

B.C. Civil Liberties Association (bccla.org)

**Submission to the House of Commons Standing Committee on Public
Safety and National Security Regarding Tasers**

April 4, 2008

Opening Statement of Murray Mollard, Executive Director

I would like to thank the Committee for the invitation to speak to you today and also to welcome you to Vancouver.

Before I begin my submission, I would like to clarify that the proceedings today are not being recorded as minutes of evidence available on your Committee's website and available for all in Canada to have access to. Given that these proceedings today are not being recorded and transcribed into evidence as with your other meetings regarding your Conducted Energy Weapon/CEW study, I wish to record my concerns that this is unfortunate, indeed regrettable.

Before turning to my submissions, I wish to let you know a little about the B.C. Civil Liberties Association. We have been in operation since 1962 working to defend, extend and advocate for civil liberties in British Columbia and Canada. We undertake work in four program areas: public education, complainant assistance, law reform and litigation. We are governed by a volunteer Board of Directors, which is supported by a small, professional staff.

It is the submission of the B.C. Civil Liberties Association that there has been an utter failure, indeed and abdication, of government control over the evaluation, approval and introduction of the Conducted Energy Weapon into use by police forces in British Columbia and Canada.

Our submission is based on the principle that police authority derives from and is legitimate because civilian authority empowers policing authority, including the use of force. It does not work the other way around.

Indeed, and I think this is uncontroversial, public confidence in the police can only be maintained if the police are and are seen to be serving the public

interest. That necessarily means that the police's political masters, Solicitors General, Ministers of Public Safety and Attorneys General throughout Canada, must take responsibility for ensuring that new technology – technology such as the Taser that inflicts severe pain on individuals and may cause irreparable harm – does not pose an unreasonable risk of harm to Canadians. These same authorities must ensure that there are appropriate high and uniform standards with respect to training, use and reporting/accountability if they determine that Taser technology does not pose an unreasonable risk.

Indeed, one would have thought that the introduction of the Taser would have required a go-slow approach, with a very slow implementation over several years. Instead, pilot projects were completed over the course of months, not years.

I would like to convey to you the approach that the BCCLA took when asked by the media early when we were asked about the introduction of the Taser. When asked 8 years or so ago by the media, the BCCLA stated that we are not experts in the safety of the technology – that is for the government to determine – but if the technology is going to be introduced there should be clear standards regarding training, use and reporting that are uniform across all jurisdictions. The BCCLA like the public generally – indeed the police's political masters – were sold on the technology as being less than lethal and a weapon option to use instead of a firearm. This has turned out not to be the case and this Committee has heard testimony about how there has been function or usage creep such that the technology can in some cases be the first use of force response by police rather than the second last before a firearm. This is a serious problem in accountability and control by political masters over police use of technology.

In August 2004, after a growing number of deaths locally, nationally and in the United States association with Taser use, the BCCLA wrote to then Solicitor General Rich Coleman to undertake a comprehensive review of police use of tasers, including audits of actual use and formulation of provincial wide uniform policies for all municipal police services relating to training, use and reporting/accountability. We urged the Minister to undertake a review and to implement uniform training, use and reporting standards.

The Minister's response in December 2004, was to point to various reviews that were ongoing including the Office of the Complaint Commissioner's review (undertaken on his behalf by the Victoria Police Department – which raises questions about independence of review given the VPD's significant investment in Taser technology) which he noted had made interim recommendations and an in-custody death review by the Coroners Service. To this date, the BCCLA has heard no word of the Coroners Service review and we are unaware of any standards or uniform policy being prescribed by the Ministry of the Solicitor General to require all police forces in British Columbia to adhere to common standards regarding training, use and reporting.

[Note Murray Mollard distributed copies of the BCCLA's letter and Minister Coleman's response to members of the House Committee.]

Fast forward almost four years later, I'd like to quote from Dirk Ryneveld's testimony to this Committee on March 5, 2008:

“That report [referring to the Taser review report by the Victoria Police Department], in my respectful view, is a very thorough one, which made recommendations that, in conjunction with the interim recommendations I've just bulleted for you, in implemented , may well have prevented some of the problems that have subsequently arise. If you look at the fact patterns of some of the anecdotal reporting of incidents that have followed, it is speculative on my part, but my guess is that we may not have had the frequency of them.”

It is our understanding that the Ministry of Public Safety and Solicitor General in British Columbia still has not implemented and mandated uniform training, use and reporting policies for all municipal police services in British Columbia.

With respect to the RCMP, this Committee has also heard from Mr. Paul Kennedy, Chair of the Commission for Public Complaints Against the RCMP that his interim recommendations have not been implemented:

“In my opinion, the RCMP has not gone far enough in implementing my first and second recommendations on where it be placed, and of course on the training and advice to members. This in fact is a significant issue for me.”

As you should know by now, any standards that exist in Canada for police and Tasers differ according to city, province and jurisdiction.

The fact that our elected representatives, in the face of modest and sensible recommendations made by police oversight authorities, watchdogs that our own governments have appointed to act as a warning signal and check on the police, have failed to heed their calls for reform, represent, as we say, an abdication of governing responsibility over the police.

Given this abdication of proper governance role of the civilian masters of the police in respect of the CEW/Taser, the BCCLA in the fall of the 2007 called for a moratorium on the use of Tasers, a moratorium that we continue to seek.

The BCCLA urges you, the House Committee on Public Safety and National Security to also recommend a moratorium until there is adequate research to affirm that the Taser does not represent an unreasonable risk of harm to the public and there are adequate uniform standards across the countries police and law enforcement community with respect to training, use and reporting regarding CEW/Tasers.