



March 5, 2009

Mr. Peter Van Loan
Minister of Public Safety
Government of Canada
House of Commons
Ottawa, Ontario
K1A 0A6

VIA FAX: 613-954-5186

Dear Minister Van Loan:

RE: RCMP Taser testing

We have still not received a response from your office to our letter dated January 16, 2009 where we raised concerns about the manner in which Conducted Energy Weapons, in particular the Taser, are being tested by the RCMP.

I write to you today on a separate but related matter that raises serious concerns about the ability of the RCMP to test these devices, and raises further concerns about the confidence the public can have in statements made in the media by our national police force. We would like for your office to immediately investigate this matter, and remove responsibility for testing new weapons from the RCMP until such time as the issues surrounding the transparency and appropriateness of the testing process have been addressed thoroughly, with adequate oversight in place.

On December 8, 2008, the RCMP issued a news release indicating that the testing of thirty randomly selected Tasers was complete and that the units had all tested "within the manufacturer's specifications."¹ On March 3, 2009, the RCMP posted an "Update on 2008 Conducted Energy Weapons (CEW) Testing Results" on the RCMP website. In this message, the RCMP revised the test results, along with the end date of the testing:

During the testing, completed on December 10, 2008, two of the M-26 CEWs were found to be outside the TASER International 2005 testing protocol variance for open circuit voltage. On January 28, 2009, TASER

¹ Press release, "Conducted Energy Weapons: Testing initiated by the RCMP on electrical output issues", December 8, 2008, online at <http://www.rcmp-grc.gc.ca/news-nouvelles/2008/2008-12-08-cew-ai-eng.htm>.

International provided updated protocols for both the M-26 and X-26 models, which no longer included measurement of open circuit voltage.

This series of events raises a number of issues of transparency, accountability and accuracy around an issue of critical importance to the public, namely the safety of the Taser device. This public concern was at its height at the time of the original, inaccurate December 8, 2008 media release, which occurred during the first phase of the Dziekanski inquiry and closely followed the release by the Canadian Broadcasting Corporation ("CBC") of testing results that showed Taser device non-compliance with manufacturer specifications.

The December 8, 2008 RCMP press release served to assuage the public and assure them that the Taser devices were performing to specification, contrary to the CBC allegations. This press release was, in hindsight, significantly inaccurate.

It is not clear at this time whether the RCMP knew that their press release was false at the time of its release, or following the release; however, what is clear is that the misinformation was not corrected for three months, and was not corrected during the first phase of the Dziekanski inquiry in which the very safety and reliability of these devices was directly at issue and in which the RCMP is a lead participant.

Just as concerning as the inability of the RCMP to communicate accurate results of Taser testing to the public in a timely fashion is the response of Taser International to the failure of the devices to meet its standards. Rather than improving their devices to ensure they met manufacturer standards, the RCMP alleges that Taser International responded to the RCMP research by asking the RCMP to "retest" the impugned devices, but this time not measure open circuit voltage as it was no longer part of the protocol.

This response raises very serious and legitimate questions about how the protocol was designed by Taser International in the first place. Do Taser's manufacturer specifications reflect the Taser output that is compatible with not causing the death of individuals Tasered? Or do these manufacturer specifications simply reflect the measurements of the output of the average Taser device without any concern for individuals Tasered, in which case the so-called "testing protocol" is meaningless?

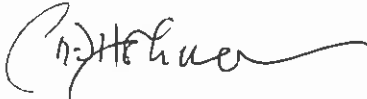
Given the response of the RCMP to this request from Taser, namely to comply with the request, and the omission of the RCMP to report on the failure of the devices for three months following the test results, we are reminded of a concern that we raised in our letter of January 16, 2009. In that letter, we advised you that:

The RCMP has repeatedly and publicly insisted that the Taser is safe for use and an essential part of their use of force arsenal. The RCMP faces significant potential legal liability if the Taser were, in fact, found to be an unsafe weapon that they had introduced without adequate testing. The RCMP are not positioned to conduct impartial and complete testing in which the public can and will have confidence.

While Taser devices are now officially used only in the most serious of use of force instances, your office, our office, and the general public knows that individual RCMP officers in the street may not always follow policy, as has been demonstrated so dramatically in the Dziekanski inquiry and the Prince George “tortured man” case.²

We call on you again to test these devices comprehensively, and independently, so that the public can have confidence in the results, and to investigate immediately why and how the RCMP has so mishandled the public communication of the results of their Taser testing.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Holmes", with a long, sweeping underline.

Robert Holmes
President

cc. Michael Ignatieff, leader of the Federal Liberal Party (613) 992-5880
Jack Layton, leader of the Federal New Democratic Party (613) 995-4565
Gilles Duceppe, leader of the Bloc Quebecois, (613) 954-2121
John van Dongen, Minister of Public Safety, British Columbia (250) 356-8270

² CBC Online, “3 RCMP officers won’t face internal probe in “tortured man” case, 29 January 2009:
<http://www.cbc.ca/canada/british-columbia/story/2009/01/29/bc-rcmp-no-investigation.html>