

Tased and Confused: BC Public Inquiry Begins

The BC Taser Public Inquiry recently began on May 5, 2008. Headed by retired BC Supreme Court judge Thomas Braidwood, the inquiry is divided into two major phases: the first will study the weapons, focusing on their physical effects.[1] This first phase should determine the effectiveness of these stun guns and what rules should be in place for officers, without rendering a verdict as to whether their use should be discontinued. The second phase of the inquiry will deal directly with the story of Polish immigrant Robert Dziekanski, who died as a result of taser use at the Vancouver airport in October 2007, complementing the RCMP investigation into his death.[2] Robert Bagnell, another British Columbian, died after being tasered by Vancouver police in 2004. Mounties across Canada drew or threatened to draw their tasers about 1,400 times in 2007, which doubled the number from 2005.[3] Examples such as Jason Doan[4] and Paul Smith[5] come to mind when dealing with these weapons in Canada. The situation is especially prevalent in British Columbia, the only province that allows its transit police force to be armed.[6]

The Canadian Medical Association recently released a new study focusing on the cardiac effects of tasers, and the results could make their way into this inquiry.[7] Tasers are, of course, used to incapacitate a person, by unleashing over 50,000 volts of electricity into the body.[8] Dr. Nanthakumar's paper starts by offering the common view that 'electro-weapons do not deliver enough energy to affect cardiac tissue; the devices are designed to act on skeletal muscle, which reacts to, and goes rigid from, a relatively small signal.' Nevertheless, this data is showing otherwise. The experiment was quite simple; the team of scientists invited police officers to come to the lab and stun several anaesthetized pigs. Their hearts did not react when tased in the abdomen, but the reaction was opposite when the pigs were tased on either side of the heart.[9]

It is important to note that the results of the inquiry will only apply to BC provincial police, as RCMP officers are monitored by federal regulations.[10] In 2003, a first step was taken on the RCMP's part by prohibiting the use of tasers on demonstrators and protesters, like Paul Smith.[11] A pilot project was also started in Ottawa, where cameras were installed into the grip of 21 tasers. These cameras can record both audio and video evidence of its use.[12] Taser usage reports can be obtained through the Access to Information Act[13], and are allowed to be censored if, for example, the information included could 'compromise operational effectiveness and ongoing investigations.'[14]

It might be a long time before the government and the public get some concrete answers, as it is believed that judge Braidwood has already asked for an extension until October to present his report on the first phase of the inquiry.[15]

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- [1] Canwest News Service. B.C. Taser public inquiry starts today, Calgary Herald, 5 May 2008. Page A5.
- [2] Ibid.
- [3] CBC News, Use of RCMP Tasers rises dramatically, records show, 24 March 2008.
- [4] Brooks Decillia, Alberta man's family seeks answers into Taser death, 22 April 2008.
- [5] CBC News, Taser Cams put to the test by Ottawa police, 16 April 2008.
- [6] B.C. transit police Tasered fare-dodgers, documents say, Edmonton Journal, 16 April 2008. Page A4.
- [7] A fresh look at Tasers, National Post, 5 May 2008. Page A12.
- [8] Supra note 3.
- [9] Supra note 7.
- [10] Supra note 1.
- [11] The Canadian Press, RCMP commissioner, Alberta solicitor general zapped by Taser, 2 May 2008.
- [12] Supra note 5.
- [13] Access to Information Act (R.S., 1985, c. A-1)
- [14] Heather Rose, RCMP zaps details from Taser reports, Edmonton Journal, 26 March 2008.
- [15] Terri Theodore, Taser hazards 'rare', expert tells inquiry, Toronto Star, 5 May 2008.