



Use of Conductive Energy Devices (Taser) by Specially Trained Officers in Surrey and Sussex Policy (1157/2024)

Abstract

This policy sets out the Surrey Police and Sussex Police position in respect to the management, command, and deployment of authorised Specially Trained Officers (STOs) and the use of Conductive Energy Devices (CEDs) in appropriate and necessary situations.

Policy

1. Introduction

1.1 The procedures and guidance documents detail how Surrey Police and Sussex Police (hereafter referred to as the Forces) select and train appropriate numbers of Specially Trained Officers (STO) in the use of Conductive Energy Devices (CED) (hereafter CED is referred to as Taser). Furthermore, it outlines the command and management structure in each Force for occasions when Taser has been used or it is necessary to deploy police officers to an incident where the use of Taser may be required.

1.2 It complies with the Authorised Professional Practice (APP) the Armed Policing module for Conducted Energy Devices (Taser) and obligations in respect of Human Rights as given in the European Convention on Human Rights (ECHR).

2. Scope

2.1 This overarching policy and associated documents detail the selection process and command and deployment of authorised STOs to incidents where the use of a Taser may be required. It also details the required evidential recovery process and the medical care structure to be followed following the discharge of a Taser.

3. Policy Statement

3.1 The Forces will maintain proportionate levels of Taser trained police officers who will act at all times in a legal and ethical manner in order to keep the people of our counties safe.

Procedure

1. Description of a Taser

1.1 Taser is the trade name for the CED used by the UK police. The only CED authorised for use is produced by Axon. The Forces utilise the X2 model. The X2 is a semi-automatic two shot device. The X2 is used by STOs in Surrey Police and Sussex Police.

CEDs are classified as 'prohibited weapons' by virtue of Section 5 of the Firearms Act 1968. Police officers, while acting in their capacity as such, are exempt from the requirements of the legislation and do not need any additional legal authority to possess CEDs.

CEDs are classified by the National Less Lethal Weapons Working Group as 'work-related equipment' (in the same way as firearms) and not as personal safety equipment (e.g. batons and irritant spray).

2. General

2.1 The Taser is designed to temporarily incapacitate a subject through the use of an electrical current, which interferes with the bodies' neuromuscular system. It is not practicable to provide a definitive list of circumstances where the use of Taser would be appropriate.

2.2 The following principles apply when deploying and using Taser:

- Taser may be deployed and used as one of a number of tactical options only after application of the National Decision Model (NDM).
- Taser should only be used as a proportionate response to an identified threat. It should not be used to simply gain compliance with instructions or procedures where compliance is not linked to such a threat, or where a threat has been reduced to such an extent that Taser use would no longer be proportionate.
- Taser will be readily available.
- Once Taser has been deployed, normal supervision practices apply.
- Any incident where the deployment of Taser is pre-authorised must be appropriately recorded by the authorising officer in line with the NDM and the respective Force Control Room (FCR) must be notified.
- If an officer self-deploys with Taser, then in line with current guidelines, they must notify the Control Room as soon as possible.
- Taser will not be routinely used to police public order or public safety events but may be used as an option to respond to circumstances within the operation.
- Local supervisors must closely manage and review any incident where Taser is used.
- The decision to deploy Taser is auditable and is subject to review and those incidents where subjects are already contained or restrained, obviously vulnerable or suffering from a mental health episode, particularly young (under 18) or old may be subject to closer scrutiny.

2.3 When deploying with a Taser, officers **MUST** also deploy with Body Worn Video (BWV) and when deployed to an incident BWV must be switched on, unless the limited circumstances as detailed immediately below apply. [Click here for Body Worn Video Policy \(Surrey and Sussex\) \(1133\).](#)

2.4 Covert / Discreet Carriage

In accordance with National Police Chiefs' Council (NPCC) Less Lethal Working Group (LLWG) circulars 06'22 and 07'22 'STOs conducting covert surveillance roles are not required to use BWV, owing to the operational and technical challenges of utilising BWV in a covert deployment and the requirement to protect intelligence and covert tactics. This position is aligned with the NPCC Armed Policing guidance which makes clear there is no requirement for officers to use BWV during armed surveillance operations.'

For Surrey Police / Sussex Police, this is those STOs in Force Surveillance units and Counter Terrorist Policing South East (CTPSE) field officers.

It is however recognised that for a small number of highly sensitive locations / operations it may not be possible to use BWV for operational or security reasons and in these limited circumstances Forces can derogate from the BWV requirement but such decision rests with the Armed Policing / Less Lethal Weapons portfolio holder (Assistant Chief Constable (ACC) of Operations Command (Ops).

Officers who are deployed in plain clothes and carrying Taser discreetly, that are not in a covert surveillance role or operating under a derogation from ACC Ops MUST still use BWV alongside full Personal Protective Equipment (PPE) and Personal Protective Vest (PPV).

2.5 If the carriage of Taser into another Force area for an operational reason is considered necessary as part of a pre-planned policing activity, then the receiving Force area should be notified accordingly. In the event of a spontaneous movement into another Force area this notification should be undertaken as soon as practicable so as not to hinder the ongoing activity.

3. What Constitutes the 'Use' of a Taser

3.1 The term 'Use of Taser' will include any of the following actions carried out in an operational setting:

- Drawing of a device in circumstances where any person perceives the action as a Use of Force or threat of a Use of Force, whether or not this is accompanied by a verbal warning.
- Arcing of the device.
- Aiming the device at a person.
- Placing of the laser sight red dot onto a subject.
- Firing of a device so that the barbs are discharged at a subject.
- Application and discharge of a device in 'direct contact mode' or 'follow up three-point contact mode' to a subject.
- Accidental or unintentional discharge of Taser.

3.2 Any 'Use of Taser' will constitute a Use of Force and officers must have due regard for Use of Force Policy (Surrey and Sussex) (1225).

On each and every occasion when a Taser is used, a PRONTO 'Use of Force' submission must be completed. All usages of Taser should be referred to a line manager for review.

In addition to the Use of Force form, the Taser Report, found under 'Quick Forms' on Mobile Data Terminals (MDTs) should also be completed:

- When a Taser is discharged (including unintentional discharge / direct contact mode).
- Any use on a subject who is under 18.
- Any use on a subject with perceived Mental Health problems.
- Any use in police custody.
- 'Red Dot' use against anyone perceived as of 'Black' ethnicity.
- Any reporting of Taser faults or reporting a Taser being non-deployable.

This form automatically notifies Divisional and Departmental SPOCs for review to allow for additional scrutiny to take place.

3.3 In the case of an adverse incident resulting in the implementation of a Post Incident Procedure (PIP) the Use of Force submission should be delayed until the officer(s) have spoken with the Post Incident Manager (PIM) and taken relevant advice.

4. Legislation and Case Law

4.1 The relevant legislation for Use of Force and legal provisions includes the following which must be considered at all times.

(a) Section 3 Criminal Law Act 1967

A person may use such force as is reasonable in the circumstances, in the prevention of crime, or in effecting, or assisting in the lawful arrest of offenders or suspected offenders, or persons unlawfully at large.

(b) Common Law

"A jury must decide whether a defendant honestly believed that the circumstances were such as required him / her to use force to defend himself / herself from an attack or threatened attack. The court has then to decide whether the force used was reasonable in the circumstances" R v Owino (1996) and DPP v Armstrong-Braun (1999).

(c) Section 117 Police and Criminal Evidence Act 1984

Where any provision of this Act or order (a) Confers any power on a Constable; and (b) Does not provide that the power may only be exercised with the consent of some other person other than a police officer, the officer may use reasonable force if necessary, in the exercise of the power.

(d) Article 2 ECHR - Right to Life

Everyone's right to life shall be protected by law. No one shall be deprived of his/her life intentionally, save in the execution of a sentence of a court, following his / her conviction of a crime for which this penalty is provided by law.

Deprivation of life shall not be regarded as inflicted in contravention of this article, when it results from the Use of Force which is no more than absolutely necessary:

- a) In defence of a person from unlawful violence
- b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained
- c) In action lawfully taken for the purpose of quelling a riot or insurrection

(e) Article 3 ECHR

"No one shall be subjected to torture, or to inhuman or degrading treatment or punishment"

5. Authorisation to Carry Taser

5.1 Only officers who have been trained, and who have reached the required standard of competence will be authorised to carry Tasers during routine patrol or during pre-planned operations where the deployment of Taser has been authorised.

5.2 All officers trained in the use of Taser will be subject of annual re-accreditation in accordance with national standards. It is the responsibility of the individual officer to ensure that they maintain the required pre-requisites as outlined in the College of Policing STO role profile to retain their ongoing eligibility to be an STO (eyesight, Fitness Test, and officer safety / first aid training requirements).

5.3 The eyesight standards for the STO role are different to those for a police driving permit. STOs must pass an eye test administered by Occupational Health and Wellbeing Service (OHWS) at least every two years. Any officer who has not completed the eye test within the specified timeframe is not authorised to carry Taser.

5.4 Training will be available to officers that the Forces have selected through the agreed procedure to carry Taser. Any officer who has been approved for independent patrol can apply to be trained, currently these officers are predominantly drawn from first responder posts.

5.5 Officers wishing to carry Taser should send a Taser Training Application Form, supported by their line manager, to their Divisional Taser Single Point of Contact (SPOC). Once approved by their SPOC the form must be endorsed by the officer's Chief Inspector and sent to the respective Force's Professional Standards Department (PSD) (see section 7). Taser Training Application Form can be found on Public Order Training Unit (shdc.police.uk)

5.6 An STO who fails to reaccredit within 365 days of their last successful refresher cannot carry Taser until they complete this training. A period of up to two years since their last successfully completed refresher is permitted before the officer is required to undertake another initial course. Officers returning from maternity / paternity leave, long term injury or a career break within these timelines would be eligible to reaccredit through a refresher course. A period of suitable familiarisation may be appropriate in advance of this course, the training team would be able to facilitate this.

6. Carriage of Taser at Court

6.1 In line with guidance issued by the Senior Presiding Judge for England and Wales in consultation with the NPCC and His Majesty's Courts and Tribunal Service (HMCTS) Taser is not to be carried in court unless an application for such carriage in a designated court has been granted. There are no such designated courts in Surrey or Sussex. This includes the delivery of prisoners to court.

6.2 The guidance does not apply in emergency situations and allows for police to respond in a way, which in their professional judgement, is the most appropriate.

7. Professional Standards Department (PSD) Oversight

7.1 All STOs are expected to maintain an acceptable professional standard record in line with Conduct and Performance Regulations and will be assessed for suitability by the respective Force PSD.

7.2 PSD will keep a copy of all applications and recommendations for approval or rejection, the recommendation will be forwarded to Operations Command Public Order Administrators for retention along with the officer's training record or application.

7.3 An officer's conduct history will be assessed by a supervisor within the respective Force PSD, if deemed as not suitable it will be referred back to supporting divisional Senior Management Team (SMT) for discussion. Rejection from PSD will include a rationale (which may be limited based on what can be discussed) and timelines for when it would be suitable to review.

7.4 The rationale for rejecting an applicant will be made available to the officer as appropriate as in any Divisional SMT feedback.

7.5 If an officer's conduct history is assessed as not suitable the route of appeal is to the respective Force PSD (Head or Deputy) via the supporting Divisional / Departmental SMT. Beyond this process there is no additional route of appeal to a decision that the PSD history or information makes the officer unsuitable for current or future carriage of Taser.

7.6 PSD investigations and Anti-corruption Units (ACU) will assess any new intelligence which may affect an officer's suitability to carry Taser and submit a recommendation to the PSD SMT for determination of ongoing suitability. This recommendation will be passed to Operations Command.

7.7 All new complaints against a Taser carrying officer will be assessed by the officer's line managers and if suitable for Service Recovery or the Reflective Practice Review Process (RPRP). The officer's continued suitability must be determined locally in consultation with the Divisional Taser SPOC. It is at the discretion of both the line manager and the Taser SPOC to suspend the permit to carry whilst any investigation is being considered or undertaken.

7.8 Where complaints or conduct allegations are investigated by PSD they will be the determining body in assessing on going suitability for carriage of Taser in consultation with the Force Taser SPOC. In situations where the matter is referred to the Independent Office for Police Conduct (IOPC) for assessment or investigation, PSD will consult with the IOPC in making the same determination.

7.9 In these circumstances an officer will have the right to appeal to the respective Force's Head of PSD. PSD will notify Operations Command of any decision to remove or suspend an officer's authorisation as a result of a misconduct investigation.

7.10 The use of Taser in the following circumstances will always be referred to PSD in line with National Less Lethal Weapons Working Group guidance – this referral will be made by the Divisional SPOC.

- Use in confined spaces such as custody suites.
- Application and discharge of a device in 'direct contact mode' or 'follow up three-point contact mode' to a subject.
- On young people (under 18) or people of small stature.
- On people with, or perceived to have, mental health problems or are otherwise vulnerable, or within a Mental Health establishment.

This is not as an active investigation but a review to provide transparent oversight of police use of Taser.

8. Line Managers' Oversight

8.1 Line managers must identify and document that an officer is authorised to carry Taser and their suitability is assessed on an annual basis in the officer's Focus record. By doing so both present and future line managers can monitor reasons for acceptance or rejection of status.

8.2 Any procedural change will be notified in the respective Force General / Routine Orders and the policy updated accordingly.

9. Deployment

9.1 Spontaneous Deployment

Where an officer authorised to carry Taser is tasked to a spontaneous incident (an incident taking place with little warning or information and an immediate or prompt response is required).

The attending officer will assess the situation, and if, having done so, is satisfied that the use of Taser is a proportionate, lawful, appropriate, and necessary in the circumstances may do so without seeking additional authority having due regard to the NDM, relevant legislation and case law.

This does not remove the requirement for appropriate levels of command which must be based on the level of threat and risk apparent.

9.2 Planned Deployment

Where an officer authorised to carry Taser is specifically tasked to a planned policing operation solely by virtue of their carriage of Taser (i.e. one where the police service has had the opportunity and time to develop strategies, tactics and contingency plans before an anticipated operation takes place) then this deployment must be authorised by an Inspector or above who is NDM trained and/or a trained and accredited Firearms / Public

Order Commander. The authorising officer must be satisfied that the deployment of Taser is a proportionate, lawful, appropriate, and necessary in the circumstances having due regard to the NDM, relevant legislation and case law.

9.3 Authorised STOs undergo training to deal with incidents as a solo officer and therefore can be allocated the role of a single crewed officer and deployed to an incident where the use of Taser may be an appropriate tactical option.

9.4 It should be borne in mind that there may be sound tactical advantage in an STO working either with a second STO or an officer not trained to carry Taser, as this will allow both a contact and cover officer when dealing with an incident.

9.5 Covert carriage of Taser is only authorised for officers trained in this practice. Divisional departmental STOs may deploy in plain clothes carrying Taser, this would be a discreet deployment where normal PPE and PPVs are worn. A supported rationale and risk assessment must be completed for any such proposed deployment. Carriage of Taser document can be found on Public Order Training Unit (shdc.police.uk)

9.6 All Taser equipped officers must ensure that they are booked onto their own Forces command and control system, and if double or single crewed.

10. Equipment and Carriage

10.1 Only Force approved equipment will be used and worn by STOs. STOs can only deploy from one carriage position (belt or chest holster), this position is the one that they last classified / re-classified from.

10.2 Current guidance and advice with regards to carriage methods can be found on Public Order Training Unit (shdc.police.uk). Additional clarity can be obtained by contacting the Public Order Training Team within Operations Command.

11. Post Incident procedures and Evidence Retrieval

11.1 In any situations where Taser is discharged, post incident procedures will be implemented depending on the nature of the injury or harm caused. Refer to Post Incident Management (firearms and non-firearms) Policy (Surrey and Sussex) (1167) for more information.

11.2 In any situation where a Taser is discharged, every use will warrant consideration for minimum standard forensic retrieval as detailed at 11.3.

11.3 Where possible, Forces must consider the availability of evidence collection equipment, including photographs using issued MDTs and appropriate packaging carrying out the following actions in any post incident evidence recovery:

- Once any barbs are removed, they must be secured as evidence and any injury or damage noted. Barbs removed from the body must be considered as biohazards. Suitable evidential containers need to be readily available for the removed barbs, which must then be examined to ensure they are complete.
- Collection of some Identification Discs. These are the small paper disks ejected from the Taser cartridge which have a unique serial number printed on them. This number will correlate to the serial number of the Taser cartridge.

- Photographs of any injuries and barbs in situ must be taken (unless operationally impractical).
- Photographs of the scene to be taken if practicable.
- Taser to be downloaded. Taser must be withdrawn from service until download has taken place unless operationally impractical.
- Following the discharge of a Taser the Duty Inspector will assess the need to inform the Duty Critical Incident Manager (CIM) depending on the circumstances (i.e. if no injuries are caused the incident can be dealt with at local level). If more serious, the Duty Gold commander will determine if there is a need for PIM procedures and the appointment of a post incident manager. This will depend on whether the principal officer is considered to be in any jeopardy or if the incident is to be referred to the IOPC as directed below in 11.5 The material will be retained as per Force policy on the retention of evidence.

11.4 Any media release from an incident that includes the use of Taser will be graded as Amber and must be authorised by the District or Borough Commander.

11.5 Taser discharges are only required to be referred to the IOPC if the discharge:

- Resulted in death or serious injury.
- Caused danger to the public.
- Revealed failings in command.

Professional Standards Department are the conduit for all IOPC referrals.

12. Medical Implications

12.1 Recovery from the direct effects of Taser should be almost instantaneous once the current has been turned off.

12.2 After application of Taser it is important that the officer provides verbal reassurance as to the temporary effects of Taser and instructs the subject to breathe normally. This will aid recovery and mitigate the risk of hyperventilation.

12.3 During or shortly after the use of Taser, subjects may experience the following sensations which are the normal effects of Taser:

- Dazed for several minutes.
- Muscle twitches.
- Loss of memory of the event.
- Unsteadiness and a spinning sensation.
- Temporary tingling.
- Weakness in the limbs.
- Local aches and pains, and tissue swelling.

12.4 Subjects may have two small marks in their skin. These are small puncture wounds from where the barbs penetrated the skin. There may be small burns similar to sunburn around the marks. These should return to normal in a few days.

12.5 The current guidelines are that barbs are removed by qualified medical staff, i.e. paramedics, hospital medical staff or Health Care Professionals (HCP), unless it is an operational necessity in which case the Taser operator can remove the barbs. Any person who has been subjected to Taser discharge must be seen by the HCP either in custody or at a hospital.

12.6 More serious injuries could occur if the barbs were to strike a sensitive area such as the face, eyes, neck or genital areas. In the event of a person being struck in these areas only suitably qualified medical personnel must remove the barbs. In most cases such a resource is only likely to be available at a hospital.

12.7 Where officers are informed or come to believe that a person to whom Taser had been applied has a cardiac pacemaker or other implanted device in place, immediate referral must be made to a hospital.

12.8 If the subject is found to have any other pre-existing medical condition that might lead to increased medical risk, displays symptoms or a response outside of that expected then immediate referral to a hospital must be considered. It is not possible to list these conditions and a common-sense approach must be taken. If in doubt the referral must be made.

13. Prisoner Handling

13.1 Officers must carry out correct arrest procedures in line with current Force training.

13.2 Particular attention must be given to the wires connected to the Taser. The Taser operator is responsible for ensuring that they are away from the arrest team as far as is practical.

13.3 Arrest officers must consider their approach to the subject and the possibility of breaking the wires and therefore losing control of the subject.

13.4 Close monitoring of a subject throughout the period following application of Taser is of utmost importance. If the person is detained in a cell, they must be subject to the same cell supervision provided for persons who have consumed alcohol or drugs. If there are any signs of adverse or unusual reactions, then medical attention must be provided immediately and if necessary, this must be given precedence over conveying the subject to the police station.

13.5 At the earliest opportunity following arrival at the custody suite any person who has been subjected to a Taser discharge must be given an information leaflet describing Taser, its mode of operation and effects. This must be fully explained and recorded on the custody record.

14. Maintenance

14.1 At least every eight weeks, all Tasers must be downloaded using the software and terminals designated by the Force IT Department, by a College of Policing trained Taser technician. The role profile for the Taser SPOC, Technician and Downloader and a

current contact list of Divisional Taser support functions can be found on Public Order Training Unit (shdc.police.uk).

15. Storage and Issue

15.1 All Tasers and cartridges must be stored and issued in line with the published guidelines. All devices must be placed into a secure locking safe that complies with relevant firearms storage regulations. Current Divisional hub stations safes are supplied by Municipal Security Ltd. The Forces will store the loaded Tasers in a secure holster within each Taser safe.

16. Strategic Threat and Risk Assessment (STRA)

16.1 Both Surrey Police and Sussex Police will complete an annual CED STRA, in accordance with NPCC LLWG direction.

The objectives of the STRA are to

- identify and assess known and foreseeable risks to the public, police (personnel and organisation).
- demonstrate the legitimate use of Tasers by the police through engagement with key stakeholders and in particular with the community representatives.
- analyse the use of Taser using local statistics.
- ensure that the resource planning and allocation of devices is proportionate.
- identify gaps in policies, procedures, and training.

17. Scrutiny and Monitoring

17.1 Alongside the scrutiny of Taser use through line supervision and Taser SPOCs, the usage of Taser is also monitored and scrutinised through the Taser Working Group (TWG) and Use of Force (UoF) meetings. Both Forces also have external UoF scrutiny panels.

Team: Operations Command