



April 17, 2008

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Dirk Ryneveld, Police Complaint Commissioner
Office of the Police Complaint Commissioner for British Columbia
#320 - 1111 Melville Street
Vancouver, BC
V6E 3V6

Dear Mr. Ryneveld, Q.C.

RE: TransLink Police use of Tasers

I am writing on behalf of the B.C. Civil Liberties Association (BCCLA) to initiate complaints under the *Police Act* regarding the use Tasers by the TransLink Police force. In records obtained under freedom of information legislation by Gordon Keast, incident reports show that Translink Police officers used Tasers 10 times since July 2007. We have attached these records to this letter. It should be noted that the information provided in response to the freedom of information request fails to provide much detail about the incidents.

The BCCLA would like to initiate public trust complaints in the following incidents:

For file 2007-7650 the Taser was used on an individual who was refusing to "obey officers' commands." This individual appears to have posed no serious threat to the police or the public.

For file 2007-7818 the Taser was used on an individual who was fleeing a ticket for fare evasion. This individual appears to have posed no serious threat to the police or the public.

For file 2007-8347 the Taser was used on an individual who was fleeing the scene after attending officers discovered there was an outstanding warrant for arrest. This individual appears to have posed no serious threat to the police or the public, although the nature of the warrant may be relevant if it was for a serious *Criminal Code* offence and there was no other reasonable means of apprehending the suspect.

For file 2008-3246 the Taser was used on an uncooperative individual who non-violently resisted arrest for fare evasion. This individual appears to have posed no serious threat to the police or the public.

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In the four incidents noted above, the Taser was used on individuals who appears to have posed no significant threat, a seemingly clear abuse of the weapon. Further investigation is warranted to determine whether there was a threat of a serious nature, either to the officers, the public, or the individual, and whether use of the Taser was necessary rather than merely convenient or expedient.

For file 2007-9099 the Taser was used on an individual who is said to have become combative during arrest. The nature of the threat is not made clear in the report and requires further examination.

For file 2007-9671 the Taser was used on an individual who attempted to tackle an officer. The nature of the threat is not made clear in the report and requires further examination.

For file 2007-11422 the Taser was used on an individual who is said to have become combative after attempting to flee for fare evasion. The nature of the threat is not made clear in the report and requires further examination.

For file 2008-157 the Taser was used on an individual who refused to obey officers' commands and is said to have become combative during or after a search. The nature of the threat is not made clear in the report and requires further examination.

In the four incidents noted above, the nature of the threats are not made clear, thus providing no justification for the use of the Taser weapon. Further investigation is warranted to determine whether there was a threat of a serious nature, either to the officers, the public, or the individual, and whether use of the Taser was necessary rather than merely convenient or expedient.

Mere expedience is insufficient justification for the deployment of the Taser, by any standard. Even the 'Use of Force' policy provides that the Taser is only to be used when

"the situation demands control over a non-compliant, suicidal, potentially violent, or violent individual, and lower force options were ineffective in controlling the individual or were inappropriate given the circumstances."

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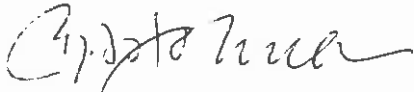
A situation that 'demands control' indicates urgency due to serious and substantial risk or threat. The use of a Taser to gain compliance over nonthreatening and nonviolent individuals clearly does not accord with the 'Use of Force' policy and, in any event, is repugnant.

The BCCLA would also like to initiate a policy complaint regarding the aforementioned 'Use of Force' policy. This policy offers insufficient direction to officers and invites abuse. That is demonstrated by the conduct noted above and by other events that have been raised through the news media in recent months and of which you are no doubt aware.

In particular, the inclusion of 'noncompliant' is inappropriate as a stand-alone provision. Read with "suicidal, potentially violent, or violent individual" the word "noncompliant" may well have been intended by the drafter of the provision to partake of the seriousness of those other words. "Noncompliance" alone does not constitute a threat and is clearly an insufficient basis for using a serious weapon. The fact that a Taser is being used to directly combat fare evasion demonstrates that those who are applying the policy are either misguided or the policy itself is defective. As well, this policy is significantly deficient as compared to other police policies. The TransLink Police Board ought to maintain high standards in 'Use of Force' policies.

We look forward to your response.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'R. D. Holmes', written in a cursive style.

Robert D. Holmes
President