



# Children's rights and policing: **Tasers and children's rights**

## 1. Introduction

This briefing gives an overview of children's rights and the use of Tasers by the police. As well as providing some background information on Tasers and outlining the health risks associated with their use, it also sets out the latest national data on Taser deployment on children and highlights figures that show disproportionate use on children from Black, Asian and Minority Ethnic (BAME) groups.

### What are Tasers?

The College of Policing describes the use of a Conducted Energy Device (CED or Taser) as a "less lethal weapon system" designed to temporarily incapacitate a subject through use of an electrical current which temporarily interferes with the body's neuromuscular system and produces a sensation of intense pain.<sup>1</sup> Amnesty International has argued that they should not be described as 'less-lethal' because they can still "cause serious injury or even death".<sup>2</sup>

## 2. Children's rights and use of Tasers

Children are not mini-adults. The UN bodies, which enforce human rights standards, have recognised that they must be treated differently because of their unique situation – children have distinct vulnerabilities, greater developmental needs and evolving capacities. This, when combined with the reality of having less power than adults, and often not being taken seriously, means they must be treated differently when they come into contact with the criminal justice system.

Like all public institutions, the police are bound by children's human rights standards. In 2015, the National Police Chiefs' Council (NPCC) published *Child Centred Policing* (the first national strategy for the policing of children and young people) which emphasised that: *'it is crucial that in all encounters with the police, those below the age of 18 should be treated as children first. All officers must have regard to their safety, welfare and wellbeing as required under [...] the Convention on the Rights of the Child.'*<sup>3</sup>

**In 2016 when the UN Committee on the Rights of the Child last examined the UK, on how well it is meeting its children's rights obligations, it made a clear recommendation that the use of Taser on children should be prohibited because of concerns of its impact on children's physical and mental health.**<sup>4</sup> This followed

concerns raised by the UN Committee against Torture in 2013 that *'the use of these weapons causes severe pain constituting a form of torture, and that in some cases it may even cause death.'*<sup>5</sup> After its most recent examination of the UK, in May 2019, it raised concern *'about the reported increase in their use, including on children and young people'* and, recommended that the UK *'...provide clear presumptions against the use of Tasers on vulnerable groups, such as children and young people, investigate the causes for their disproportionate use against members of minorities and prohibit their use in drive stun mode...'*<sup>6</sup>

The UN Convention on the Rights of the Child (CRC) applies to all children aged 17 years and under, and sets out the basic things that children need to thrive: the right to an adequate standard of living, to be protected from all forms of violence, an education, to play, be healthy, and be cared for. Children's rights should act as a safety net, meaning children always receive at least this minimum standard of treatment whatever the changing economic or political climate. The CRC also has four general principles which are rights in themselves, but also the framework through which all the rights in the CRC should be interpreted. They are: non-discrimination, the best interests of the child, survival and development, and respect for the views of the child.

## 3. Impact of Tasers on children

Tasers can inflict intolerable pain. Adults in Canada and the US have died after incidents where Taser has been used and their role in the deaths of adults in England is being investigated. The Metropolitan

Police Commissioner (MPC) has herself described Tasers as a *'very powerful bit of kit... also potentially very dangerous.'*<sup>7</sup>

Thompson Reuters have mapped 1081 deaths involving Taser in the USA including nine children. They explain how the safety warnings that Taser International have issued to police using its stun guns have expanded dramatically over the past two decades, growing from a handful of paragraphs to eight pages. The research raises concern that many of those who die are among society's vulnerable – unarmed, in psychological distress and seeking help.<sup>8</sup>

There is a worrying lack of research into the risks of using Tasers on children and the physical and mental damage they can cause but the research that is available highlights that children are at an elevated risk of harm.<sup>9</sup>

A 2016 statement by the Scientific Advisory Committee on the Medical Implications of Less-Lethal Weapons (SACMILL) stated that the medical implication of the use of Taser are broad-ranging with some of the following consequences:

- Injuries, particularly to the head, from falls or other uncontrolled movements. This risk may be exacerbated in people who are running or are located at height at the time of discharge;
- Injury from probe penetration of the eye, blood vessels, genitalia, breast, neck, throat, thorax and other sensitive structures.

The predecessor to SACMILL, the Defence Scientific Advisory Council Sub-Committee on the Medical Implications of Less-Lethal Weapons (DOMILL) found that children may be at greater risk of:

- Injuries to the lung and other organs like the liver;
- Brain injury from skull-penetrating barbs; and
- Penetration or damage to the eyes – because children are shorter and their eyes may be closer to the barb aim point.<sup>10</sup>

Concerningly, in March 2017, the Government announced that a new generation of more powerful, double shot Taser X2 had been authorised for roll-out across police forces in England. The SACMILL statement states that the probes in the new Taser X2 are lighter but faster than the probes in the Taser X26 and, as a result, could more effectively penetrate clothing or skin when fired at comparable distances resulting in a greater risk of deeper tissue penetration of the probe. SACMILL recommend further studies to explore the injury potential of both types of Taser.<sup>11</sup> This is particularly relevant to children who are more likely to have a smaller body mass index than adults and consequently there is the potential to penetrate deeply into the skin more easily.

Most recently, Axon, the US company that develops Taser, have launched its latest version, the Taser 7. Axon claims it to be the most effective yet; faster, with darts that fly out straighter and more rapidly for better and more accurate attachment to the body.<sup>12</sup> Again, we are not aware of any research on the potential harm to children by this new model.

### **Children have told us that the threat of violence from police carrying Tasers is 'really frightening'**

With one child stating: *"I just saw the little dot there and... I just went all warm, scared. I thought I'm going to get hurt now, I'm going to get a shock in a minute. They just stunned him [his friend] and he was flopped on the floor."*<sup>13</sup>

Even when Tasers are not actually fired, the threat of a police officer drawing a weapon is extremely disturbing for children and young people – particularly as the children who typically come into contact with the police are some of the most vulnerable in our society: Many have experienced abuse or violence, are victims of criminal exploitation, have Special Educational Needs (SEN) or have serious mental health conditions.

Importantly, the SACMILL statement highlighted that the longer-term psychological implications of exposure to an extremely painful Taser discharge, especially among children, remains unexplored.<sup>14</sup>

### Types of Taser use<sup>15</sup>

The way a Taser is used by police officers is categorised into a range of escalating actions from drawing the device, through to it being discharged (i.e. fired, drive stunned or angled drive-stunned). Any one of these actions is categorised as a use.

**Drawn:** Drawing of Taser in circumstances where any person could reasonably perceive the action as a use of force.

**Aimed:** Deliberate aiming of the Taser at a targeted subject.

**Red dot:** The weapon is not fired. Instead, the Taser is deliberately aimed and then partially activated so that a laser red dot is placed onto the subject.

**Arcing:** Sparking of the Taser as a visible deterrent without aiming it or firing it.

**Fired:** The Taser is discharged with a live cartridge installed. When the trigger is pulled, the probes are fired towards the subject with the intention of completing an electrical circuit and delivering an incapacitating effect.

**Angled Drive Stun:** The officer discharges the weapon with a live cartridge installed. One or both probes may attach to the subject. The officer then holds the Taser against the subject's body in a different area to the probe(s), in order to complete the electrical circuit and deliver an incapacitating effect.

**Drive stun:** As a last resort, the Taser is held against the subject's body without a live cartridge installed, and the trigger is pulled with no probes being fired. Contact with the subject completes the electrical circuit which causes pain but does not deliver an incapacitating effect.

#### 4. Taser usage on children

Due to the potential risks involved in using Taser on children, the police must closely adhere to the safeguards set out in human rights law. The protection against violence and harm in the CRC and other human rights laws mean police officers should only ever use Taser on children when it is *'proportionate, lawful, accountable and absolutely necessary (PLAN)'*<sup>16</sup> as set out in the

College of Policing's Authorised Professional Practice. For example, in situations where an officer has reason to believe they may have to protect the public, themselves, and/or the child or young person from serious violence or threats of serious violence. The NPCC is currently undertaking a personal safety review part of which will look at whether Tasers do in fact help protect officers after it was acknowledged that a Taser is not the answer to all violent and threatening situations.<sup>17</sup> It is unclear at this stage, the remit of the review in relation to Taser use, particularly on children.

Officers must also consider other, less dangerous options before resorting to the use of Taser and must be able to justify why these options were discounted. However, our research and Home Office statistics show that **Taser use on children has been increasing year on year with more dramatic surges in recent years.**

CRAE Freedom of Information (FOI) requests revealed that there were at least 519 uses in 2016 (an increase of 25% from 2013 when they were used at least 431 times).

However, the latest Home Office statistics show that **between April 2018 and March 2019, Taser was used on children in England and Wales 1,700 times including 29 times on children under 11.**<sup>18</sup> This amounts to over 8% of the total 23,000 times a Taser was used on people during this period.<sup>19</sup>

Although it is difficult to get data on the specific age of children who have had Tasers used on them due to a lack of publicly available statistics, **we know that the police are using Tasers on younger children. Our FOIs show that Tasers have been used on 10, 11 and 12 year olds.**

A 2014 report by the then police watchdog, the Independent Police Complaints Commission (IPCC), raised concerns about the use of Tasers on people who are particularly vulnerable, including children. The IPCC concluded that *'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.'*<sup>20</sup> Despite this report, our research also suggests that the situations in which Taser is used on children has widened. Reason for use given in response to our 2018 FOIs ranged from 'to effect arrest' to 'avoid escape'.

The latest Home Office statistics for April 2018-March 2019 show that after the MET police with 783 uses on children, Greater Manchester Police had the highest use of Taser on children using them 110 times on children 11-17 and 8 times on children 0-11.

Other forces such as Avon and Somerset Police had the second highest with 63 uses, Leicestershire Police were the third with 59 and West Yorkshire Constabulary had the fourth highest with 50.

The police forces who have not used a Taser on a child in the same period include: Norwich, Staffordshire, Suffolk and West Mercia.

Even though concern has been raised about the increasing use of Taser on children, more police officers are armed with Tasers than ever before and, following the recent Home Office announcement of £10 million for Taser uplift, the number of officers carrying the devices will increase further still.<sup>21</sup> This additional funding for Taser uplift was made without public consultation. In response, Martyn Underhill, the Association of Police and Crime Commissioners (PCCs) lead for use of force, said: *'We have a long-established principle of policing by consent in this country, so it is important that the public continues to be consulted on any changes to police deployment of this nature.'* Concern was also raised by the Chair of the National Police Chief's Council, who highlighted that *'Support for the weapons among police chiefs varies, with some fearing that their increased use damages public relations and undermines the unarmed nature of British policing.'*<sup>22</sup>

**We are extremely concerned that with increasing numbers of officers armed with Taser, they will not be used on children as a last resort. This will inevitably have damaging repercussions.**

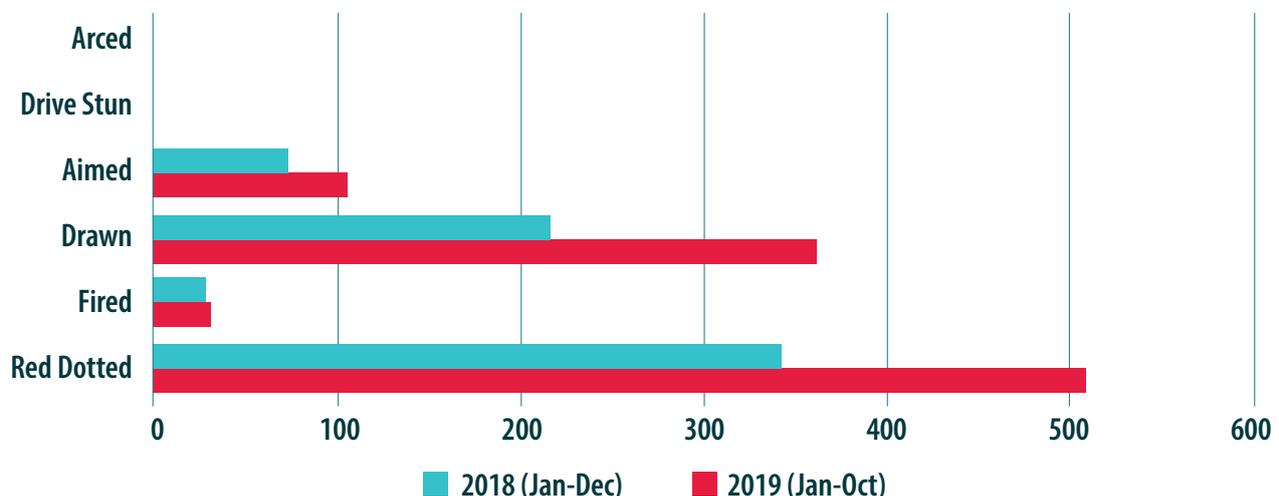
**5. Taser use on children in London**

The London Assembly<sup>23</sup> has previously criticised the Metropolitan Police (MPS) and the former Mayor of London for tripling the number of Taser-armed officers without providing compelling evidence of need. Back in 2014, Baroness Jenny Jones raised concern that *'the use of Tasers is fast becoming a regular part of policing in London...My fear has always been that the more Tasers we have on our streets the more chances there are of mistakes being made, making people less safe.'*<sup>24</sup> Yet Tasers are being rolled out to more and more police officers in the capital. Prior to the latest uplift announcement, Tasers in use in London had already risen by 50 per cent over the last two years to 6,500<sup>25</sup>.

Sian Berry, Co-Leader of the Green Party and London Assembly Member, has also been an avid critic of the MPS for their roll-out of Tasers to most front-line officers because of the lack of accountability and potential use on children.<sup>26</sup>

**In June 2017, the Commissioner of the Metropolitan Police announced that more officers will be trained and armed with Taser in London and in September 2019, the Commissioner again announced a further uplift in Tasers.**<sup>27</sup> These last two uplifts in the capital were made without public or stakeholder consultation, despite an MPS Firearms and Taser Reference Group being in place.

**Taser usage on children in London - Level of force used**



Source: Use of force statistics published by the Metropolitan Police Service

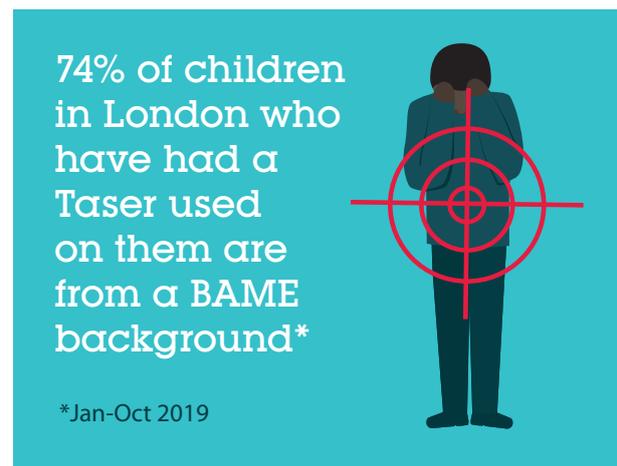
CRAE's research raises questions about 'mission-creep' and the use of Taser because it is available, rather than because it is necessary or proportionate. Our figures show that MPS officers are increasingly using Taser on children. **In 2008, after the devices were introduced, officers used them on children nine times. This compares to the period April 2018 – March 2019 where there were 783 uses of Taser on children. In the first 10 months of 2019, there were already 1009 uses of Taser on children.** Of those uses, children were red dotted 509 times. The 'red-dotted' advanced warning mechanism before firing is still a disturbing and frightening ordeal for children because, even though in a lot of cases it may not lead to the Taser being fired, children have told us this is a traumatic experience. Alarming, children were fired at 32 times.<sup>28</sup>

#### Disproportionate use on BAME children

The overuse of Taser on BAME children is particularly concerning. **In the first 10 months of 2019, nearly 74% of Taser use by the MPS was on BAME children.** Such shocking statistics require significantly more consideration and scrutiny than there is at present. A key problem is the lack of regularly published fully disaggregated data on the ethnicity of children who have had a Taser used on them, despite a recommendation by the UN Committee for the Elimination of Racial Discrimination for better disaggregated data to be systematically collected and published on the enjoyment of rights by ethnic minorities.<sup>29</sup>

Police forces should publish more detailed and consistent data and analysis on Taser use including the age and ethnicity of victims and the circumstances of use and whether any injuries were incurred. Evidence suggests children are less likely to complain to the police about their treatment due to lack of knowledge or lack of trust and confidence. Positively, the Independent Office for Police Conduct (IOPC) has recently launched a Youth Panel to help increase confidence among children of the police complaints system.<sup>30</sup>

With limited information on the views of children, often too scared to speak out about their experiences (or feeling that their views or opinions are not valued), it is vital that there are proper safeguards and measures implemented to reduce the use of Tasers on children by the police and particularly to reduce the current unacceptable levels of ethnic disparities.



Source: CRAE FOI request responses

#### 6. What needs to change?

**CRAE wants the use of Taser on children to be eliminated. Failing that, there should be a strong presumption against their use on under 18s. Urgent action must be taken to protect children's safety and well-being and respect their rights.**

#### National guidance

- Under the Children Act 2004, the police must make arrangements to safeguard and promote the welfare of children.<sup>31</sup> This includes the police's use of Tasers that must comply with this statutory duty.
- Currently there is no specific, national guidance for police on the use of Tasers on children. A clear policy statement from police leaders at the NPCC outlining that Tasers should only ever be used on children in the rarest situations where it is '*absolutely necessary*' could have a big impact on practice.
- This could then be adapted by all forces in England (including the Metropolitan Police Service) in their local policies on Taser use.

**Recommendation:** The NPCC and College of Policing must update the APP guidance on Taser use to remind officers of their duty to respect children's rights as set out in the NPCC strategy on policing children and young people. Tasers should only ever be used on children when '*absolutely necessary*' and when all other, less extreme options have been exhausted.

### Training

- Training for police officers on Taser use is rigorous but does not include (i) an explanation of children's rights, (ii) the child and adolescent brain and how it is likely to react differently to situations compared to an adult, and (iii) a detailed focus on the heightened risks of Taser use on children.
- CRAE wants the College of Policing to amend the national Taser training package (which is adapted by individual forces for use in their own training) to include a focus on children's rights and a greater focus on trauma impact on the child and adolescent brain. This will help officers understand why Taser use on children should be avoided.
- Although officers undergoing Taser training receive information about 'defusing' situations, we want to see more focus in the training on learning and using de-escalation techniques (such as Verbal Judo). This is already successfully deployed by other frontline workers who work with children and young people in challenging situations.

**R Recommendation:** The College of Policing must revise Taser training packages to include a focus on children's rights, the child and adolescent brain and de-escalation techniques.

### Data

- There have been welcome improvements in the way police forces gather and record data on the use of force but statistics on the use of Taser that is broken down by age and ethnicity are not routinely published through either the Home Office annual publication of Taser statistics or individual forces' own websites. Currently, the only way to extract this data is when organisations like CRAE make FOIs.
- Even with that data, it is difficult to get a complete picture of what is happening and the circumstances in which Taser is being used. Understanding this is vital to ensuring Taser is only being used on children when absolutely necessary.

**R Recommendation:** The Home Office must routinely publish disaggregated, detailed data on the use of Taser on children – including ethnicity and circumstances or reasons for use both nationally and by individual police force.

### Scrutiny and monitoring

- In addition to gathering and publishing data, police leaders at all levels (including the NPCC and individual forces at a local/regional level) must routinely analyse and reflect on statistics about Taser use on children. Such monitoring should help ensure Taser is not being used too readily and too often by particular police officers or teams.
  - Scrutiny and monitoring should extend to the police officer selection process for Taser use. Whilst training is an effective option to address any issues that arise from the culture surrounding Taser use, it is also important to understand the transition to operational use of Taser (including evaluating the effectiveness of its supervision).
  - PCCs (including the Mayor's Office for Policing and Crime (MOPAC) in London) and any local policing ethics committees should regularly review data around Taser use on children for their police force and compare against similar forces for any significant differences and identify reasons why. This should include regular dip-sample analysis of Taser use records to ensure the weapons are only being used in appropriate circumstances.
- R Recommendation:** Local and national mechanisms for scrutinising Taser use on children must be vastly improved. PCCs (including MOPAC in London) should develop robust processes for analysing data and circumstances of Taser use on children and challenge forces where appropriate.
- The IOPC<sup>32</sup> should play an important monitoring role of the police use of Taser on vulnerable groups such as children. CRAE wants the Government to change the law so that any use of Taser on a child results in a mandatory notification to the IOPC and supply of detailed information about circumstances around the use of force.



incident numbers may be over-representative due to duplicative results being reported in the relevant tables (i.e. where more than one officer has used force on the same subject, this was shown on the relevant table on separate rows of data, which, as such, resulted in duplicate metadata)

29. UN Committee for the Elimination of Racial Discrimination (2016) *Concluding Observations on the United Kingdom of Great Britain and Northern Ireland*.
30. Independent Office for Police Conduct (27 March 2018) *'Youth Panel established to help increase confidence among young people'*
31. Under section 11 of the Children Act 2004 authorities must make arrangements directed to improving the child's well-being in the areas of: physical and mental health and emotional well-being; protection from harm and neglect; education, training and recreation; the contribution made by them to society; social and economic well-being
32. Formerly known as the Independent Police Complaints Commission

## About CRAE

The Children's Rights Alliance for England (CRAE) is part of the charity Just for Kids Law. We work with over 150 organisations and individuals to promote children's rights – making us one of the biggest children's rights coalitions in the world.

We believe that human rights are a powerful tool for in making life better for children. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children and we empower children and those who care about children to push for the changes that they want to see.

With support from Trust for London, CRAE facilitates the London Forum on Children and Policing which brings together voluntary, community and statutory sector organisations to discuss and tackle issues around the policing of children.



**Children's Rights  
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Part of Just for Kids Law

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