

RELEASE OF TRANSIT POLICE TASER DEPLOYMENT VIDEOS BACKGROUND Q & A's

1. What prompted the release of these videos?

- The station surveillance video, as well as Taser-cam video, is being released in response to a Freedom of Information access request made by CBC/Radio Canada in March 2008.
- In 2008, Transit Police initially provided a written synopsis to the CBC of ten files that related to the use of Taser CEWs by Transit Police members over the period requested (2007 and 2008).
- We initially took the position that the images could not be released, as the use of force incidents were the subject of an external public trust investigation being conducted by the Office of the Police Complaint Commissioner as a result of a complaint filed by the BC Civil Liberties Association.
- CBC requested that the Office of the Information & Privacy Commissioner (OIPC) review our decision to withhold the visual images documenting the incidents. Since that independent investigation, in relation to all but one incident, is now concluded we are releasing the videos as requested.

2. What was the period during which these incidents took place?

- All incidents took place during calendar years 2007 and 2008

3. How were the videos captured?

- Video was captured by both Taser-mounted video cameras (Taser-cams) and station fixed cameras

4. Do all Tasers have videos cameras attached?

- Many of the Tasers deployed by Transit Police do have Taser-mounted cameras.
- As part of the normal replacement of Tasers, new Tasers do not have cameras as the manner in which a Taser is gripped during its use often inadvertently results in the built-in camera lens being blocked by the finger grip of the person deploying the Taser.

5. What is the basic fact pattern of each incident?

- **File 2007-7650: Offence - Cause a Disturbance**

Subject refused to obey Officers' commands after being evicted from a local restaurant. The Taser was deployed and subject taken under control. Internal review re: the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

- **File 2007-7818: Offence - Obstruct Peace Officer**

Subject ran from officers during a 'fare blitz'(no proof of fare paid while in a fare paid zone). Taser was deployed as the subject fled, however the Taser was ineffective due to the subjects clothing and escaped the custody of the officers. Internal review re: the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

- **File 2007-8347 Offence - Transit-Fare Paid Zone and Outstanding Warrant**

Subject was checked on Skytrain and had no valid fare receipt to ride the train. Further records check showed an outstanding warrant for the subject. Once subject heard there was an outstanding warrant for an arrest, the subject fled from the officers. During the attempt to escape the Taser was deployed and subject was stopped, subdued and handcuffed. Internal review re: the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

- **File 2007-9099 Offence - Breach/Bail Violations**

Officers observed subject consuming a beer on the Skytrain. Subject was checked on police records and information received revealed that subject was to not to possess or consume alcohol. During the arrest procedure the subject became combative and the Taser was deployed. Subject was taken into control and handcuffed. Internal review re: the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

- **File 2007-9671 Offence - Mental Health Act/Attempt Suicide**

Officers had information of a male acting erratically, yelling at people and running into traffic. Officers near New Westminster Skytrain Station located subject. Subject

attempted to tackle one member and another member deployed the Taser and the subject was brought under control and handcuffed. Internal review re: the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

- **File 2008-157 Offence - Obstruct Peace Officer**

Officers were checking subject who fit the description and matched surveillance video camera footage of an assault suspect. During an attempted search of the subject, the subject reached into his pocket with his back to the officers. Subject refusing Taser was deployed and the subject was taken into control. Internal review re: the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

- **File 2008-1909 Offence - Assault Against a Police Officer**

Officers assisting Vancouver Police with a very combative subject had to deploy the Taser after the subject struck a Vancouver Police Officer in the face. Internal review re: the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

- **File 2008-2683 Offence - Assault-Aggravated**

Officers, while checking fares on the Skytrain platform encountered two subjects. When asked to provide proof of fare paid one subject attempted to flee the police. Subject was confronted by one of the officers and subject elbowed the officer in the face causing a five-centimeter laceration over the officer's right eye. The Taser was deployed but had no affect on the subject nor did the vascular neck restraint have any affect. It took the assistance of RCMP members to take the subject into control and handcuffed. Internal review re: the Use of Force was conducted by the Supervisor and the Inspector of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

- **File 2008-3246 Offence - Obstruct Peace Officer**

Officer were checking subject for no fare paid on Skytrain. Subject refused to identify self and was placed under arrest. During the arrest procedure the subject became uncooperative and grabbed onto the platform railing and refused to let go. After several warnings, to the subject, to stop resisting arrest and the subject failing to comply with the officers' commands, the Taser was deployed and the subject was taken into control. Internal review re: the Use of Force was conducted by the Supervisor and the Inspector

of Operations. They concluded the action taken, by the member(s), was within the Greater Vancouver Transportation Authority Police Service (GVTAPS) policy and training standards and within the guidelines set out in the National Use of Force Model.

6. Did any of these incidents arise as a result of an allegation of fare evasion?

- Fare evasion checks precipitated first contact in four of the nine incidents.
- The independent investigation conducted by the Office of the Police Complaint Commissioner concluded each of the nine subjects made a conscious decision to assault or actively resist officers in the lawful execution of their duty. It was the actively resistant and/or assaultive actions of the subjects that precipitated the Taser deployments, not "fare evasion" as suggested by the original BC Civil Liberties Association complaint and the media.
- The investigation also concluded that in all nine incidents the Transit Police officers acted in good faith and used no more force than was reasonably necessary in the circumstances.
- None of the subjects suffered significant injuries as a result of the Taser deployments.

7. What is the history of Taser deployment by Transit Police since these incidents?

- Since May 2008, when Transit Police Taser policy was changed, there has been only one incident where the Taser was activated.
- A butcher knife was seized from the actively resistant subject in this incident and the subject was later convicted of assaulting a Transit Police officer.
- There were 33 other incidents during this 21 month period when the Taser was only drawn and displayed or drawn, displayed and pointed but not activated.

8. Are there any other Taser deployment incidents that occurred during the period pertaining to CBC/Radio Canada's request (2007 & 2008) that are not shown in the videos?

- Other than the one that occurred during that period and is still under investigation, no.

9. What was the use of force procedures/policies in place at time that governed Taser deployment?

- Transit Police's policy in effect at the time allowed for Taser deployment on "non-compliant" individuals.

10. Did that policy allow for a fare evader who fled a fare evasion check to be Tasered?

- The external investigation conducted by the Office of the Police Complaints Commissioner concluded that in each of the nine incidents, the subjects made a conscious decision to assault or actively resist Transit Police officers in the lawful execution of their duty. It was the actively resistant and/or assaultive actions of the subjects that precipitated the Taser deployments, not "fare evasion".

11. Is that policy still in effect?

- It is acknowledged that the term "non-compliant" could have been reasonably judged to be somewhat vague. Consequently, Transit Police policy has since been revised (in May 2008), and the term "non-compliant" has been replaced by "actively resistant".
- In July 2009, the BC Solicitor General issued a directive to all police services in the province to severely restrict the use of Tasers in accordance with the Braidwood Commission recommendations, prohibiting the deployments of Tasers unless the subject is causing bodily harm or the police officer is satisfied, on reasonable grounds, that the subject's behaviour will imminently cause bodily harm. Transit Police are following this directive.
- Since Chief Officer Ward Clapham assumed office at Transit Police in July 2008, a number of positive service direction steps have been taken to ensure the implementation and reinforcement of the new policy, including:
 - A formal dissemination of the new policy through the publication of a Service Bulletin and the dissemination of the Solicitor-General's directive on Taser use via a memorandum.
 - Incorporation of the new policy into the Use of Force refresher training for all officers.
 - Discussions at NCO meetings and briefings of Constables on the new policy and the directive.
 - Establishment of a requirement that Taser-trained officers review and individually sign-off on copies of the Taser policy document and the Solicitor General's directive on Taser use during their Use of Force refresher training.

12. How many Transit Police officers are currently trained in the deployment of Tasers?

- 118 Transit Police Officers have completed the 8hr Taser Certification Program.
- 12 Transit Police Officers have completed the Taser Instructor Certification program—eight of those instructors currently maintain active certification.
- All operational Officers are required to re-certify on the use of the Taser during their annual use-of-force qualifications.