
NEWS RELEASE

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Ministry of Public Safety and Solicitor General

PROVINCE TAKES IMMEDIATE ACTION ON TASER REPORT

VANCOUVER – Effective immediately, all police, sheriffs and corrections officers in B.C. have been directed to severely restrict the use of conducted energy weapons (CEWs), commonly known as Tasers, in accordance with recommendations from the Braidwood Commission, Solicitor General Kash Heed announced today.

Heed issued the directive in accepting all 19 recommendations of Justice Braidwood's report, Restoring Public Confidence – Restricting the Use of Conducted Energy Weapons in British Columbia.

Among other actions, the Province will immediately:

- Significantly raise the threshold for use of a CEW to match Justice Braidwood's recommendations.
- New regulations will require that CEWs will only be deployed when all of the following criteria are met:
 - When an officer is enforcing a federal criminal law, and
 - The subject is causing bodily harm or will imminently cause bodily harm, and
 - No lesser force option has been or will be effective in eliminating the risk of bodily harm, and
 - De-escalation and/or crisis intervention techniques have not been or will not be effective in eliminating the risk of bodily harm.
- Work with police to ensure all officers equipped with CEWs have access to the use of defibrillators.
- Continue to work with the federal government during ongoing contract negotiations to incorporate Braidwood's recommendations with respect to CEW usage into RCMP policies and standards.
- Request that the federal government add CEWs to the list of items covered by the Hazardous Products Act.
- Require police to report all use-of-force incidents to the Province.
- Require all CEWs to undergo regular testing.

“I want to thank Justice Braidwood for perhaps the most comprehensive examination of CEWs anywhere in the world,” said Heed. “Adoption of these recommendations builds on the work already underway to strengthen the standards for use, review and oversight.”

Over the past two years, government has been working on a number of issues that were subsequently raised by the Braidwood inquiry including:

- Development of standardized police training curricula for CEW use, crisis intervention and responding to emotionally disturbed people.
- Development of an electronic reporting system of incidents (including CEWs) called the Subject Behavior Officer Response System.
- Overhaul of the police audit and inspection process.
- Tabled amendments to the Police Act to improve the police complaints process.

In addition to changes underway or in development, during the course of this review the Solicitor General ordered all X26 and M26 model Tasers pulled from service and tested, a use-of-force co-ordinator position was created, and police chiefs were instructed to limit use of CEWs to circumstances that threaten the safety of an officer or the public.

On Nov. 19, 2007, the Attorney General ordered a public inquiry into the circumstances surrounding the death of Robert Dziekanski and a review of the appropriate use and policies currently in place in B.C. with respect to CEWs.

The report was delivered to Attorney General Michael de Jong June 22 and reviewed by cabinet. It was tabled with the clerk of the legislature today by the attorney general. The full report has been released.

Phase II of the Inquiry, which is looking into the all the events and circumstances of Mr. Dziekanski’s death, began in January 2009 and is scheduled to resume in the fall.

The entire report can be viewed at www.braidwoodinquiry.ca. A backgrounder is attached.

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BACKGROUNDER

SUMMARY OF BRAIDWOOD RECOMMENDATIONS AND ACTION

Summary of Recommendations	Action Plan
<p>1. Seriousness of the matter threshold – officers be authorized to deploy a CEW only in relation to enforcement of a federal criminal law.</p>	<p>Effective July 23, 2009 the Solicitor General directed all police, sheriffs and corrections officers in B.C. to severely restrict the use of CEWs in accordance with the Braidwood recommendations. The Province will update regulations to ensure that CEWs are only used in relation to enforcement of a federal criminal law.</p>
<p>2. Subject Behaviour Threshold – officers be prohibited from deploying a CEW unless the subject is causing bodily harm or the officer is satisfied, on reasonable grounds, that the subject’s behaviour will imminently cause bodily harm.</p>	<p>Effective July 23, 2009 the Solicitor General directed all police, sheriffs and corrections officers in B.C. to severely restrict the use of CEWs in accordance with the Braidwood recommendations. The Province will update regulations to ensure that CEWs are only used where the subject is causing bodily harm or will imminently cause bodily harm.</p>
<p>3. Subject Behaviour Threshold – an officer be prohibited from deploying a CEW unless the officer is satisfied, on reasonable grounds that no lesser force option has been, or will be, effective in eliminating the risk of bodily harm, and de-escalation and/or crisis intervention techniques have not been or will not be effective in eliminating the risk of bodily harm.</p>	<p>Effective July 23, 2009 the Solicitor General directed all police, sheriffs and corrections officers in B.C. to severely restrict the use of CEWs in accordance with the Braidwood recommendations. The Province will update regulations to ensure that CEWs are only used in accordance with the Braidwood recommendation.</p>
<p>4. Emotionally Disturbed People – that the Ministry of Public Safety and Solicitor General approve a curriculum for crisis intervention training comparable to that recommended by presenters at public forums and require that it be incorporated without delay in recruit training for officers and that all currently serving officers satisfactorily complete the training within a time frame established by the ministry.</p>	<p>The Province, within 12 months, will develop standards for crisis intervention training for recruits, existing police, and enforcement agencies and ensure this training is consistent across the province.</p>
<p>5. Emotionally Disturbed People – that officers, when dealing with emotionally disturbed people, be required to use de-escalation and/or crisis intervention techniques before deploying a CEW, unless they are satisfied, on reasonable grounds, that such techniques will not be effective in eliminating the risk of bodily harm.</p>	<p>The Province will immediately direct police to use de-escalation or crisis intervention techniques with emotionally disturbed persons as a first response.</p>

<p>6. Subject Self Harm – that officers be prohibited from deploying a CEW in the case of subject self-harm unless the subject is causing bodily harm to himself or herself or the officer is satisfied, on reasonable grounds, that the subject’s behaviour will imminently cause bodily harm to himself or herself.</p>	<p>Effectively immediately the Province will direct that CEWs are only used where the subject is self harming or the officer believes, on reasonable grounds, that he/she is at imminent risk of bodily harm.</p>
<p>7. Multiple Deployments – that officers be prohibited from discharging an electrical current from a CEW on a subject for longer than five seconds, unless the officer is satisfied, on reasonable grounds, that the five-second discharge was not effective in eliminating the risk of bodily harm and a further discharge will be effective in eliminating the risk of bodily harm.</p>	<p>Effective July 23, 2009 the Solicitor General directed all police, sheriffs and corrections officers in BC to severely restrict the use of CEWs in accordance with the Braidwood recommendations. Within six to 12 months the Province will have updated regulations to ensure that CEWs are only used longer than five seconds where eliminating the risk of bodily harm hasn’t worked through an initial deployment.</p>
<p>8. Requesting paramedic assistance – that paramedic assistance be requested in every medically high-risk situation, preferably before deployment of a CEW or, if that is not feasible, then as soon as practicable thereafter.</p>	<p>Effective July 23, 2009 the Solicitor General directed all police, sheriffs and corrections officers in B.C. to severely restrict the use of CEWs in accordance with the Braidwood recommendations. Within six to 12 months the Province will have updated regulations requiring paramedics to be called to medically high-risk situations which will include, but are not limited to, where a CEW’s probes have hit the subject in the chest or the charge has lasted beyond five seconds or is deployed against a person who is emotionally disturbed, elderly, pregnant, or has a medical condition.</p>
<p>9. Automated External Defibrillators – that whenever a CEW is assigned to an officer, that the officer also have an automated external defibrillator readily available for use.</p>	<p>The Province will take immediate steps with law enforcement agencies to ensure officers equipped with CEWs have access to the use of defibrillators within 12 to 18 months.</p>
<p>10. Provincial Regulation – that the provincial government set province-wide standards relating to CEWs including, but not necessarily limited to which CEW models are approved for use; the circumstances in which a CEW may, or must not be used; qualifications to begin training as an operator, instructor or master trainer; the curriculum for operator, instructor, and master instructor training programs; mandatory reporting of each CEW use; and periodic province-wide analysis of usage reports.</p>	<p>The Province will establish province-wide standards within six to 12 months to regulate approved models, including when they can be used, training qualifications, and mandatory reporting, building on the work already done with respect to training and reporting. B.C. will also write the federal government urging it to set national standards and will bring this recommendation to the FPT group we currently co-chair that is working on national standards for CEWs.</p>

<p>11. Training and re-training – that the Police Academy be responsible for training officers in the use of CEWs, as an integral component of use-of-force training generally and that training be conducted in accordance with the policies established by the provincial government.</p>	<p>The Province will immediately move to control all CEW training to ensure consistency across B.C. law enforcement agencies within 12 to 18 months.</p>
<p>12. Training and Retraining – that the province’s standards relating to the curriculum for operator, instructor and master instructor training and re-training prohibit a trainer’s or trainee’s exposure to the electrical current of a CEW.</p>	<p>Province will create training standards that prohibit the practice of exposing CEW teachers and students to electrical charges. The directive will be sent immediately and standards will be developed within 12 to 18 months.</p>
<p>13. Certification of Conducted Energy Weapons – that the Attorney General ask the federal minister responsible for administration of the Hazardous Products Act to add CEWs to the schedule of restricted products under the Act and to make regulations prescribing the circumstances and conditions under which such weapons may be imported into, and sold in, Canada.</p>	<p>This is under federal jurisdiction; the Province will immediately write to the federal government in support of this recommendation.</p>
<p>14. Periodic Testing of conducted energy weapons – that every CEW used by officers be periodically tested for electrical output according to a testing protocol approved by an independent body according to a schedule established by the Ministry of Public Safety and Solicitor General.</p>	<p>The Province will immediately develop a standard for routine testing of CEWs, building on the ongoing testing of currently deployed models that was previously ordered by the Solicitor General. Testing has already begun and a standard will be developed within 12 months.</p>
<p>15. Testing After a Serious Injury or Death – that whenever there is a serious injury or death proximate to use of a CEW by an officer, the weapon be withdrawn from service and its electrical output be tested.</p>	<p>The Province will immediately require that all CEWs involved in a serious incident be, without delay, removed from service and tested.</p>
<p>16. Reporting on conducted energy weapon use – develop a CEW incident report form to be completed whenever an officer deploys a CEW; develop an electronic system for reporting and analysis of CEW incidents and require that every completed report form be entered into the province-wide electronic system; review reported incidents for the purposes of informing the development of policy and training; publish a detailed report on CEW usage; and require law enforcement agencies to implement a sign out policy, download the data from every CEW and report any discrepancies, review the use of CEWs by its own officers, and report on the agencies use of its CEWs.</p>	<p>The Province will immediately require all law enforcement agencies to submit to the Province a copy of all use-of-force reports.</p>

<p>17. Further research – that the Province encourage federal, provincial and territorial counterparts to develop and fund a national research program for CEWs that will promote independent, science-based and peer-reviewed research.</p>	<p>B.C. will immediately write to the federal government in support of this recommendation and will bring this recommendation to the FPT group it currently co-chairs that is working on national standards for CEWs.</p>
<p>18. Future Review – that the Police Act be amended to require that a special committee of the Legislative Assembly, or an individual appointed by the Legislative Assembly, begin a comprehensive review of CEWs within three years to report on implementation of recommendations.</p>	<p>The Province is committed to a review in three years to ensure the recommendations have been properly implemented and will report publically on that review.</p>
<p>19. RCMP compliance with provincial regulation – that the Minister of Public Safety and Solicitor General require that the RCMP contractually agree to comply with the rules, policies and procedures respecting CEWs.</p>	<p>The Province will continue to work with the federal government during ongoing contract negotiations to incorporate Braidwood’s recommendations with respect to CEW usage into RCMP policies and standards.</p>

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