

MINISTERIAL ADVISORY GROUP ON THE POSSIBLE INTRODUCTION OF
AIR TASERS

REPORT

Introduction

1. In March 2001, the Minister for Police and Emergency Services, the Hon. André Haermeyer MLA, established an Advisory Group –

"to consider whether air tasers are appropriate to be used operationally by Victoria Police as a further less-than-lethal option in dealing with volatile situations."

2. This consideration was borne out of the Coroner's recommendation in the case of the death of John Stuart McConnell, who was shot and killed by retreating police on 10 April 1998 at Centre Road in Bentleigh.
3. The Coroner found that the officer involved had acted in self-defence. Specifically, the Coroner found that:
 - *"(f) ... it appears that Mr McConnell had consumed alcohol, benzodiazepines and Methadone" and that his "blood alcohol reading was 0.21g/100ml";*
 - *"(g) ... it appears reasonable to conclude that the action of Constable Kerr in shooting McConnell were in self defence as he was in imminent fear of his life (as a claw hammer could cause serious injury or death) and therefore justified in taking the actions he did."; and*
 - *"(h) "tackling Mr McConnell or using the baton was, in these particular circumstances, not a safe option for the police."*
4. The Coroner also found that the police member was justified in following the course of action that he did in the circumstances. At the time of the incident, oleoresin capsicum (OC) spray had not yet been issued to all members, due to issues of supply. Neither officer who participated in this incident carried OC spray.
5. In respect of air tasers, the Coroner commented (at page 12 of his findings) that it might be appropriate for general policing to use air tasers operationally, and

information from Victoria Police as to its experience both with lethal weapons and with alternatives such as OC spray.

12. To this end, the Group at its meeting on 26 June made a number of requests of [REDACTED] for additional information. Those requests were subsequently set out in a letter dated 26 July 2001 to [REDACTED] a copy of which is Annexure C to this report.

13. The response from Victoria Police was not received until late June 2002. What follows is a brief summary of the main points in that response. The full response is Annexure D to this report.

Victoria Police response

14. Victoria Police provided the Group with information as to the operational imperative for deployment of air tasers and examples of the use of firearms by police members. The information on the use of firearms included an operational assessment of whether an air taser could have been a more appropriate force option in the circumstances.

Operational imperative and proposal

15. With respect to its operational utility, Victoria Police advises that the air taser is psychologically intimidating, due to its laser sight, and has a significantly larger operational range when compared to OC spray. In the view of Victoria Police, the air taser achieves control of the subject more rapidly than OC spray and prevents secondary exposure through over-spray.

16. Victoria Police proposes that air tasers would be initially issued to the Special Operations Group for trialling. If successful trials were concluded and use of the air taser was to be expanded to units such as the Force Response Group, regular training would be provided to members deploying the air taser as part of the Operational Survival Training and Tactics (OSTT) package. A detailed training package specific to air tasers would be developed with any approval to trial the weapon.

Monitoring

17. The existing Use of Force Register would record all details of incidents where members of Victoria Police used air tasers. Additionally, each air taser is equipped with a computer system that records every instance where the unit is deployed. If an air taser is used, the area where the Taser was deployed can be identified by microdots, which are contained in the unit. This system provides a complete picture of air taser usage.

Use of force

18. For the period 1 July 2000 to 30 June 2001, the Victoria Police Use of Force database records 72 incidents where police drew firearms. In ten of these incidents, firearms were used after OC spray had proved to be ineffective in gaining suspect compliance.

19. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Experience elsewhere

20. As part of the information request, the Group sought, for comparative purposes, copies of:
- (a) the evaluation of air tasers by the Royal Canadian Mounted Police, together with any other written reports of the Canadian experience in using air tasers; and
 - (b) any evaluative material relied on by the South Australian Police when they decided, earlier in 2001, to place a firm order to purchase air tasers.
21. The report by the Royal Canadian Mounted Police (RCMP) was provided to the Group on a confidential basis. It is included in the accompanying volume, together with a summary of its contents.

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23. The South Australian Police report (also in the companion volume) describes the history and function of the air taser. The report relies on the research undertaken by [REDACTED] Victoria Police Department, British Columbia, Canada.

[REDACTED]

[REDACTED]

[REDACTED]

24. The report notes that the air taser works by disrupting the nerve impulses from the brain to the muscles, [REDACTED]

[REDACTED]

[REDACTED]

25.

The United Kingdom

26. In August 2001, it was reported in the international press that London's Metropolitan Police had decided to deploy the air taser. This decision was reportedly made notwithstanding that the Association of Chief Police Officers had not finished its review of the weapon.

27. The Group subsequently confirmed that no such decision had been made with respect to the deployment of the air taser, and that tests are still being undertaken in the UK into the safety and operational utility of the weapon.

28. Reference was also made in the press reports to a decision, apparently in July 1997, by the UK Department of Trade and Industry, the Foreign Office and the Ministry of Defence, to ban similar devices for export on the ground that they could easily be used for torture.

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29. The Group notes that “hand-held battery-operated devices designed to administer an electric shock on contact” are prohibited imports for the purposes of the *Customs (Prohibited Imports) Regulations 1956* (Cth), and that “an article designed or adapted to emit an electric current into a human body for the purposes of incapacitation or injury” is a prohibited weapon in Victoria under the *Control of Weapons Regulations 1990* (Vic).
30. In December 2001, the Police Scientific Development Branch of the British Home Office published a paper entitled “Less Lethal Technologies: Initial Prioritisation and Evaluation”. The paper considered a wide range of weapons, including:
- impact devices, such as the baton round;
 - long-range chemical delivery devices;
 - water cannons;
 - electrical devices, including tasers;
 - distraction/disorientation devices, such as light and noise-generating devices;
 - malodorants and tranquillisers; and
 - other technologies, such as stun and smoke grenades and electromagnetic waves.
31. Although the study devoted significant resources to the consideration of air tasers, it does not purport to provide conclusive advice as to their utility or safety. The study notes that:
- the effectiveness of tasers depends on the type and age of battery used to power the weapon;
 - the new-generation higher-powered tasers are more effective than previous models of the weapon;
 - operational risks include:

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- clothing, which may entangle the barb, rendering the device useless;
 - low battery charge;
 - one or both darts miss the target;
 - subject fights through the effects of the electricity;
 - cartridge failure;
 - problem with taser, such as mechanical or electrical failure in the circuit; and
 - operator error, such as failure to hold down the button to discharge the current.
- The maximum range of any air taser presently on the market was 6.4 metres.
32. The study recommended that five categories of weapons, including electrical devices such as the air taser, be the subject of more in-depth research. It also noted that trials involving police handling of the weapons would be undertaken as the next stage in the consideration of tasers, after which the results would be passed to an independent medical committee for assessment.
33. A "less lethal" option identified by the Home Office for further consideration, baton guns, were introduced by the Metropolitan Police on 1 September 2002. A firearm that identifies its target with a red dot, the baton gun fires a single circular plastic round that can knock a person to the ground from 25 metres distance.

Unavailability of information with respect to new-generation tasers

34. There is only limited information available with respect to the risks associated with the use of air tasers. Insofar as the available literature describes the effects of air tasers, it relates largely to the older, and far less powerful, models of taser.
35. One of the Group's key concerns is that most companies now sell new, higher-powered tasers (up to 26W with a reported pulse energy of 1.4 to 1.8 joules), whereas almost all of the published information is based on older model tasers,

which are 5-7W systems. The higher-powered proposed model M26 air tasers produce far more energy than those the subject of the published studies, and consequently cannot be assessed for risk on the basis of those studies.

Population groups for which tasers carry additional risks

36. There is a range of population groups on which it is likely to be inappropriate to use a taser at any time, as to do so would carry additional health-and life-threatening risks over and above those for other sections of the community.
37. This group would include pregnant women (risk of abortion), people with cardiovascular disease (risk of heart attack and stroke), and people affected by the use of stimulant drugs (risk of sudden death). Other groups to be considered in this context would include children, adolescents, older people and people with mental illness. Of course, any risk assessment in this context must be made in the knowledge that the alternative is a firearm and lethal force.

The circumstances of the use of the air taser

38. The circumstances in which an air taser is used will affect its utility. [REDACTED]

Monitoring the use of air tasers

39. Monitoring and other controls on the use of air tasers are critical to their achieving the objective of providing a "less lethal" alternative to the use of a firearm. As noted above, before any decision can be made with respect to this consideration there needs to be an independent operational assessment of the information provided by Victoria Police (Annexure D).

After-care requirements

40. When OC spray was introduced for operational police use, careful consideration was given to after-care for people on whom the spray had been used. Similar

consideration must be given to the potential harm of an air taser. A formal medical system of after-care would have to be developed. It is beyond the scope of the Group to undertake that task.

PROPOSED SECOND STAGE

41. As noted above, to the extent that the information currently available contains any risk assessment of the air taser, that assessment is confined to an earlier, and much less powerful, version of the taser. There is, it appears, no completed study on the health risks and safety aspects of the new generation of tasers. It is, of course, this more powerful model that the Victoria Police wishes to trial.
42. In the view of the Group, it would not be possible for the Victorian Government to make any decision with respect to the introduction of air tasers without a proper, evidence-based evaluative process.
43. A comprehensive scientific study would be required, using observational and intervention epidemiological data. Appropriate attention would also need to be given to ethical issues and appropriate consent if volunteers were involved. It is clear that this Group is not equipped to carry out such a study.
44. As noted earlier, it was proposed that the Group observe the physical use of air tasers on operational police volunteers. While such observation would assist the Group in appreciating how the air taser might be used in practice, and what its effect was in the particular cases observed, such observations could not, in the view of the Group, provide any reliable basis for a risk assessment. Such observations could not be confidently extrapolated to 'real life' scenarios because police volunteers are likely to be young and in good health and the circumstances of the tests are unlikely to represent operational fieldwork situations.
45. Consideration would need to be given to the dangers of police injury as a result of the use of the taser, along with consideration of injuries received by members of the force that could have been avoided by the availability of the air taser. Both of these considerations will, of course, require Victoria Police input and advice.
46. The second stage would also need to examine, with Victoria Police assistance, the initial public exposure required, as well as the training requirements and costs

associated with the introduction and monitoring of air tasers for operational use. Consideration will also need to be given to a public education program about the introduction of the tasers. Together these costs are likely to be substantial.

RECOMMENDATION

47. The Group accordingly recommends that its work should now come to an end.
48. If the Government wishes to proceed beyond this first stage, appropriate technical experts and health professionals will need to be commissioned to carry out the comprehensive scientific evaluation discussed above.

[REDACTED]

[REDACTED]

[REDACTED]

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Annexure B

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www.airtaser.com

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Victorian Police Manual

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