

# Taser Use in Canadian Police Forces

## Lethal Dependence on the “Non-Lethal” Weapon

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## Taser Use in Police Forces

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### Introduction

Only a few decades ago, the weapon of choice for police officers worldwide was to use a firearm to apprehend. It was used as a fear mechanism; officers would threaten a person’s safety with the thought of discharging their potentially lethal weapon in their general direction. As times changed, new technologies provided officers with devices that were to be used as “non-lethal.” While the stand-by devices they already employed worked just fine as assisting tools, such as pepper spray and batons, officers were given a jolt to their effectiveness with the imposition of a conductive electrical device

(CED). But as the years went on and the stun gun or “taser’s” popularity increased within police forces, the device’s true power became apparent as those subjected to the stun gun were physically or psychologically injured or even died as a result. This is becoming more and more ubiquitous in the recent years, as the taser went from a last resort option, to the first resort used. This essay is to analyze the use of the taser in Canadian and American streets, analyze the effects and consequences of the use and the circumstances as to why they are being employed in the first place. Also, this essay will look at two recent cases in Canada; a case from the Vancouver International Airport, and from a jail cell in Sioux Lookout, and a case from the United States, and the issue of excessive force and cruel and unusual punishment. Finally, a critical analysis will look at how and if social reform is necessary before the “lethal non-lethal weapon” becomes the norm, or if it already has. While the use of tasers has some legal justifications such as being a safe method compared to a gun, it also carries a heightened risk of over-use and over-dependence within the police agencies that use them.

### **Case Study: Robert Dziekanski at the Vancouver International Airport**

The most highly publicized case of taser death in Canada today is that of Robert Dziekanski, a Polish immigrant moving to Canada. After landing in Canada, he waited a total of 9 hours for his immigration status to clear. In this time, he became understandably agitated. When ordered by police to stand against a wall, he then took a stapler in his hand and took what RCMP officers call a “combative stance.”<sup>1</sup> It was at this time that officers deployed their tasers on the Polish man. According to the ongoing inquiry, officers did not inform the man of what they were doing, and did not do so under the assumption that Dziekanski would not understand them. Dziekanski was tasered 4-5 times with 50,000

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<sup>1</sup> *Moutie Was Fearful of Combative Stance*: CTV.ca. Released on Feb 23<sup>rd</sup>, 2009

volts of electricity. Eyewitnesses say that the first shock made him convulse, but it wasn't until after the second or third shock that he fell to the ground.<sup>2</sup>

### Analysis of the Released Video

The video captured by a witness is what enables Canadians to express their opinions to the public on the matter of the use of a taser on Mr. Dziekanski. This use of legal and political philosopher Jeremy Bentham's *public opinion tribunal* may not hold any significant weight in the court of law, but it will in the matter of public interest and safety, since the public wants the greatest happiness for the greatest number and collective interests seen above the interests of the RCMP or the government.<sup>3</sup> When the video was released, the public saw what they in their own experience believed to be true, and analyses can be different. From a law point of view, viewers will see the following: an agitated man, frustrated with the situation he has been in for an excess of 9 hours, not understanding the language being spoken to him. In the video, two security guards approach Mr. Dziekanski, and there is an obvious language barrier present.<sup>4</sup> After a few minutes, a bystander attempts to try and calm the man down. After this woman leaves the immediate area, Mr. Dziekanski begins to throw objects at the windows of the customs area of where he has been contained. After another few short minutes, the four RCMP officers enter the airport, and within seconds of their arrival, Dziekanski throws his arms up – as if he was in defeat. The officers, as it was later revealed in the ongoing inquiry, felt that this was a “combative stance” and retrieved their tasers. It is seen in the video at the 5:25 mark, that as Dziekanski raised his arms, he turned away from the officers, and as this happened, one of the officers withdrew his weapon. Seconds later, the shot was fired. In all, 5 shots with the taser were fired, some from separate devices. One of which did not work properly. In order for the taser to work efficiently, both “prongs” must be

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<sup>2</sup> *Man Died after 4 Taser Jolts; Witness says*. CBC.ca. Released on Oct 17<sup>th</sup>, 2007

<sup>3</sup> Jeremy Bentham: *The Constitutional Code*, Various Chapters.

<sup>4</sup> *Robert Dziekanski tasered by RCMP at Vancouver Airport*. Via YouTube.com video.  
[http://www.youtube.com/watch?v=IPe\\_hf7aBXM](http://www.youtube.com/watch?v=IPe_hf7aBXM)

attached to the assailant's skin and muscle to inhibit their movements<sup>5</sup>. But one of the guns did not connect properly and only one prong attached, so the 50,000 volts entered Dziekanski body, but never left, as it is intended to do. As speculation only, this could have been what killed Robert Dziekanski that day, but his autopsy results were inconclusive. The true cause of his death will never be known, but the people responsible for the death are highly documented through video evidence and personal testimony.

Several issues arose from this incident. Questions about the use of force, the RCMP officer's actions demanded answers, both politically and from the public. The four RCMP officers that arrived at the Vancouver International Airport on October 14<sup>th</sup>, 2007 were not held criminally responsible in Canada for the death. It was determined by the British Columbia Attorney General that the officers were acting within the law, and the Crown attorneys determined that criminal convictions would not be in the public's interest, and that by convicting these officers for doing their job would not be judicially fair. As it states in the Canadian Criminal Code in Section 25,

"Everyone who is required or authorized by law to do anything in the administration or enforcement of the law (a) as a private person, (b) as a peace officer or public officer, (c) in aid of a peace or public officer, or, (d) by virtue of his office, is, if he acts on reasonable grounds, justified in doing what he is required or authorized to in using as much force as is necessary for that purpose."<sup>6</sup>

Upon analysis of this section, the legislation in place does protect the four RCMP officers in this case. These officers have a duty, as mandated through the Criminal Code as well as the Police Act, to ensure

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<sup>5</sup> Taser FAQs from Cbc.ca In Depth Retrieved on March 20<sup>th</sup>, 2009 from <http://www.cbc.ca/canada/story/2009/03/18/f-taser-faq.html>

<sup>6</sup> Martin's Annual Criminal Code of Canada. 2007 Edition. Section 25(1). Pg 74.

the safety of the public and to use as much force as is necessary to do so<sup>7</sup>. In the case in question, Robert Dziekanski was in an agitated state, and could, in an escalated circumstance, have harmed the bystanders in the airport that day. So the officers in question did what was necessary to contain the situation. However, the question remains the same. Why use the taser, which is known to have lethal consequences, when the less lethal options of pepper spray or a baton are available for use? This will be looked at further in another section of this essay.

### **Reasonable Use of Force, or “Cruel and Unusual Punishment”?**

“Everyone has the right on arrest or detention

(a) To be informed promptly of the reasons thereof.”<sup>8</sup>

In the case cited above, can the argument be made that Robert Dziekanski was not properly informed of his rights? As a landed immigrant (or being in the process of becoming a landed immigrant) was Mr. Dziekanski provided with the adequate time to reasonably accept or deny the reasons given for his detention or impending arrest? As was mentioned above, the airports translators were not present at the time of his detainment.<sup>9</sup> So how did Mr Dziekanski know what was happening to him? In this case, he was not clearly informed of the reason for his arrest, detention or that if he did not comply with officers’ orders, that force would be used against him. If this were to be exercised in court, several aspects must be determined, such as whether or not Mr. Dziekanski understood what was being told to him, and whether or not the officers who informed him that he was being detained made an incorrect assumption in believing Mr Dziekanski understood. A common case that is cited when testing violations of this Charter provision is the case of R. v. Evans. In the 1991 Supreme Court of Canada case, it was analyzed whether or not the detainee, Wesley Evans, was informed of his right to counsel, and whether

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<sup>7</sup> Ibid.

<sup>8</sup> Martin’s Annual Criminal Code of Canada; Charter of Rights and Freedoms, Section 10(a), pg 1720.

<sup>9</sup> *More people to blame than just the Mounties*. From Canada.com. Retrieved on March 14<sup>th</sup>, 2009.

or not he understood it. In the case document, it states, “A person who does not understand his or her right cannot be expected to assert it. The purpose of s. 10(b) is to require the police to communicate the right to counsel to the detainee. In most cases one can infer from the circumstances that the accused understands what he has been told. But where, as here, there is a positive indication that the accused does not understand his right to counsel, the police cannot rely on their mechanical recitation of the right to the accused; they must take steps to facilitate that understanding.”<sup>10</sup> Therefore to apply this to the case of Robert Dziekanski, one can deduce that he was unaware of the caution being given, and had been given no opportunity to understand it. Further, the officers (both the RCMP who arrived on the scene and the airport’s security) did not employ the services of the airport’s translator, to give Mr. Dziekanski the courtesy of understanding the situation. If this case were to be tried criminally, the *R. v. Evans* case could be used as the *stare decisis* – the standing precedence – and be considered by the judge.

### **American Case of Excessive Use of Force – Buckley v. Haddock**

A question that has been raised that has yet to be determined by the Supreme Court of Canada is whether or not the use of a taser can and should be considered cruel and unusual punishment. Could the use of 50,000 volts of electricity be considered under this phraseology? There is currently a case in the United States that is looking at the taser and it’s use in terms of *cruel and unusual punishment* that could see it’s way to the U.S. Supreme Court. In the case of Buckley v. Haddock from Panama City, Florida, the plaintiff, Jesse Buckley was pulled over for speeding. After not complying with the law that states that he must sign the citation given to him, Buckley was handcuffed and secured by his vehicle. Buckley became hysterical (in the case document, it states that he was upset with receiving a fine, as he was homeless and “financially destitute”<sup>11</sup>) and fell to the ground, refusing to go to the officer’s car. It was after all this that Mr. Buckley was tasered. A question in this case is whether or not the excessive

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<sup>10</sup> *R. v. Evans* [1991] 1 S.C.R. 869. Acquired from the Canadian Legal Information Institute on March 14<sup>th</sup>, 2009.

<sup>11</sup> Buckley v. Haddock et al. <http://www.ca11.uscourts.gov/unpub/ops/200710988.pdf>

force utilized was within the scope of the officer's duty or if it was cruel and unusual punishment, as per the Eighth Amendment of the Constitution, and Article Five of the United Nations' Universal Declaration of Human Rights<sup>12</sup>. The case cites a separate case, *Harlow v. Fitzgerald*, where the issue of *qualified immunity*. Qualified immunity is a governmental provision that gives officers protection against Constitutional violations.<sup>13</sup> In the Buckley case, it was determined that the officer acted within his rights of force, as the area of the arrest was not secure and that the safety of the people on the road and off to the side of the road was not secured.<sup>14</sup> Therefore his use of force was to secure the scene and to protect himself and Mr. Buckley.

According to the judges presiding in the case above, tasing a handcuffed man is within reasonable use of force. This case, seen before a U.S. court, gave the officer credit for acting in the way that he did. The decision of this case is highly disagreeable, because the video evidence published shows a secured scene on the side of the road, well away from any motorists, in addition to the fact that the man was in handcuffs and beside his vehicle.<sup>15</sup> In the case documents, it said that the officer requested he go to the officer's car and after his warning, tased him. This was called giving the man "time to comply".<sup>16</sup> When was Mr. Buckley given time to comply? His time to comply was as he was being tasered, according to the documents.<sup>17</sup> This should be an abuse of reasonable force. What the officer should have done was to have called for assistance *before* exercising the use of the taser, because by requesting help, and the man still resisting, this would have constituted the use, as he was not complying with the officer's orders and the threat of more police involvement.

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<sup>12</sup> See Eighth Amendment of the US Constitution and the Universal Declaration of Human Rights – United Nations - <http://www.un.org/Overview/rights.html#a5>

<sup>13</sup> *Harlow v. Fitzgerald* 457 U. S. 800 (1982). Accessed via <http://supreme.justia.com/us/457/800/case.html>

<sup>14</sup> Buckley v. Haddock et al. <http://www.ca11.uscourts.gov/unpub/ops/200710988.pdf>

<sup>15</sup> YouTube Video of Crime Scene, from the Police vehicle of Jonathon Rackard.

<http://www.youtube.com/watch?v=SWC7iSGCk-s>

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

## Case Study: Utilization of the Device on the Youth

When the use of tasers on adults ends in abuse or tragedy, it is only more unspeakable when they are used on minors. Police and corrections officers in Sioux Lookout, Ontario are currently feeling the heat from their actions against a 14 year old girl in a holding cell. The details of the case are not fully disclosed through case documents, however, they are known to an extent only through the media, and are accompanied with calls for reform<sup>18</sup>.

The incident took place in July of 2008, when the girl, who can only be identified as Jane Doe, was detained for undisclosed reasons and held in a jail cell. Jane Doe was a diagnosed patient of Fetal Alcohol Syndrome, and displayed symptoms thereof, which includes distance and lethargy as well as behavioural and communication disorders<sup>19</sup>. While in the jail cell, Jane Doe began “picking” at the paint on the cell walls, and was told by guards to stop. However, the girl presumably did not comply, and thus continued. It was at this point when the officers entered her cell, deployed the taser and apprehended her to the ground.

The issue of this case is whether or not the girl posed a threat to the officers or to herself. Unfortunately, the answer to this is currently unknown. The video of the incident cannot be released to protect the identity of the minor. But a question that the public must ask is whether or not there is any utility to using a mechanism that shocks and could ultimately kill, on a child. According to the released facts of the case, there was no need for the girl to have been tasered as she was. She was already detained, was away from other inmates, and there was no security threat to the officers. Where, if there is any, is the justification for the use of a taser on a child?

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<sup>18</sup> Currently, the family of Jane Doe has filed a \$500,000 lawsuit against the Ontario Provincial Police for damages in relation to this case.

<sup>19</sup> Fetal Alcohol Syndrome: Guidelines for Referrals and Diagnosis. Retrieved March 21<sup>st</sup>, 2009 from [http://www.cdc.gov/ncbddd/fas/publications/FAS\\_guidelines\\_accessible.pdf](http://www.cdc.gov/ncbddd/fas/publications/FAS_guidelines_accessible.pdf)

Many in the community at large are voicing their concerns on this opinion. Irwin Elman, the head of Ontario's Child Advocacy Office has set forth the initiative to have stun guns or tasers banned in situations where youth may be involved (such as youth correctional facilities) and to see a cross Canada ban on the weapon as well.<sup>20</sup>

There are a number of cases where tasers have been used on minors, and in a number of these cases the youths are posing a danger to others. It is commonly known that this does not provide a justification for the use of a taser on a child. A reason for this is because in group homes across Ontario and Canada, a procedure called UMAB is used – Understanding and Managing Aggressive Behaviour. With this and similar methods (such as Nonviolent Crisis Intervention), a Child and Youth Worker, even when presented with a dangerous situation can idle an agitated young person without any use of a weapon.<sup>21</sup> There seems to be no logical deduction available that could justify the use of a taser on a child.

### **The Concerns of Amnesty International – The Moratorium Campaign**

The recent use of tasers in police forces not only in Canada but in North America has caused a public outcry into the accompanying deaths. Seventy-three police forces in Canada have employed the use of the CED (Conductive Energy Device), and the RCMP alone has 2,800 tasers in use with close to 10,000 officers trained to use them.<sup>22</sup> The number is significantly higher in the United States, with 12,000 agencies using the weapon as a non lethal alternative to the firearm. This is more indicative to the population differences, but the deaths associated are also significantly higher. According to Amnesty

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<sup>20</sup> *Child Advocate wants Taser ban after OPP zap teen*. Retrieved from the Hamilton Spectator on March 12<sup>th</sup>, 2009 from <http://www.thespec.com/News/article/506800>

<sup>21</sup> MOAB – Management of Aggressive Behaviour is a variation of UMAB, which uses the same methods. The names of the program will only depend on the provider of the course. <http://www.personalsafetytraining.com/moab.php>

<sup>22</sup> *Taser FAQ* from CBC.ca's Taser In depth look found at <http://www.cbc.ca/canada/story/2009/03/18/f-taser-faq.html> retrieved on March 6th, 2009.

International, 334 people have died at the hands of police officers with CEDs since June of 2001 up to 2008 in the United States.<sup>23</sup> The highest usage of taser is seen in Houston, Texas, where the police department there has allowed officers to employ the taser in non-urgent instances.

In Houston, for example, department policy has allowed for Tasers to be used when an officer feels he or she is going to be physically threatened -- but without an imminent danger. Houston officers have shocked more than 1400 individuals since 2004. *Hundreds of those individuals were not charged with a crime.* An audit found that police shootings of suspects had not decreased after the introduction of Tasers in the city -- which had been one of the primary stated goals of using the weapons.<sup>24</sup>

Here it is shown that the means to eliminate or decrease the amount of firearm shooting by police did not result in the desired end. In fact, more abuse of both weapons ensued.

However, these shocking facts are not reflected in Canadian statistics. The death rate in Canada has been significantly lower, and this may be in part to the public's outcry after the Dziekanski incident. Since 2003, only 30 people have died as a result of CED use by police or corrections officers in Canada. This may be because of the current efforts by Canadians to place a moratorium on the use of tasers. Police officers may not be criminally charged in deaths resulting from taser use, but the social stigma of using a CED is enough, so it seems, to curb the use across Canada. Amnesty International is advocating strongly for the imposition of a moratorium on Taser use in Canadian Police forces, including the RCMP. Their recommendations include that

Governments should establish benchmarks for the safety of conducted energy devices based on empirical research and should regulate the marketing of such devices appropriately. TASERS should be recognized as potentially lethal, particularly for people suffering heart or breathing problems, and their recommended use restricted to a high threshold -- that of preventing use of recourse to firearms in response to a threat of violence. TASERS should not be used as a routine weapon to enforce compliance in the absence of a threat of serious injury or death of the subject, a member of the public or a law enforcement officer. Clear terms of reference for the use of conducted energy devices should be disseminated to all forces using such weapons.

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<sup>23</sup> Amnesty International US: Retrieved on March 21<sup>st</sup>, 2009 from <http://www.amnestyusa.org/us-human-rights/taser-abuse/overview-of-tasers/page.do?id=1351087>

<sup>24</sup> Ibid.

TASERs should not be used by untrained officers. TASERs should not be exported to countries having a record of torture or other ill-treatment.<sup>25</sup>

In the coming months, this public initiative will see a more vocalized campaign once the public inquiry of the four RCMP officers is complete, and perhaps even the Polish Government's criminal trial is established.<sup>26</sup> Amnesty International will spearhead the worldwide movement to ban Tasers in all police forces.

### **Medical Facts: Long Term Effects of Tasers on their victims**

Aside from the number of deaths associated with the use of a conductive energy device, there could be some long term effects that occur as well. According to the University of California's San Diego Medical Centre, there are no long lasting physiological effects, when tested on healthy subjects, and that the deaths associated would need to look at the totality of the circumstances in order to deduce the injury results to the deaths.

Study coordinators measured cardiovascular and blood parameters before the exposure and for one hour after the exposure. Blood pressure and heart rate as well as calcium, sodium, potassium, bicarbonate and lactate levels, and blood pH were measured. Systolic blood pressure decreased after the Taser, likely due to a heightened anxiety before the test. Other measures changed slightly, but there were no clinically significant or lasting changes in the subjects.<sup>27</sup>

So, as can be seen from these results there are no harms that will last long term after exposure to the taser. However, the surface scarring and tenderness is known to be a serious factor to the victims, because of the lack of necessity in the use of a Conductive Energy Device. However it is the psychological effects of the taser that is important to note. In the case previously noted, Buckley v. Haddock, Jesse Buckley believed that he would no longer be able to trust a police officer because of the

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<sup>25</sup> Amnesty International Canada. Retrieved on March 17<sup>th</sup>, 2009 from [http://www.amnesty.ca/themes/tasers\\_backgrounder.php](http://www.amnesty.ca/themes/tasers_backgrounder.php)

<sup>26</sup> According to Polish Law, the government can, and is currently considering, taking criminal action against the 4 officers who killed Robert Dziekanski. Polish representatives have been watching the case closely and will make a decision once the BC Inquiry is complete.

<sup>27</sup> Effects of Tasers on human health. Retrieved on March 21<sup>st</sup>, 2009, from <http://www.news-medical.net/?id=25317>

traumatic experience he endured<sup>28</sup>. This is a common belief in many surviving victims, because of the psychological impact of the event. It is difficult for someone who has endured this trauma to apply a sense of legitimacy and respect to someone who they feel as abused their power.

Amnesty International – the worldwide movement to campaign and advocate for human rights – has some analysis on the psychological and physiological impacts that Tasers have on victims.

AI's research has pointed to the need for further study in a number of areas, including the possible effect from Tasers on metabolic acidosis and on the condition described as "excited delirium". Taser International has suggested that Tasers can actually work to prevent metabolic acidosis because its instant incapacitation cuts short the struggle and thus any dangerous build-up of acid in the blood. However, as we have noted, many people have been subjected to multiple shocks. There is evidence in some of the death cases we have reported on to suggest that the Taser either had no immediate effect on, or increased, agitation.<sup>29</sup>

This excerpt mentions a condition called *excited delirium*, a brain disorder that is commonly associated with cocaine use, but can occur in "clean" and healthy people as well.<sup>30</sup> The common linkage between the use of a taser and this condition is that cocaine and other neurochemicals blocking drugs will block already hindered neurochemicals in the brain, causing anxiety and panic, and an increase in heart rate.<sup>31</sup> Excited delirium could be seen in an overly agitated man, for example, Robert Dziekanski. It is not known if this is a cause to his death.

According to the Canadian Police Review Centre, there is no link between the Taser and death. "Definitive research or evidence does not exist that implicates a causal relationship between the use of CEDs and death."<sup>32</sup> This report instead includes links between pH levels, heart rate and respiration as causing factors for death by Taser. What this report fails to include is the people *behind* the taser, the

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<sup>28</sup> Buckley v. Haddock. See above.

<sup>29</sup> USA: Amnesty International's concerns about Taser use: Statement to the US Justice Department inquiry into deaths in custody. Retrieved on March 21<sup>st</sup>, 2009 from <http://www.amnestyusa.org/document.php?id=engamr511512007>

<sup>30</sup> Excited Delirium – from [www.exciteddelirium.org/](http://www.exciteddelirium.org/) Retrieved on March 12<sup>th</sup>, 2009

<sup>31</sup> Ibid.

<sup>32</sup> Canadian Police Research Centre: Review of Conductive Energy Devices. August 22<sup>nd</sup>, 2005 from <http://www.css.drdc-rddc.gc.ca/cprc/tr/tr-2006-01.pdf>. Retrieved on March 2nd, 2009

people who have been “trained” to use them. For a critical look at this fact, see the upcoming section entitled Critical Analysis.

## Critical Analysis: Justification of the Use of Tasers

When did it become customary for police officers to use a method commonly known as either torture or capital punishment as a method of apprehension? When did 50,000 volts of electricity constricting movement become a more humane method of arrest? Most importantly, who trained the officers to fire a Taser’s prongs without exhausting every possible option before thinking of employing it’s use? It is difficult to justify the actions of these officers, and at the time of writing, the justification has been that the CED is only used when a threat to society is presented. Society seems to not just be about the people, however. While officer safety is always a major concern, it is becoming more prevalent that the issue is more important. When looking at the video of the Robert Dziekanski incident, it is noticed that the taser is employed when he “raised his hands in a combative state.” With no one else around in the customs area he had been held, the only perceived threat was against the officers. However, they clearly outnumbered him, and should have been able to employ their defence training with so many of them, and just one of him. For example, in the ongoing inquiry of the death of Robert Dziekanski, RCMP officer Gerry Rundell remembers “fearing for his life” when Mr. Dziekanski took his “combative stance,” but never mentioned the safety of the others around him nor the safety of Mr. Dziekanski.<sup>33</sup> Dziekanski’s mother’s attorney states,

But Lawyer Walter Kosteckyj, representing Dziekanski's mother, questioned the judgment of the officers involved. "How do you get four police officers showing up on a scene and having a guy Tasered and dead 20 seconds and maybe a minute or two later?" he said outside the hearing Monday. Kosteckyj also called into question the officer's testimony that the Mounties were

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<sup>33</sup> *Mountie was fearful of combative stance*: CTV.ca

[http://www.ctv.ca/servlet/ArticleNews/print/CTVNews/20090223/taser\\_inquiry\\_090223/20090223/?hub=TopStories&subhub=PrintStory](http://www.ctv.ca/servlet/ArticleNews/print/CTVNews/20090223/taser_inquiry_090223/20090223/?hub=TopStories&subhub=PrintStory)

doing what they were trained to do. "If that's the nature of the training, then the RCMP have to go back to the drawing board and reinstitute how they train people," he said.<sup>34</sup>

Tony Martin, New Democrat Member of Parliament for Sault Ste Marie, recently said that the NDP's stance on Tasers is that they are blatantly against them, and that to look at the issue of tasers is to look at the training officers have been receiving.<sup>35</sup> The Conservative government believes that the use of tasers as a non lethal means of apprehension is perfectly legitimate, and will look into the individual cases (such as Dziekanski) on necessary bases. In fact, the Conservative Party of Canada, while priding itself in their achievements in tackling crime, has no mention of the taser issue in their literature.<sup>36</sup> In an article referring to the Dziekanski case, it was the federal government that asked the British Columbian government not to proceed with an inquiry. However, the RCMP went through with the investigation saying

"There was never a question that we would not participate," he said. Shields added it is the B.C. RCMP's policy to participate in any provincial inquiry it is asked to attend. "Technically, as it's written under the law, because we're a federal agency, we (don't) have to participate," he said. "But we . . . have a moral duty to be transparent, open and accountable to the citizens of British Columbia."<sup>37</sup>

So, it is rather unclear as to the stance of the Federal Government on the issue of tasers, but it will be known through public opinion just how or if the use can be justified in Canadian police forces.

## Conclusions on Tasers

While the use of tasers has some legal justifications, it also carries a heightened risk of over-use and over-dependence within the police agencies that use them. This essay looked at the cases currently on the forefront of Canadian media as well as an American case that looks to impose the Eighth Amendment rights sought out in the Constitution. The United Nations Declaration of Human Rights tries to protect human rights and prevent taser use, but it is ultimately up to the individual

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<sup>34</sup> Ibid.

<sup>35</sup> Lecture: Tony Martin. March 19<sup>th</sup>, 2009. Algoma University.

<sup>36</sup> Conservative Party of Canada website. <http://www.conservative.ca/EN/4739/>

<sup>37</sup> *Feds told RCMP to consider skipping inquiry*. From Canada.com. Retrieved on March 1<sup>st</sup>, 2009.

nation-states and whether or not they feel that using the taser is a benefit or a burden to the people within society. What could be called a social norm, the use of tasers will not desist any time soon. Unless the United Nations and Amnesty International's efforts are successful, there will be no decrease in the use of the taser. It is still commonly seen as the best and least harmful method by corrections officers and police officers, and until an alternative has been introduced, the Taser will be a common tool on the belts of law enforcement officers.

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