



**FORENSIC
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CONSULTANCY**

CONSULTANT FORENSIC SCIENTISTS
www.forensicfirearmsconsultancy.com

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Date 17th February 2014
Our Ref: 201402121
Your Ref: 1005357.0001

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Classification of products advertised at the Defence & Security Equipment International (DSEI) 2013

Statement prepared by
Mark Mastaglio
Consultant Forensic Scientist, Forensic Firearms Consultancy (FFC) Ltd
18th February 2014



Witness Statement

(Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B)

Statement of: Mark Stanley MASTAGLIO B.Sc.(Hons) FFSSoc

Age: Over 18

Occupation of Witness: Forensic Scientist

Address of Witness: Forensic Firearms Consultancy Ltd., 145-157 St John Street,
London, EC1V 4PW.

Relating to: FFC Reference: 201402121
Hodge Jones & Allen LLP Ref: 1005357.0001

I declare that:

This statement (consisting of EIGHT pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated anything which I know to be false, or do not believe to be true;

also that,

I am an expert in the field of forensic firearms examination, and I have been requested to provide to provide a statement. I confirm that I have read guidance in a booklet known as *Disclosure: Expert's evidence and unused material* which details my role and documents my responsibilities, in addition to revelation as an expert witness. I have followed the guidance and recognize the continuing nature of my responsibilities of revelation. In accordance with my duties of revelation, as documented in the guidance booklet, I:

- confirm that I have complied with my duties to record, retain and reveal material in accordance with the Criminal Procedure and Investigations Act 1996, as amended;
- have compiled an index of all material. I will ensure that the Index is updated in the event i am provided with or generate additional material;
- understand that in the event my opinion changes on any material issue, I will inform the court, as soon as reasonably practicable and give reasons.

I understand that my overriding duty is to the court; I have complied, and will continue to comply, with that duty.

Signed:

Date: 18th February 2014



Qualifications and Experience

I graduated from the University of Bristol in 1985 with a Bachelor of Science Honours degree. From 1985 to 1989 I worked, originally for the Ministry of Defence, as a research scientist specialising in the hazard assessment of explosives.

In 1989 I joined the Metropolitan Police Forensic Science Laboratory (MPFSL) as a forensic scientist specialising in the examination of firearms, ammunition and related items. In 1996 the MPFSL merged with the Home Office Forensic Science Service (FSS) in order to provide a national service to the courts.

I was the FSS Principal Scientist for firearms examination; I was the national scientific lead for the discipline within the FSS. I also had responsibility for ensuring that the FSS conformed to the requirements of the Firearms Act 1968 and its amendments.

I was a member of the Association of Chief Police Officers Firearms and Explosives Licensing Working Group, ACPO FELWG, and a member of its Technical Sub-Group and associated tripartite Home Office, ACPO FELWG, British Shooting Sports Council forum. My principal role on these committees was to provide assessments on the technical and legal classification of firearms and ammunition. ACPO FELWG advises on UK Firearms and Explosives licensing policy and is chaired by an ACPO rank officer and its members are made up of police licensing managers, a senior Home Office official and a firearms forensic scientist.

I was a Home Office appointee on the Historic Weapons Reference Panel and was also a Home Office advisor on issues of general firearms classification.

When the National Ballistics Intelligence Service (NABIS) was created I was made a Senior Associate and was then appointed as the Forensic Science Providers representative on the NABIS Scientific Standards Group.

I was a member of the Royal Armouries service level agreement committee, which was concerned with the use of the National Firearms Centre firearms reference collection.

I was the UK Council for the Registration of Forensic Practitioners (CRFP) Lead Assessor for firearms until the closure of CRFP in 2009.

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I was a member of the Home Office Firearms Standards Group. The Group monitors the scientific standards employed in the delivery of firearms related forensic science. From 2009 to 2011 I was Chair of the European Network of Forensic Science Institutes (ENFSI) Firearms and Gunshot Residue Expert Working Group. ENFSI is responsible for the harmonisation of procedures throughout Europe and is recognised by the European Union as *the* source of advice on forensic science issues. I am now an associate member of the Group.

I am a contributing author to the 3rd edition of the textbook *Crime Scene to Court: The Essentials of Forensic Science*, published by the Royal Society of Chemistry in 2010.

I am an international assessor for the Netherlands register for expert witnesses in forensic firearms examination.

I am a member of the Association of Firearms and Toolmarks Examiners.

I am a Fellow of the Forensic Science Society. I frequently review forensic firearms related papers for publication in the Society's Journal.

Over the last twenty-five years I have given forensic firearms related expert testimony in the Magistrates, Crown, Appeal, Coroners and Military courts.

I am now a co-founding Director of the Forensic Firearms Consultancy (FFC) Ltd and Principal Forensic Services (PFS) Ltd.

Introduction

Hodge Jones & Allen LLP have instructed Forensic Firearms Consultancy (FFC) Ltd. to identify and classify a number of products that were advertised for sale at the Defence & Security Equipment International (DSEI) 2013 exhibition.

I have been supplied with five .jpg files depicting products made by two companies. Three of the files depicted products marketed by Tianjin Myway International Trading Co. Ltd. and two of the files depicted products marketed by MagForce International. I also downloaded the general product catalogue from the MagForce International website, pages 92, 94 and 95 illustrate the products of interest, see Appendix A.¹

¹ <http://www.magforce.fr>

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Specifically the .jpg files were as follows (cropped to highlight product):



Magforce leg cuffs - 1.jpg

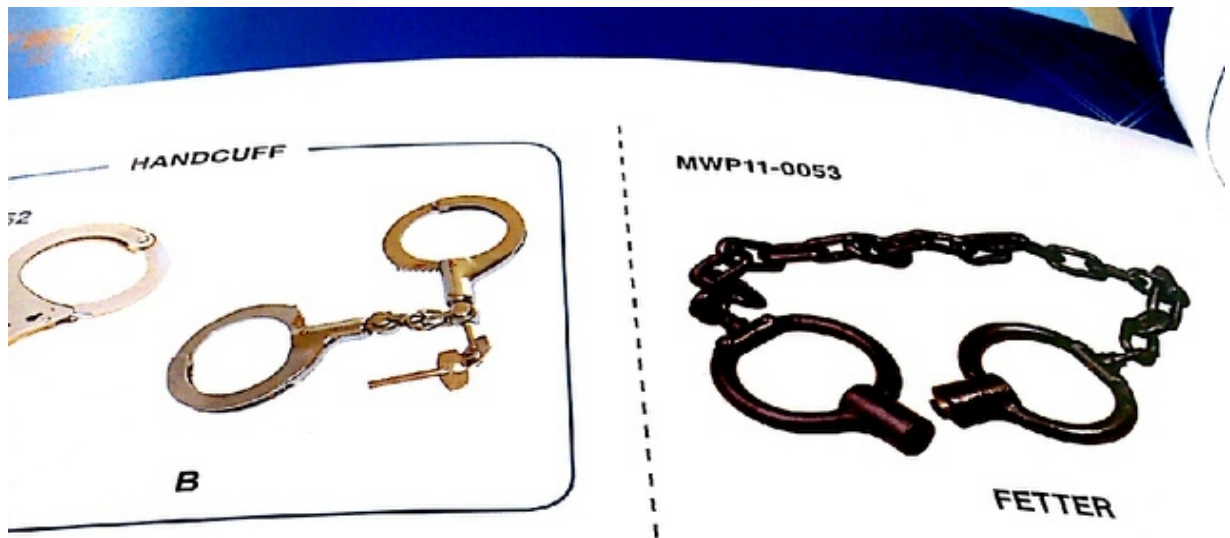
MWP11-0042



MyWay stun baton - 2.jpg

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MyWay fetters - 3.jpg



Magforce Stun Gun - 4.jpg

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MWP11-0045



ELECTRIC BATON

MyWay stun baton - 5.jpg

Discussion and legal classification

The two Myway products MWP11-0042/MWP-0045, as depicted in MyWay stun baton - 2.jpg and MyWay stun baton - 5.jpg, respectively, and the MagForce International product G depicted on page 94 of their catalogue are clearly electronic stun batons. The description given in the catalogue is Bâtons de défense électriques/Electric defence truncheon.

The MagForce International product D on page 95 of their catalogue is clearly a stun gun; the catalogue describes it as being Pistolet à impulsions électriques/Electrical impulse gun.

These electric stun devices are marketed for police/paramilitary personnel use. The stun batons have dual functionality; they can be used as a conventional truncheon and they can be used to deliver a high voltage electric shock. The electrical impulse gun appears to be similar to the TASER issued to UK police; these devices can

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discharge two barbed darts at an individual who can then be incapacitated remotely by activating the stun circuitry.

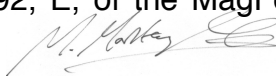
The electrical discharge from stun devices such as those described above interferes with the nerve signals concerned with voluntary muscle control. Manufacturers claim a variety of physiological effects depending on where and for how long the discharge is applied. Typical human responses would include muscle spasm, pain, disorientation and collapse if the discharge was applied for long enough.

Stun batons, stun guns and TASERs fit the description of prohibited weapons as given in section 5(1)(b) of the Firearms Act 1968 and are also firearms as defined by section 57(1)(b) of the 1968 Act. Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (e.g. electric-shock batons, electric-shock shields, stun-guns and electric-shock dart-guns) are classified as Category A goods under The Export Control Order 2008.

Also depicted on page 94, A and B, of the MagForce International catalogue are two flashlights which are also designed to discharge lachrymatory agents. They are described as Lampes lacrymogènes/pepper spray flashlight. These are marketed for police/paramilitary use. In the UK such devices would also be prohibited weapons as defined by section 5(1)(b) of the Firearms Act 1968 and could also be viewed as a disguised firearm as defined by section 5(1A)(a) of the amended 1968 Act.

Also depicted on page 95, C, of the MagForce International catalogue are two handguns that are designed to discharge 12-bore/50mm calibre cartridges containing hard rubber balls. Once again, these are marketed for police/paramilitary use. Tests carried out on this type of weapon have shown that at very close range the discharged projectiles can cause lethal injury. Consequently in the UK such guns are firearms as defined by section 57(1) of the Firearms Act 1968 and also fit the description of prohibited weapons as defined by section 5(1)(aba) of the 1968 Act. In my opinion the 12-bore/50mm calibre handguns would be subject to ML1 control under The Export Control Order 2008.

The Myway product MWP11-0053, as depicted in MyWay fetters - 3.jpg and depicted on page 92, E, of the MagForce International catalogue are what appear to be leg

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restraints/fetters. It is my understanding that security and paramilitary police equipment such as leg irons and shackles are classified as Category A goods under The Export Control Order 2008.

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