

independent and effective investigations and reviews



Police Investigations &
Review Commissioner

DECEMBER 2018

PIRC Investigation Findings

Discharge of Conductive Energy Device (Taser)
July 2018

BACKGROUND

About 0430 hours on Saturday 7 July 2018, during the course of a police firearms incident at a flat in the Dundee area, an armed Police Scotland officer discharged a Conductive Energy Device (Taser) at a 32-year-old man, striking him on the back. The man was immediately incapacitated, allowing officers to arrest him and remove any threat to the other people who were present in the flat and police officers.

The incident began at 2150 hours on Friday 6 July 2018, when Police Scotland responded to a report of a disturbance at the flat. Police officers quickly attended the scene and established that the man was in the flat along with a number of other people. The officers were refused entry by the man, who reacted aggressively to their presence, threatening to stab anyone who entered the flat. As a result, police prevented anyone from leaving or entering the flat and over the next four hours a number of officers attempted to negotiate with the man but were unsuccessful in persuading him to leave the flat.

After a period of non-engagement with the man, armed officers forced entry to the flat to regain communication with him and ensure the wellbeing of the other people inside. The man reacted in an aggressive and confrontational manner, refusing to comply with the officer's instructions. An armed officer, believing that the man intended to retrieve a weapon from the kitchen, then discharged a Taser at him striking him on the back. This allowed other officers to secure his arrest, removing any threat posed to the other people present and the officers.

The man later pled guilty to a breach of the peace.

REFERRAL TO THE PIRC

On 9 July 2018, Police Scotland referred the incident to the Police Investigations and Review Commissioner (PIRC), in terms of the Police, Public Order and Criminal Justice (Scotland) Act 2006 as amended and the Police Investigations and Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013 for consideration of investigation.

PIRC INVESTIGATION

The PIRC investigation examined the police handling of the incident and the decision making processes relating to the discharge of the Taser.

During the course of the investigation, PIRC investigators obtained witness statements from police officers, police staff and civilian witnesses and they also examined Command and Control (STORM) logs, telephone and Airwave recordings.

PIRC FINDINGS

Following investigation the Commissioner found that:

- The man posed a threat to the police and others. During the incident he threatened to stab any police officer who entered his flat.

- Over a period of approximately four hours, police officers negotiated with the man and tried to persuade him to leave his flat. However, their efforts were unsuccessful.
- When the armed officers forced entry to the flat, the man reacted in an aggressive and confrontational manner and refused to comply with the officer's instructions. Due to his response and actions, an officer perceived that it was the man's intention to enter the kitchen to retrieve a weapon. As a result, the officer discharged a Taser at him, striking him on the back. This allowed other officers to arrest the man and remove any threat posed to the other people present and the officers.
- The use of the Taser in the circumstances was both necessary, proportionate and justified.