating to the authorisation for use and distribution of Tasers in the UK.

Factual Update

3. Before addressing the substantive concerns the Committee raises, it is important to clarify some factual points in the Report about how the Taser models approved for use in England and Wales (X26 and M26), and unapproved long-range Taser model (XREP), operate.

4. The maximum range of the X26 is around 6.4m (the length of the wires) but its optimum range is between 1.5 and 4.5m. The XREP claims to extend this range to 30m.
5. On exposure to a Taser X26 a person experiences an electrical stimulus that produces an uncontrollable skeletal muscle contraction (referred to as EMD). This causes the targeted individual to lose control of posture and fall. The targeted individual remains incapacitated for as long as the electrical pulses are applied. A standard application is 5 seconds but this can be interrupted or re-applied by the Taser officer.
6. A second method of application of the Taser X26 is referred to as a 'drive-stun' where the Taser is held against the person and activated. Although electricity is applied to the body, this type of use will not produce the temporary incapacitation described above; a probe separation of at least 200mm is required to do this.
7. The XREP device is projected from a 12-gauge shotgun cartridge (X12) and incorporates similar technology to a Taser X26. However, it uses a lower voltage waveform with a different profile to the X26. The voltage of the XREP waveform is 500V and the voltage of the X26 is 50000V. The XREP will therefore not be able to spark across a 50mm gap as the X26 can, and must attach to the target's skin to achieve an effect. The different waveform profile of the XREP is likely to result in different effects on the body to the X26. Indications from Taser International's testing are that the waveform is unlikely to be as effective as the X26.
8. On impact the four barbs on the front of the XREP projectile are designed to penetrate the skin and attach to the target. The main body of the projectile then breaks loose. These front four barbs will administer a 'drive stun' type of effect as they have limited separation. As the main body of the projectile swings free a series of protruding electrodes make contact with the subject's body creating a circuit between the front barbs and main body electrodes which exceeds the 200mm gap required to

deliver a more effective electrical effect. The more effective electrical effect can also be achieved by the subject creating a circuit by grabbing any of the parts or the conductive wire with their hand.

Raoul Moat Case

9. It is also important to register the Government's position that we do not consider it appropriate to comment on Northumbria Police's decision to deploy the Taser XREP in the Raoul Moat case given the ongoing Independent Police Complaints Commission (IPCC) investigation and the forthcoming Coroner's inquest.

The HAC Observations and Recommendations

Home Affairs Committee Report (Paragraph 9): We are concerned about the confusion of the witness as to the parameters of the section 5 authority issued to Pro-tect Systems....We recommend that the parameters of the section 5 authority be clarified by the Home Office for all police forces, related agencies and the new authority holder.

10. The Home Office notes the Committee's observations around the section 5 authority issued to Pro-Tect systems.

11. The authority for the new supplier, Tactical Safety Responses Limited (TSR), is explicit as to what the company can and cannot supply, and to whom it can supply Tasers and associated equipment. All police forces have been made aware of the terms of the new license, through correspondence to the Association of Chief Police Officers (ACPO) Armed Policing Secretariat, which has been circulated to all forces and placed on the ACPO Intranet. Related agencies including the National Policing Improvement Agency (NPIA) have also been closely consulted and informed about the terms of the license which are also on the NPIA POLKA System. The Government notes that the Committee is pleased the Home Office is monitoring the situation of the new licence holder carefully.

Home Affairs Committee Report (paragraphs 12): The Home Office has been forced through the business model of a foreign national company into authorising a new supplier whose links to the previous supplier ought to have precluded it from consideration, or the transgressions made by Mr Boatman can be regarded as his alone and therefore not the responsibility of Pro-tect Systems, bringing into question the decision to revoke the authority of Pro-tect Systems. The only other possibility is that the Home Office was simply not aware of the extent of the links between the two firms which would imply a serious failure of due diligence.

12. We refer the Committee to the Memorandum sent by the Parliamentary Under Secretary of State for Crime Prevention in December 2010 which is annexed to your Report, in which it was made clear that the decision to revoke Pro-Tect's license was not taken lightly, and that the Home Office considered very carefully all the information supplied to us by the police and representations made by the company's solicitors. The memorandum also summarises the breaches of Pro-Tect Systems' licence.

13. Subsequent correspondence from Graham Widdecombe, the Home Office's Head of Firearms, also affixed to the Home Affairs Committee Report, details the information sought from TSR as to its links with Pro-Tect Systems, and Northamptonshire Police's further enquires into TSR on our behalf. Mr Widdecombe's letter also outlines the conditions on the TSR's section 5 authority, which address the links with the previous company, and summarises the close monitoring and examination of TSR for the six month period of its license.

14. As the supplementary Memorandum to the Committee from the Parliamentary Under Secretary for Crime Prevention makes clear (also annexed to the Home Affairs Committee Report), TSR is not a supplier to the Home Office, and the Home Office role in considering whether to grant TSR a section 5 authority was based on their fitness and suitability to provide prohibited items to the police. The Memorandum goes on to explain that it

would not be appropriate, and the Home Office would risk legal challenge, if it used the section 5 process for the purposes of shaping procurement or supply decisions.

Home Affairs Committee Report (Paragraph 15): The monopoly supplier business model preferred by Taser International is unacceptable – we consider such a model is partially responsible for the unsatisfactory procurement situation and may have caused the Home Office to act precipitously when granting a section 5 authority to the new supplier, TSR. We would strongly urge the Home Office to examine options to require a competitive bidding process to ensure that any police procurement process is subject to competition

15. The Report refers to ACPO concerns on the sole supplier model, and its suggestion that a national contract is organised to ensure that all forces benefit from logistic and procurement savings. We can confirm that NPIA has put in place a national framework for the purchase of Taser from TSR.

16. The Government understands the concerns of the Committee about a sole supplier but rejects any suggestion that this caused the Home Office to act precipitously when granting a section 5 authority to TSR. Again, that decision was taken solely on the fitness and suitability of TSR to provide prohibited items to the police. Contingency arrangements for the supply chain had been developed (including direct supply to the Home Office for a temporary period) to ensure that the sole supplier arrangements preferred by Taser International could not inappropriately impact on the Home Office's decision.

17. As the Memorandum of the Parliamentary Under Secretary for Crime Prevention to the Committee, dated January 2011, sets out, the Home Office Scientific Development Branch (now the Centre for Applied Science and Technology) has looked at various conducted energy devices from around the world, but the Taser X26 is the device that most closely meets the police's stringent operational requirement. Public and police officer safety are paramount, and there is accordingly no scope to introduce a competitive

bidding process which includes other Conducted Energy Devices which we know are not operationally effective and whose medical implications are not known.

18. The Home Office does however continue to work with Taser International both to ensure they understand the risks involved under their preferred model should there be a problem with the sole agent, and to identify contingency arrangements for the supply chain.

Conclusion

19. The Report understandably focuses on supply issues but does note that the circumstances in which Taser could be used, the frequency of use, and the training given to officers in its use are important issues which would merit further investigation. Evidence submitted to the Committee by the Home Office has already touched on these areas, but the Government stands ready to work with the Committee and provide it with any further information it requires on the UK model for approving and monitoring less-lethal weapons, which Human Rights' groups recognise is a world leader, and which other countries, including Canada and New Zealand, have sought to replicate to ensure there is proper operational, technical and medical evaluation of less-lethal weapons.



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