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CANADA
Inappropriate and excessive use of tasers

1. Introduction

Children continue to be the victims of abusive use of tasers[1] by Canadian police officers. There have also been a disturbing number of cases where police officers have used tasers inappropriately when there was no serious risk either to themselves or others present. Cases documented by Amnesty International include the abusive use of the taser by law enforcement officers to rouse an unconscious man, to shock a 15-year-old as he ran from undercover officers, to jolt a 17-year-old 13 times in the space of 20 minutes and to awaken two sleeping men.

Six people died after being shot with tasers in 2005 and 2006 in Canada.[2] All were subjected to multiple cycles of the taser, with one man in Niagara receiving 12 shocks in three minutes. This is despite warnings in a report commissioned by the Canadian Association of Chiefs of Police in 2005 that "police officers need to be aware of the adverse effects of multiple, consecutive cycles" of a "Conductive Energy Device" (CED).

Amnesty International acknowledges that it is important that police departments extend their use of non-lethal weapons in order to avoid deaths or injury from more lethal force; an increasing number of police departments in Canada now have tasers in their arsenals. However, the use of tasers raises a number of concerns regarding their safety and potential for abuse. This report updates Amnesty International's November 2004 report which first highlighted the organization's concerns regarding police use of tasers in Canada .[3]

While all weapons have the capacity to be abused when not strictly controlled, Amnesty International believes electro-shock weapons are particularly easy to abuse as they are portable, simple to deploy and have the capacity to inflict severe pain at the push of a

[1] Dart-firing electro-shock weapons designed to cause instant incapacitation by delivering a 50,000-volt shock. The pistol shaped weapons use compressed nitrogen gas to fire sharp darts up to 21 feet (7m]. The darts can penetrate up to two inches (5cm) of clothing. Electricity is then conducted down wires connecting the darts and the taser gun. The electrical pulses induce skeletal muscle spasms immobilizing and incapacitating the target and causing them to fall to the ground. Tasers may also be used, in "drive stun" mode, as a close up stun weapon. The "drive stun" is specifically designed for pain compliance.

[2] Since tasers were first used in 2001 by law enforcement agencies in the USA and Canada, more than 260 people have died after being shocked with the weapon. Fifteen such deaths have been reported in Canada. In the USA, coroners have listed taser shocks as a cause of death or a contributory factor in more than two dozen cases in the past two years. While no such findings have yet been made in Canada, Amnesty International believes a link between deaths and taser shocks cannot be ruled out.

[3] *USA: Excessive and lethal force? Amnesty International's concerns about deaths and ill-treatment involving tasers* (AI Index: AMR 51/139/2004), *Canada: Excessive and lethal force? Amnesty International's concerns about deaths and ill-treatment involving tasers* (AI Index: AMR 20/002/2004).

button, often without leaving marks. The cases included in this report indicate that tasers are being used too readily by law enforcement officers where less force was necessary.

International standards, including the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by law Enforcement Officials prohibit torture and other cruel, inhuman and degrading treatment. They also require that force be used only as a last resort and that the amount of force be proportionate to the threat encountered and designed to minimize damage and injury.[4]

Although international standards encourage the development of non-lethal incapacitating weapons in order to decrease the risk of death or injury, they also state that these should be "carefully evaluated" and that "the use of such weapons should be carefully controlled"[5] The evidence suggests that taser use in Canada falls far short of meeting such standards. This report ends with a series of detailed recommendations on the measures which should be taken to ensure international standards are respected.

While a number of studies into taser use have been undertaken or are ongoing, both in the USA and Canada, none has yet been published which fully meets the criteria for a full, rigorous inquiry into the use or effects of tasers. In view of the serious ongoing concerns relating to the safety of tasers, and pending the results of a comprehensive, independent and impartial study, Amnesty International reiterates its call for all police departments and authorities to suspend their use of tasers. Departments who continue to deploy them should strictly limit their use to deadly force situations as defined under international standards cited below.

2. Deaths following taser use

In the past two years, six individuals have died in Canada after being shocked with a taser by police officers. They bring to 15 the total number of deaths following taser use since these weapons were introduced into Canada. Nearly all of the 15 were subjected to multiple taser shocks and in most cases other techniques were also applied including pepper spray, physical force and restraint holds. In the overwhelming majority of cases, no one was armed or appeared to present an imminent threat of death or serious injury to themselves or the lives of others.

While none of the deaths has been directly attributed to use of the taser (several inquests are in progress or still pending at the time of writing) in at least five of the 15 cases,

[4] International standards require, among other things, that law enforcement officials shall, as far as possible, apply non-violent means before resorting to the use of force and firearms; exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be pursued; minimize damage and injury and respect and preserve human life. Law enforcement officials shall not use deadly force except in self-defence or the defence of others against the imminent threat of death or serious injury; in any event, intentional lethal use of firearms may only be made when strictly unavoidable to protect life.

[5] Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Principles 2 and 3.

cause of death has been linked to a condition known as "excited delirium" or "cocaine-related excited delirium".

The definition of this term and how the condition relates to deaths linked to restraint procedures used by police and prisoner officers remain subjects of controversy. Some research studies have suggested that the use of electro-shock weapons exacerbates the condition.[6] A Canadian Police Research Centre report noted that excited delirium was gaining increasing acceptance as the main contributor to deaths "proximal" to taser use.[7]

"The causes of Excited Delirium are multifactoral. No one really knows for certain what is happening" – Canadian Police Research Centre[8]

The Canadian study took a definition of excited delirium from a 2001 study by Dr Morrison and Dr Sadler[9] which states that the symptoms include "a state of extreme mental and physiological excitement characterised by extreme agitation, hyperthermia, epiphoria, hostility, exceptional strength and endurance without apparent fatigue."[10] They noted, however, that there was no medical consensus on this definition stating rather that "the condition of excited delirium is not a clinical entity on its own, but a constellation of symptoms from a varied and severe underlying process"[11] and that there only existed "causative theories at present".

After the fifth death of an individual following the use of a taser in July 2005 in Canada, the chief coroner for British Colombia stated that the "police and the medical community need to look for other ways to deal with the condition renown as 'excited delirium'… It's a medical emergency in the truest sense of the word. Do we need to look at

[6]The UK Scientific Advisory Council Subcommittee on the Medical Implications of Less-lethal Weapons (DOMILL) issued a statement on the comparative medical implications of use of the X26 Taser and the M26 Advanced Taser. This noted that, while generally low risk, "there is sufficient indication from the forensic data and the drugs and the known electro-physiological characteristics of the heart (and the effects of certain drugs on this) to express a view that excited, intoxicated individuals or those with pre-existing heart disease could be more prone to adverse effects from the M26 Taser, compared to unimpaired individuals."

[7] In May 2005 in London, Ont., Dr. Jim Cairns, Ontario's deputy chief coroner, said that of the nine Canadians to have died shortly after being shot by a police Taser were determined to have died from "cocaine-induced excited delirium.

[8] Canadian Police Research Centre, *Excited Delirium and its correlation to sudden and unexpected death proximal to restraint*, p.19.

[9] A Morrison and D Sadler, "Death of a psychiatric patient during physical restraint. Excited delirium - a case report". *Medicine, Science and the Law*, 41, 46-50, 2001.

[10] Canadian Police Research Centre ,*Review of Conducted Energy Devices. Technical Report TR01-2006*, August 2005, p.36.

[11] Canadian Police Research Centre, *Review of Conducted Energy Devices. Technical Report TR01-2006* , August 2005, p.37.

the taser? Absolutely. Certainly nobody's going to dismiss the fact that we need to determine what the physiological impact, if any, of the taser is".

The Canadian Police Research Centre recommended that there be an international and multi-disciplinary study into excited delirium and its relationship to deaths in custody following the use of restraints, and for any study to make recommendations for changes to medical intervention protocols. Amnesty International supports this approach, and recommends that it be widened to include the relationship between excited delirium and the use of tasers. As well as recommending medical procedures, the study should also make recommendations to law enforcement agencies on the use of tasers.

2.1 Multiple or prolonged taser discharges

Amnesty International's research into deaths following taser use in the USA and Canada indicates that many of those who have died had been subjected to multiple or prolonged shocks. In Canada alone, all six of the deceased in 2005 and 2006 were shocked multiple times with a taser; in one case up to 12 times in three minutes.

Amnesty International believes that repeated shocks should be avoided unless absolutely necessary to avoid serious injury or death and prolonged shocks beyond the five-second discharge cycle should be prohibited.

The Canadian Police Research Centre noted in its 2005 Technical Report that "police officers need to be aware of the adverse effects of multiple, consecutive cycles of a CED on a subject" because "the issue related to multiple CED applications and its impact on respiration, pH levels and other associated physical effects, offers a plausible theory on the possible connection between deaths, CED use and people exhibiting symptoms of CED.[12]

In April 2005, the US Department of Defense released a report which concluded that while available data suggests that healthy adults would not be at significant risk from the taser, "if long periods of uninterrupted EMI [Electromuscular Incapacitation Device] activation did occur, the risk of unintended adverse effects such as cardiac arrhythmia, impairment of respiration or widespread metabolic muscle damage could be severe".[13]

Taser International is the main manufacturer of taser stun guns. In June 2005, in light of a number of lawsuits by relatives of those who died after being shocked by tasers, and the fact that the use of their product was being listed in autopsy reports, the company included a warning that there were potential health risks in the use of its product in a training bulletin.

It noted the relation between excited delirium, taser use and death. The bulletin stated: "Repeated, prolonged, and/or continuous exposure(s) to the TASER electrical discharge may cause strong muscle contractions that may impair breathing and respiration, particularly when the probes are placed across the chest or diaphragm. Users should avoid prolonged, extended,

[12] Canadian Police Research Centre, *Review of Conducted Energy Devices. Technical Report TR01-2006*, August 2005, p.18.
[13] US Department of Defense, *Human effectiveness and Risk Characterization (HERC) of the Electromuscular Incapacitation Device. A Limited Analysis of the TASER.*

uninterrupted discharges or extensive multiple discharges whenever practicable in order to minimise the potential for over-exertion of the subject or potential impairment of full ability to breathe over a protracted period of time… [people experiencing excited delirium] are at significant and potentially fatal health risks from further prolonged exertion and/or impaired breathing."

In June 2005, a comprehensive review undertaken by the Victoria Police Department on behalf of British Colombia's Office of the Police Complaint Commissioner identified in its final report "that multiple [taser] applications increase risk factors we identified in our Interim Report. Multiple applications also have the potential to impair respiration, which we know is linked to those known risk factors."[14]

- **24 December 2005:** Alesandro Fiacco, a 33-year-old man, was shocked four times with a taser by officers from the Edmonton Police Service. According to witnesses, Alesandro Fiacco appeared disorientated and confused as he wandered through traffic. Following an altercation with the officers who attempted to arrest him, he is reported to have fallen and injured his head. He initially responded to officers requests to place his hands on the car but was shocked by officers when he once again began behaving erratically. Witnesses attest that after a brief struggle on the ground with the officers, he became limp. Officers are then reported to have noticed that he was having respiratory problems. Alesandro Fiacco was pronounced dead on arrival at hospital.

  At the time of writing the autopsy report had not yet been released and the RCMP was investigating the death.

- **10 August 2006:** Jason Dean, aged 28, was given three shocks by Red Deer RCMP officers using a taser in drive-stun mode as he resisted arrest. Officers were called to an incident after he was seen damaging vehicles. Police apprehended him after a chase on foot and shocked him with the taser after he reportedly struck an officer with the wooden handle of a pitchfork. According to eyewitnesses, Jason Dean collapsed at the scene before being transported to hospital where he remained in a coma until his death on 30 August 2006.

  At the time of writing the Alberta Medical Examiner was investigating the death and the Calgary police were reviewing the investigation.

2.2 Tasers used with pepper spray

Amnesty International has long-standing concerns about the use of pepper spray as a law enforcement tool[15]. In four of the six cases which resulted in deaths in 2005 and 2006, tasers

[14] Office of the Police Complaint Commissioner, *Taser Technology Review, Final Report*, 14 June 2005, p.39.

[15] Since 1990, more than 100 people in the USA are reported to have died after being subjected to pepper spray. While many of the deaths have been attributed to other causes, such as positional asphyxia or drug intoxication, Amnesty International is concerned that pepper spray may have been a contributory factor in some cases

were used in combination with pepper spray. There are concerns that the combined effects of such restraint techniques could dangerously increase stress levels or respiratory problems with potentially fatal effects.

- **5 May 2005**: Kevin Geldart, aged 34, was shocked up to eight times with a taser[16] and pepper-sprayed by four officers of the Codiac Royal Canadian Mounted Police (RCMP). The officers intervened when Kevin Geldart, who earlier in the day had walked out of a hospital psychiatric ward where he was being treated for bipolar disorder, refused to leave a bar. According to reports, when approached by the officers he was combative and one officer was injured in the struggle. After officers had placed him in handcuffs, they realized he was no longer responsive. He was taken to hospital where he was pronounced dead.

  The coroner's inquest into Kevin Geldart's death ruled in March 2007 that Kevin Geldart died accidentally of excited delirium with contributing factors including repeated shocks with a taser and pepper spray. The RCMP investigator into the incident found that there had been no criminal wrongdoing on the part of the officers and no use of excessive force.

  The coroner's jury issued a number of recommendations including the re-certification of taser instructors every five years and changes to the taser itself to ensure accurate records of usage.

- **30 June 2005**: Gurmeet Sandhu, aged 41, died after he was beaten, pepper-sprayed, tasered and physically restrained by British Columbia (BC) RCMP officers. The officers were called to the house in response to an alleged incident of domestic assault. Gurmeet Sandhu was reported to be in an agitated and delirious state. According to police, the "officers had gone through the full possible range of options – using physical force, pepper spray, and finally, the taser in attempting to subdue Sandhu." Officers noted that Gurmeet Sandhu stopped breathing at the scene and efforts to revive him proved unsuccessful.

  A coroner's jury ruled in November 2006 that cause of death was accidental and the result of "acute cocaine intoxication". The five-person jury cited "coronary artery disease" and "cardiac hypertrophy" as "significant" conditions that contributed to Gurmeet Sandhu's death. The jury recommended the development by all BC police forces of a province-wide tracking system to monitor the distribution and use of "conductive energy weapons" and urged the provincial Solicitor-General's ministry to develop alternative "rapid chemical restraint" methods that use sedation rather than electrical shocks to subdue individuals.

- **1 July 2005:** James Foldi, aged 39, was tasered by officers of the Niagara Regional Police Service in July 2005 while he was being arrested for breaking and entering. According to eyewitnesses, he was "bleeding heavily" and in "medical distress" when

[16] According to a pathologist who testified during the inquest into Kevin Geldart's death, there were eight taser injuries on Kevin Geldart's body.

police arrived. Police are alleged to have shot him with a taser before spraying him twice with pepper spray. Three officers are then reported to have shocked him up to 11 further times with the taser in drive-stun mode. James Foldi reportedly fell to the ground before being handcuffed by officers. The officers are reported to have called an ambulance after his breathing became distressed. He was taken to hospital where he was pronounced dead.

The postmortem revealed that he had a significant amount of an illegal substance in his system at the time of his death.

The Special Investigations Unit [17] concluded in February 2006 that the police were not criminally responsible for his death. According to Director Cornish, "The officers in this case had grounds to arrest Mr. Foldi and in all the circumstances, they were justified in using force to affect that arrest."

- **12 July 2005:** Paul Sheldon Saulnier, aged 42, died after being tasered, hit with a baton and pepper-sprayed by RCMP officers in Digby, Nova Scotia. The officers followed him as he fled from a police building where he was being booked for previous offences. After applying the various force options and restraining him in handcuffs, the officers noticed he was having difficulty breathing. Paul Sheldon Saulnier was pronounced dead at the scene.

  The province's chief medical examiner announced in September 2006 that the cause of death was "cardiac arrest due to excited delirium due to paranoid schizophrenia."

  An investigation into the death, headed by the Halifax Regional Police, concluded that the use of force employed in the case by the officers was justified.

2.3 Update to deaths reported in 2004

- **Clayton Alvin Willey:** A coroner's inquest into the death of Clayton Alvin Willey, who died after BC RCMP officers shocked him with a taser in July 2003, found the cause of death to be cocaine overdose. However, it offered a series of recommendations regarding taser use by Canadian police and on dealing with suspects who exhibit signs of excited delirium. The inquest recommended the implementation of standardized taser training for police, mandatory reporting of taser use, and acquisition of new taser technology, better drug use behavioural training to deal with people under the influence of drugs and a re-evaluation of restraint protocols.
- **Peter Lamonday:** On 13 May 2004, Peter Lamonday was involved in a physical altercation with London Police Service officers at Rectory Street and Hamilton Road in London, Ontario. During the altercation he was pepper-sprayed, tasered, and

[17] The Ontario Special Investigations Unit is a civilian agency that investigates incidents involving police (provincial and local services) and civilians which have resulted in serious injury, sexual assault or death.

eventually taken into police custody. While in hospital, he stopped breathing and died. An autopsy revealed contusions and haemorrhages to his ribs and back. The inquest held last year determined that Peter Lamonday died of "cocaine-induced excited delirium while in a prone position". Seven police officers were cleared of misconduct by the Ontario Special Investigations Unit.

At the time of writing, Peter Lamonday's widow was suing London police and the hospital who attended to him, claiming negligence during the arrest and care of her husband.

According to the claim the seven officers attempted to subdue Peter Lamonday using their combined weight to pin him to the pavement of a parking lot. He was then subjected to at least three jolts of 50,000 volts with a M26 Taser. Officers placed him face down on a gurney and strapped him down. One office put his knee and body weight on the small of Peter Lamonday's back while he was strapped onto the gurney. A pain restraint was put on his neck and jaw. He stopped breathing as he was transported to hospital.

- **Robert Bagnell:** In October 2005, a summary of the police investigation into Robert Bagnell's death was released to his family. According to his sister: "This summary reveals that the Vancouver police falsified their initial reports, improperly removed crucial evidence from the death scene and then lied to us, all in an attempt to conceal the fact that Taser weapons had been used on Robert just before he died."

  The lawyer acting for the family noted that the summary discloses that Robert Bagnell was shot at least twice with a taser as he lay on the floor.

  The family has repeatedly requested disclosure of the entire investigative report, the autopsy report and the results of electrical tests on the two tasers that were used in the shooting.

  At the coroner's inquest, held in September 2006, the pathologist testified that Robert Bagnell had died of a heart attack brought on by cocaine intoxication and that the taser was unlikely to have been responsible. The coroner told the inquest that Robert Bagnall had four times the lethal level of cocaine in his system and had also taken methamphetamine. According to the pathologist, if the taser strikes were to blame for his death, they would have killed him immediately after police applied them. It was also disclosed at the inquest that police had not informed Robert Bagnell's family that a taser had been used on him; his mother had found out a month later from a television programme. Police had only informed her of her son's death two days after he died.

  On 14 September, the inquest was adjourned for six weeks after Robert Bagnell's family attempted to introduce a letter from the Victoria chief of police that raised concerns about the use of tasers. The inquest was rescheduled for May 2007.

  In November 2006, the BC Supreme Court Justice refused to allow the Vancouver police board to remove itself from a lawsuit arising from Robert Bagnell's death. The

family are suing the police board, claiming the police force was negligent in purchasing and supplying officers with tasers.

3. Excessive use of force

In October 2006, Paul Kennedy, chairman of the RCMP Public Complaints Commission expressed concern about how officers are using the taser, including how early on in a confrontation they are deploying the weapon. A month earlier, Victoria Police Chief Paul Battershill stated that he held "philosophical concerns about whether the police 'by themselves' should be defining where the Taser belongs on the force continuum… as various studies rapidly evolve, it may be necessary to change placement in the continuum and I am not convinced this can be done by police 'by themselves'."

Amnesty International calls on all police departments and authorities to suspend their use of tasers or use them only in situations that would justify use of lethal force under international standards. [18] One of the organization's concerns – based on its research of cases in the USA and Canada – is that the weapon is used by officers low down the force scale. For example they are often used in routine arrest situations at the first sign of resistance, or in the face of relatively minor resistance, and in situations where lethal force would not be contemplated.

Amnesty International believes that using powerful electro-shock weapons against those already restrained; disturbed, intoxicated but non-dangerous individuals; unruly children and people who are non-compliant but who do not pose a probable threat of serious injury to themselves or others, is an excessive use of force which may also constitute torture or other cruel, inhuman or degrading treatment.

The following are accounts of cases reported in the Canadian press that demonstrate how some law enforcement officers may be using the weapon inappropriately and, in some cases, outside of the parameters of safe use set by international standards governing the use of force.

- **13 April 2002, Edmonton Police Service:** Craig Williamson, a 53-year-old man with cerebral palsy and other medical conditions, claims that he was tasered by three Edmonton officers 27 times. According to Craig Williamson, officers tasered him as

[18] These require, among other things, that law enforcement officials shall, as far as possible, apply non-violent means before resorting to the use of force and firearms; exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be pursued; minimize damage and injury; and respect and preserve human life. Law enforcement officials shall not use firearms except in self-defence or the defence of others against the imminent threat of death or serious injury; in any event, intentional lethal use of firearms may only be made when strictly unavoidable to protect life.

he fell while he was being evicted from his building. No disciplinary charges were brought against the officers involved.

- **19 October 2003, Terrace RCMP:** In May 2006, an RCMP officer who assaulted a man with a taser in the cell block of Terrace RCMP police station received a conditional discharge with 12 months' probation. Aaron McMillan was arrested on suspicion of impaired driving and when he refused to provide a breath sample and resisted attempts to fingerprint him, the officer in charge restrained him and ordered the other officer to taser him in the chest three times.

  An RCMP disciplinary hearing found the officer in charge guilty of using excessive force.

- **27 November 2003, Edmonton Police Service:** Three officers responded to an attempted robbery-with-a-knife complaint and were searching hotel rooms for a suspect. One of the officers deployed his taser to rouse two sleeping suspects. According to the officer, the men, whom he believed were in a methamphetamine stupor, did not respond to verbal commands and moved away when he tried to wake them up using "physical control techniques".

  The officer was charged with assault with a weapon. At his trial in September 2006, a police expert testified that the use of force was "inconsistent" with Edmonton Police Service standards and its use of force training model and was, therefore, "excessive." According to the expert, officers are trained to deploy stun guns only when dealing with suspects classified as active resisters or higher: "The Taser is not used to wake people up… It is used to either gain control or gain distance."

- **15 February 2004, Morinville RCMP:** In June 2006, a judge convicted a Morinville RCMP officer of criminal assault for firing his taser at a man he had wrongly arrested for refusing to pay a cab fare. At the trial, the provincial court judge ruled that the officer had no legal justification for arresting the man and that he "did not act on reasonable and probable grounds… the force used by the accused was unnecessary." At the time of writing, an internal disciplinary review was ongoing.

- **3 April 2004, Edmonton Police Service:** Hector Jara, a 21-year-old man driving a stolen car, was pursued by six police officers. When the pursuit ended, he fell to the ground, surrounded by the officers. One officer kicked him in the head before two officers shot him with their tasers and broke a number of his fingers. At Hector Jara's trial in October 2006, the judge criticized the actions of the officers for using "excessive force and cruel and unusual punishment." According to a police spokesman, criminal charges are not being considered against the two officers.

- **April 2004, Edmonton Police Service:** Dustin Guy, a 20-year-old man, was shocked twice with a taser while he was handcuffed and in custody. According to reports, two officers handcuffed him to a bench before tasering him twice in the arm.

  His father claims that his son was tasered several times: "the police say they only shocked him twice in the arm, but his entire back was covered in burns." According

to his father, Dustin Guy developed post-traumatic stress disorder following the incident.

Acting Police Chief Darryl da Costa dismissed complaints of excessive use of force against both constables involved in the incident, and gave one an official warning for not submitting the correct paperwork following the use of the taser.

- **9 August 2004, Edmonton Police Service:** In May 2007 an Edmonton constable was found guilty of assault with a weapon for an incident in 2004 when he tasered a pedestrian he was arresting for jaywalking.

  The incident started when the officer followed 35-year-old Paul Cetinski Jr, into a building after having witnessed him jaywalking across a street. The officer ordered him to come outside and sit on the pavement. After Paul Cetinski complied but refused to sit down, the officer began to place him in handcuffs before shocking him twice after he turned towards him. According to the provincial judge, "the clear fact to me is that the accused overreacted which resulted in an unnecessary, gratuitous use of force… I cannot conclude that the use of force… was in any way justified."

  The officer was due to be sentenced in June 2007.

- **24 September 2004, Halifax Regional Police:** Suzanne Silver was arrested and accused of threatening officers. According to police there was a struggle inside a police cell and, while she was handcuffed, she was held down and shocked three times with a taser by officers. In March 2006 both officers were cleared of assault.

- **8 October 2004, Edmonton Police Service:** An off-duty Edmonton police officer helped a neighbour deal with two teenagers reportedly acting suspiciously near his vehicle. According to police, "one of the youths complained that excessive force was used. No one was seriously injured." The case was investigated by the Edmonton Police Service Internal Affairs Department and a report was sent to the Calgary Crown Prosecutor's Office for review. Police Chief Mike Boyd concluded that the officer should face criminal charges of assault.

- **27 August 2005, North Vancouver RCMP:** Peter Gierson, aged 21, was reportedly play-fighting with his brother in a beer garden when an officer approached him and asked him to leave. According to Peter Gierson the officer then placed him in a headlock and threw him over a small fence. Three officers then pinned him to the ground head-down. While in this position an officer is reported to have shocked him with a taser. Peter Gierson refused to cooperate with an internal investigation by the RCMP into the incident and is instead pressing for an independent review of the case.

- **2 October, 2005, Edmonton Police Service:** A 23-year-old student, Gurpreet Singh Ranu, filed a complaint claiming that he was needlessly shocked with a taser by Edmonton Police Service officers in October 2005. According to the claim, Gurpreet Singh Ranu, who had fallen asleep behind the wheel of his parked car, awoke to find himself on the ground being struck around the head and shoulders by officers. The police are reported to have then tasered him when he attempted to crawl under the car.

According to the police report of the incident Gurpreet Singh Ranu was tasered three or four times leaving him – according to his lawyer – with "significant taser scarring".

- **December 2005, Princeton RCMP**: Greg Garley, a 42-year-old restaurant owner, was shocked with a taser by two officers as he lay unconscious. The officer who ordered the shock, reportedly in an attempt to revive Greg Garley, pleaded guilty in court to assault with a weapon and was given a conditional discharge and 50 hours' community service. The judge in the case said the incident showed a "lack of judgement" on the officers' part. According to Greg Garley, the incident resulted in neck surgery and impaired hearing.
- **3 March 2006, Waterloo Regional Police**: Police were called to an incident in which a man who had lit a cigarette was refusing staff requests to leave a restaurant. During the course of the arrest, police are reported to have shocked him with a taser.
- **17 June 2006, Edmonton Police Service:** Brian Fish, a 66-year-old family lawyer, was called by his son to an incident in which his friend had been "violently" arrested. Brian Fish took photos at the scene of the arrest and continued to do so after police asked him to stop. An officer is reported to have pushed him to the ground and shocked him with a taser three times in his back. Police took Brian Fish into custody but did not charge him and he was released early the next morning. Brian Fish has filed a complaint against the officer involved in the incident.
- **6 July 2006, Chatham-Kent Police**: A veteran police sergeant was charged with assault and assault with a weapon in connection with an incident at Chatham police headquarters. The incident involved a 33-year-old man who had been arrested and was being charged. According to police, the man was not injured. The sergeant was suspended on full pay pending the outcome of investigations and faced disciplinary charges under the Police Services Act.

3.1 Use of force against children

> "A quick zap was given just to gain compliance… [Afterwards] I believe he kind of – he kind of grimaced and then started to cry and then after that he was compliant."[19]

Amnesty International believes that the use of tasers against unarmed children who pose no serious threat is an inherently cruel and excessive use of force. According to international standards, children should be accorded special care and protection.[20] In none of the following

[19] Testimony of Edmonton Police Service officer from court transcript of teenage boy's trial on burglary charges.

[20] Such standards include the UN Convention on the Rights of the Child. As a signatory to this treaty, Canada is bound not to do anything to undermine the object and purpose of the treaty. The treaty

cases did the child present a danger to themselves or to the lives of police officers. One child was shocked with a taser while running away from officers and another was shocked while already in the custody of police.

- **24 December 2003, Edmonton Police Service:** A 15-year-old boy was tasered by an officer in a police cell. At his trial in 2004, the boy testified that while being transported to the police station, an officer told him that he would take him into a room, beat him up and taser him. According to the teenager, he was placed in a cell and strip-searched before being pushed up against a wall and shocked with a taser on the back of his leg.

  The boy was convicted of burglary and sentenced to 12 months' probation. However, the judge in the case noted that the officer had used "an unreasonable amount of force" and described the use of the taser as "completely uncalled for."

  The verdict was later overturned on appeal and in August 2006 a provincial court judge stayed the charges against the youth, saying the police misconduct was so egregious that further prosecution of the boy would have been offensive. In her written judgement, she wrote, "We place great power in the hands of police officers with the tacit understanding that police will never abuse that power… by accusing, charging, detaining, strip-searching, convicting and punishing the boy before he was ever brought before the court, the police officer abused the power placed in his hands."

  In 2006, Edmonton Police Service charged the officer with assault with a weapon. In February 2007 he was acquitted. The provincial court judge ruled that the constable's actions were not "unreasonable" because the teenager had lied twice to him about not being armed, despite having three knives on him. "It is his lies in respect to weapons that tips the balance… the force was not unreasonable in the circumstances."

  At the time of writing, a civil suit was in the process of being filed against the officer.

- **4 May 2005, Hamilton Police Service:** 15-year-old [NAME REDACTED] was tasered by two Emergency Response Officers from Hamilton Police Service after he threw an empty can at the officers' unmarked car. He was shocked with the taser as he was pursued by the officers, neither of whom is reported to have identified himself as a police officer. The officers tackled [NAME REDACTED] and tasered him twice before handcuffing him. [NAME REDACTED]was not charged with any offence. The Hamilton Police Service is investigating the complaint

- **16 September 2006, New Brunswick RCMP:** A 17-year-old was tasered at least 13 times by RCMP officers. According to the officers, the boy was "combative and resistant" and "to effectively and safely arrest him, [they] had to use a directed energy weapon to get him under control". According to reports, the teenager's back

further enshrines the right of those under 18 to protection "from all forms of physical or mental violence, injury or abuse." A child is defined under international standards as a person under 18 years of age.

and stomach were covered in burns from the weapon; seven marks on his lower back and approximately six more on his front, including his groin. A witness to the incident claimed that the use of the taser was not necessary as the boy was not resisting arrest. She added, the incident "went on for twenty minutes. They kept telling him to get on his back but every time he tried to turn, they'd keep tasering him. It was just horrible."

3.2 Use of force against people with mental illness

- **12 April 2006, Waterloo Regional Police**: A 36-year-old psychiatric patient was shot with a taser as police officers attempted to subdue him. After he was shot, the patient was handcuffed and given a sedative and secured onto a gurney. Moments later he went into cardiac arrest and was resuscitated at the scene. The patient remained in hospital for six days following the incident.

  The Ontario Special Investigations Unit cleared the officer involved of wrongdoing and concluded that the officer's use of the taser represented a reasonable and justified use of force. The report did not examine whether the taser caused the cardiac arrest.

3.3 Update to excessive use of force reported in 2004[21]

- **Ten Algerians** were acquitted in February 2006 of charges of mischief in connection with an incident in May 2003 in which they initiated a sit-in in the immigration minister's office. After refusing to leave the office, several members of the group were shocked with tasers as they were forcibly arrested. In her ruling, Ontario Court Judge Anne Alder did not address the demonstrators' complaints of police brutality, but did recognize the sit-in had been conducted calmly and non-violently and had not disrupted the activities of the immigration minister's employees.

  No officers were disciplined in the case.

- **Paul Smith**: In November 2005 an Ottawa police officer was found guilty of misconduct by the Ontario Civilian Commission on Police Services which ruled that he had committed an "unnecessary exercise of authority" when he used a taser on Paul Smith – who was handcuffed at the time – during a protest outside a citizenship and immigration office on 29 May 2003.

  An internal police investigation into the incident had cleared the officers concerned of criminal wrongdoing and professional misconduct. Ottawa Police Chief Vince Bevan accepted the Commission adjudicator's findings, stating: "The officer subjected Mr Smith to more force than was necessary."

[21] *Canada: Excessive and lethal force? Amnesty International's concerns about deaths and ill-treatment involving tasers* (AI Index: AMR 20/002/2004).

- **Randy Fryingpan**: An Edmonton Crown Office judge ruled that Edmonton Police Service officers had used excessive force in repeatedly shocking Fryingpan with a taser. According to the judge, the officers' actions constituted "cruel and unusual treatment… the scene was clearly under control and the deployment of a taser absolutely unnecessary." In his decision, the judge ruled: "I find that the rousting of the accused out of the vehicle in question by use of taser was excessive. The accused either passed out/asleep did not pose a great risk to the officer in question."

  Calgary Chief Crown Prosecutor Gordon Wong announced that prosecution of the police officer concerned would not proceed because of inconsistent witness testimony. Randy Fryingpan's lawyer called on the Alberta Attorney General to have the case reviewed by prosecutors from another territory.

Amnesty International believes that to avoid the sort of abuse described above consistent law enforcement policies including clear guidelines, monitoring and accountability must be put into operation by all departments using the weapon. Additionally, use of force training should be mandatory for all officers carrying tasers and should include specific guidelines on when, how and the extent to which force can be legitimately used and on international human rights standards, particularly the prohibition against torture and other cruel, inhuman or degrading treatment or punishment.

4. Reviews of taser use in Canada

Chairman of the RCMP Public Complaints Commission, Mr Paul Kennedy, stated in October 2006 that, in his opinion, a comprehensive report on the use of tasers would be a beneficial tool for police forces in Canada, "and if we do it right, then maybe we'll have fewer deaths."

Since the publication of Amnesty International's first report on police use of tasers in Canada, reviews of the use of the weapon have been carried out by the British Columbia Office of the Police Complaint Commission and by the Canadian Police Research Centre. Neither of these reviews fulfils the organization's definition of an exhaustive and independent investigation into the effects of the weapon, as both draw their conclusions from an analysis of previous investigations and existing scientific and medical literature, without realizing or commissioning any new research.

While neither of these reviews meet Amnesty International's criteria for a fully independent, wide-reaching and impartial investigation into the use and effects of tasers, the organization notes that a number of concerns raised are consistent with those outlined by Amnesty International.

4.1 British Columbia Police Complaint Commissioner Report

Following the publication of an interim report in September 2004, which reviewed the relevant medical and statistical data, the Office of the Police Complaint Commissioner released its final report on 14 June 2005. The focus of the report was "to provide suggested

Course Training Standards in the areas of Conducted Energy Devices (TASERs), Excited Delirium (ED) and Restraint Protocols."

The final report noted the continued need for research on taser use and respiration – stating that this remained "an area of concern… Muscular tetany that impairs respiration may be an operative factor that has been previously unrecognised." The report also recognized the importance of the research undertaken by the Air Force Research Laboratory, noting that it "provides support for the proposition that police should, where possible, be minimising multiple TASER applications."

The Office of the BC Police Complaints Commissioner accepted many of the recommendations contained in Amnesty International's 2004 report[22] and incorporated some of these into their final report, although stopping short of supporting Amnesty International's call for use of tasers to be suspended.

> "The investigative team believes that a number of [Amnesty International's] recommendations with respect to accountability and contraindications are valuable and are substantially in line with many of our own recommendations. We support a number of their suggestions with respect to administrative accountability and public reporting on use of force.

Amnesty International considers that the Police Complaint Commissioner's recommendations do not go far enough. For example, while proposing that tasers not be used against passive resisters, they allow for these weapons to be used in both deployment modes against those who are actively resisting police but not directly threatening them.

4.2 Canadian Police Research Centre

A Canadian Police Research Centre study was initiated by the Canadian Association of Chiefs of Police in August 2004 in response to a growing concern about the number of fatalities associated with the use of CEDs. It set out to provide an all-inclusive review of the existing scientific research and a national perspective on the safety and use of these weapons.

The review centred around three areas: the medical safety of the weapons, the policy considerations for police CED operations, and an analysis of the medical condition excited delirium.

The report, published in August 2005, concluded that tasers are "safe in the vast majority of cases"; that definitive evidence does not exist to implicate a causal relationship between CEDs and death; and that the risk of cardiac harm to subjects is low. However, the report notes that the adverse effects of multiple and consecutive CED cycles and their impact

[22] *USA: Excessive and lethal force? Amnesty International's concerns about deaths and ill-treatment involving tasers* (AI Index:: AMR 51/139/2004) and *Canada: Excessive and lethal force? Amnesty International's concerns about deaths and ill-treatment involving tasers*. (AI Index: AMR 20/002/2004).

on respiration, pH levels and other associated physical effects "offer a plausible theory on the possible connection between deaths, CED use, and people exhibiting the symptoms of ED [excited delirium]".

"Police officers need to be aware of the adverse effects of multiple, consecutive cycles of a CED."

Furthermore, the report observes that excited delirium, although not a universally recognized medical condition is gaining increasing acceptance as a main contributor to deaths "proximal" to CED use. The report notes that policies and procedures that proscribe exactly in which circumstances a CED may or may not be used would be counter-productive for law enforcement and governing bodies. Instead, it suggests that public confidence in CEDs will increase with adherence to best practice in their use.

The report acknowledges that there are "no known, scientifically tested, independently verified, and, globally accepted CED safety parameters" as there are with other policing tools such as pepper spray. As a consequence, law enforcements agencies are reliant on manufacturers' claims on the safety of their products and are poorly equipped to respond to advances in technology that may be beneficial to the police and community at large.

4.3 Toronto Police Service

In January 2005, Dr David McKeown, Medical Officer of Health of the Toronto Police Service released a report on the health implications related to the use of Advanced Tasers by the Toronto Police Services. The report set out to provide a brief overview of the known health effects of the use of tasers within the context of police work, and involved consultation with a number of medical and law enforcement professionals, in addition to a review of documentation on taser use, including Amnesty International's 2004 report.

His report concludes that tasers are typically used as a less lethal alternative to firearms. Because some individuals have experienced immediate medical problems after being shocked with a taser, and as there is limited evidence available to assess the precise level of risk, the report recommends that tasers should be reserved for situations in which the risk of not subduing the individual or of using firearms is significant. This, according to the report, will ensure that the benefit of taser use could be expected to outweigh the risk.

The report recommends that the circumstances in which tasers are used and the health implications of those subjected to the weapon should be monitored by the Toronto Police Service and subject to routine medical assessment. The report also recommends that the use of tasers should be strictly controlled as should training, follow-up and reporting of usage.

Amnesty International is aware that following a number of highly publicized cases and incidents involving use of tasers, including several deaths, some police departments are reviewing and tightening their policies governing taser use. In February 2006, Edmonton Police Service issued new taser guidelines to provide greater accountability and oversight. While welcoming such reviews Amnesty International believes that these guidelines do not go

far enough as they allow tasers to be used against individuals who are not actively resisting arrest and fall well short of Amnesty International's recommendations on taser use detailed below.

5. Conclusion

Amnesty International remains concerned that tasers continue to be used inappropriately by law enforcement officers in Canada. The organization in particularly concerned that police officers are using the weapon in ways which might exacerbate worst-case effects – such as multiple shocks or in combination with pepper spray.

Despite warnings from the Canadian Association of Chief of Police and from Taser International about the potential dangers of multiple shocks from the weapon, law enforcement officers in Canada continue to subject individuals to multiple or prolonged shocks with a taser. All of the six men who died after being tasered in Canada in 2005 and 2006 were shocked multiple times with the weapon.

As the number and variety of cases included in this report demonstrate, tasers are being used too readily by police officers in Canada and too low down the use-of-force scale rather than as a weapon of last resort. In addition, tasers continue to be used against groups such as children and people with mental illness.

None of the studies carried out in Canada into the use of tasers meet Amnesty International's criteria for an independent, impartial and comprehensive inquiry into their use and effects. Pending such an investigation, the organization reiterates its call for a suspension on the use and transfer of electro-shock weapons and, failing that, strict control of the weapon.

6. Amnesty International's recommendations

To all police departments with tasers in their arsenal:

1. Suspend all transfers and use of tasers and other electro-shock weapons pending a rigorous, independent and impartial inquiry into their use and effects. Such an inquiry should be carried out by acknowledged medical, scientific, legal and law enforcement experts who are independent of commercial and political interests in promoting such equipment. They should rigorously assess their medical and other effects in terms of international human rights standards regulating the treatment of prisoners and use of force. The inquiry should include the systematic examination of all known cases of deaths and injury involving the use of such weapons and also consider the mental impact of being subjected to electro-shock. The study should recommend strict rules, safeguards and oversight procedures to prevent misuse of any types of electro-shock equipment that may be viewed as having a legitimate use in law enforcement. A report of the findings of such an inquiry should be made public promptly after completion of the study.

2. International standards recognize that situations will arise in which police officers will have to use force. However, these standards, specifically the UN Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, set specific guidelines on when, how and the extent to which force can legitimately be used. All law enforcement agencies should ensure that officers are trained to use force strictly in accordance with these standards.
3. Law enforcement authorities should ensure that use-of-force training programmes for law enforcement officials include international human rights standards, particularly the prohibition against torture and other cruel, inhuman or degrading treatment or punishment.
4. All allegations of human rights violations and other police misconduct should be fully and impartially investigated. All officers responsible for abuses should be adequately disciplined and, where appropriate, prosecuted.

To law enforcement agencies which refuse to suspend their use of tasers, pending the outcome of an independent and impartial inquiry

5. Departments using tasers should strictly limit their use to situations where the alternative would be use of deadly force. Examples would include: armed stand-offs, instances in which a police officer faces a life-threatening attack or injury, or threat of attack with a deadly weapon, or where the target presents an immediate threat of death or serious injury to themselves or others. In such circumstances, tasers should be used only where less extreme measures are ineffective or without any reasonable expectation that it will achieve the intended result.
6. Unarmed suspects should not be shot with a taser for arguing or talking back, being discourteous, refusing to obey an order, resisting arrest or fleeing a minor crime scene, unless they pose an immediate threat of death or serious injury that cannot be controlled through less extreme measures.
7. Operational rules and use–of-force training should include a prohibition against using tasers on the following groups, except as a last resort to avoid deadly force when no alternatives other than firearms are available: pregnant women, the elderly, children, emotionally disturbed people or people with mental or physical disabilities, people in vulnerable positions where there is a risk of serious secondary injury (for example in dangerously elevated positions or near flammable substances), and people under the influence of drugs.
8. Repeated shocks should be avoided unless absolutely necessary to avoid serious injury or death.
9. Departments should introduce guidelines which prohibit the application of prolonged shocks beyond the five-second discharge cycle.

10. Tasers should only be used in stun-gun mode as a back-up to dart-firing tasers and only when no other options are available to an officer and there is an immediate threat of death or serious injury to the officer, the suspect or another person. The stun gun function should never be used to force a person to comply with an order given by an officer where there is no immediate threat to the life or safety of the officer or others.
11. Whenever an individual has been shot with a taser, police officers or custody staff should be required to call paramedics or other medical professionals to administer treatment. It is advisable that they be taken to hospital to have the barbs removed and to monitor for other adverse effects.
12. Law enforcement agencies should ensure strict reporting by the departments concerned on all use or display of tasers, with regular monitoring and data made public. In particular:
    - Departments should download data recorded by officers' tasers after every incident in which they are used. A summary of this data should be included in all use-of-force reports.
    - Each display, "sparking" or shock administered by a taser should be reported in use-of-force reports, as well as whether the taser was used in dart-firing or stun-gun mode and the reasons why a taser was used. The number of trigger-pulls and duration of the shock should be reported in each instance. The age, ethnic origin and gender of each person against whom a taser is deployed should also be reported.
    - Prisons and other institutional facilities should install remote monitoring equipment to record taser usage automatically as it occurs.
    - Each department should provide a detailed breakdown of its taser use in regular, public reports.

Additional recommendations:

13. Mentally ill or disturbed individuals should receive appropriate treatment and alternatives to force in line with best practice. Where officers have reason to believe that a disturbed individual may be acting in a violent or threatening manner as a result of mental illness, efforts should be made to involve mental health specialists in dealing with them. Policing methods based on force should only be used as a last resort.
14. Dangerous restraint holds such as hogtying and use of carotid neck-holds or choke-holds should be banned.
15. There should be strict limitations and guidelines on the circumstances in which pepper spray can be used, with clear monitoring procedures.