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Chair

Mr. Garry Breitkreuz

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• (0900)

[English]

The Chair (Mr. Garry Breitkreuz): I'd like to bring this meeting to order.

This is the Standing Committee on Public Safety and National Security. This is our fourth meeting. Pursuant to Standing Order 108 (2), we are going to study the taser issue.

We would like to welcome our witnesses, the Royal Canadian Mounted Police, and the commissioner, Mr. William Elliott.

It seems as though we just met you very recently, Commissioner, but we welcome you to our committee again. You can introduce Mr. Madill.

We have received a copy of your opening remarks. Thank you very much.

We welcome your opening remarks. Usually we have approximately 10 minutes, but we can be a bit flexible. Go ahead, sir.

[Translation]

Commr William Elliott (Commissioner, Royal Canadian Mounted Police): Thank you very much, Mr. Chairman.

I am pleased to be here today. With me is my colleague Darrell Madill, Deputy Commissioner.

[English]

Darrell is the assistant commissioner for contract and aboriginal policing.

[Translation]

Thank you very much for the opportunity to speak with you today, and to provide you with an update on the progress the RCMP has made in relation to its policies, practices, training and reporting requirements relating to conducted energy weapons or CEWs as we call them.

• (0905)

[English]

The RCMP continues to believe that the CEW is a useful tool when used in appropriate circumstances by well-trained officers and that it contributes to the safety of the public and of our officers. Our obligation, of course, is to ensure that our officers are in fact well trained, that our policies are appropriate, and that they are followed.

Since the receipt of the report on CEWs by the Standing Committee on Public Safety and National Security in June of last

year, the RCMP has made a number of improvements to our CEW policies, training practices, and reporting requirements. We believe that the improvements we have made respond to the recommendations in the standing committee's report. I would like to speak more specifically about each of those recommendations that was addressed to the RCMP, and about our subsequent actions.

The first recommendation was that the RCMP classify the CEW as an impact weapon—and I quote from the report—“so that its use can be authorized only in situations where the subject is displaying assaultive behaviour or posing a threat of death or grievous bodily harm”.

The RCMP has modified and updated its incident management intervention model, or IMIM, to bring it more into line with the model adopted by the Canadian Association of Chiefs of Police. The term “impact weapon” does not appear on our new IMIM. The alignment of the RCMP's IMIM with that of the Canadian Association of Chiefs of Police and the national use of force framework contributes to a common vocabulary and common approaches to the use of force by police agencies across Canada. This supports enhanced integrated efforts with partner agencies, including integrated enforcement units like our integrated border enforcement teams, called IBETs, and integrated national security enforcement teams, INSETs. It also supports joint force operations.

On June 18, 2008, all members of the RCMP were instructed that the CEW must only be used where it is necessary to do so in circumstances of threats to officer or public safety. This requirement has subsequently been written into our formal policy.

The fact that deploying the CEW involves risk was also reinforced at that time, in subsequent communication, and in our CEW policy.

[Translation]

The standing committee report also called for more independent research to give a clearer indication of potential risks to subjects of CEW deployment. The RCMP fully supports this.

I would like to refer to three such studies.

[English]

Wake Forest University Baptist Medical Center completed a U.S. nationwide independent taser study and released its findings in late June 2007. It was the first injury epidemiology study to review taser deployments and to assess the overall risk and severity of injuries in real world conditions, according to Dr. William Bozeman, the lead researcher and an emergency medicine specialist. In Dr. Bozeman's own words, “The injury rate is low and most injuries appear to be minor. These results support the safety of the devices.”

Dr. Bozeman released just last month the results of another three-year review of CEW uses by six U.S. law enforcement agencies. Out of 1,201 criminal suspects who were subdued by a CEW, 99.75% suffered either no injuries at all or only mild injuries such as scrapes and bruises. Dr. Bozeman does caution that police and medical personnel should be aware of the potential for injury and look for evidence of injury following a CEW application. But he says, "These weapons appear to be very safe, especially when compared to other options police have for subduing violent or combative suspects." The study is published in the *Annals of Emergency Medicine*, a peer-reviewed scientific journal of the American College of Emergency Physicians.

The third study I would like to mention is a special National Institute of Justice interim report entitled, *Study of Deaths Following Electro Muscular Disruption*, released in June of last year. It should be noted that this particular study referred to the device commonly called "the taser" as a conducted energy device, or CED. The study concluded:

Although exposure to CED is not risk-free, there is no conclusive medical evidence within the state of current research that indicates a high risk of serious injury or death from the direct effects of CED exposure. Field experience with CED use indicates that exposure is safe in the vast majority of cases. Therefore, law enforcement need not refrain from deploying CEDs, provided the devices are used in accordance with accepted national guidelines.

The potential for moderate or severe injury related to CED exposure is low.

We would be happy to provide the committee with copies of these papers. The RCMP continues to follow and to support independent research as well as enhanced data collection and analysis. Our own experiences also reinforce the benefits of CEWs in appropriate circumstances.

Let me give you just one recent example. Last December, two of our members were dispatched to a house and they subsequently reported the following.

A call was received from a father whose son was wielding a knife. As our members arrived at the house, they were informed that the son had taken some pills and was also armed with a shotgun and an axe.

As our officers drove closer to the house, they saw an individual coming out with an axe in his hand, walking toward the police car. The young man raised the axe with both hands and slammed it down on the hood of the police car. The officers shouted at the man to drop the axe, but he did not comply. One constable drew his conducted energy weapon, while the other drew his pistol to provide lethal force overwatch.

The father of the individual tried to intervene, but the son pushed him aside and then swung the axe at him. The CEW was deployed on the son, who immediately dropped the axe and fell to the ground, allowing our officers to gain physical control, handcuff the individual, and place him in the police car. The father wept in fear that his son had come to harm, but the son told him he was okay.

If these two members had arrived at this scene without the benefit of CEW training and the presence of a CEW, we believe the son would almost certainly have been killed. This may have been both a lawful and a necessary act, but it would have left a young man dead, his family grieving, and our officers having to deal with the trauma of having ended a young man's life.

● (0910)

[Translation]

The standing committee report's second recommendation was that the RCMP revise its policy to provide clear guidelines for uses and restrictions for multiple discharges of the CEW. The RCMP revised CEW policy restricts the use of CEWs and specifically warns of the hazards of multiple deployments or continuous cycling of the CEW.

[English]

Training was the focus of the third recommendation in the committee's report, to stress the potential risk that use of the weapon may entail. The RCMP's revised CEW policy underscores that there are risks associated with the deployment of the device and emphasizes that those risks include the risk of death, particularly for acutely agitated individuals.

Recommendation four was that the RCMP require CEW recertification of its officers authorized to use the weapon at least every two years. In fact, the RCMP's requirements exceed those recommended by the committee. We now require recertification every year.

Improvements to training regarding mental health and addiction issues were contained in the report's fifth recommendation, particularly where these issues coincide with CEW deployments. The RCMP's national learning and development group has access to CEW incident reports and to the RCMP's CEW data bank to assist in the ongoing assessment of the relevance and adequacy of the RCMP's training and training standards, and to help ensure that modifications are made as necessary. This same group is helping to develop additional scenarios for IMIM training, including to raise awareness of populations who may be at greater risk when a CEW is deployed.

The RCMP's policies regarding arrest and prisoner care cover evaluation and assessment of a prisoner's requirements for medical services. Our operational policy section benefits from the perspectives of professional medical organizations such as the Canadian Mental Health Association. This is particularly important in our ongoing efforts to identify and adopt best practices.

The RCMP pays ongoing attention to conferences, reports, and research findings to stay current with developments in this field.

[Translation]

The committee's sixth recommendation was that the RCMP, wherever possible, obtain assistance from psychiatric support staff when an intervention is expected to involve a person suffering from mental illness or drug addiction.

[English]

We agree, but it must be recognized that often police must respond immediately to emergency situations and cannot always pre-arrange such support, even where it is available. Furthermore, police may not be aware they are dealing with someone in need of psychiatric support until after circumstances have required the use of force.

Nevertheless, we have asked commanding officers in all of our divisions to develop or update protocols in their jurisdictions with local medical emergency personnel for assistance to be provided when it is necessary and practical to do so. At the national level, organizations such as the Canadian Association of Emergency Physicians and the Canadian Mental Health Association are working with the RCMP to identify areas of concern and establish best practices.

The last recommendation in the committee's report that was addressed to the RCMP was recommendation number 12, which listed certain kinds of information that the committee believed should be included in an annual report by the RCMP. The RCMP has committed to detailed quarterly and annual reporting on CEW usage by members of the force. To date two such quarterly reports have been released. Subsequent quarterly reports and our first annual report are in preparation and should be released shortly. All the information recommended by the committee for inclusion is and will be included in our quarterly and annual reports.

The RCMP has also launched a national project entitled subject behaviour officer response reporting or SBOR. This will require RCMP officers to account for all use of force. The SBOR has been designed in collaboration with both internal and external stakeholders. This improved reporting will provide information on specific incidents and on trends across the force. It will help our officers articulate in greater detail the circumstances of incidents in which they used force. Our objective is to increase accountability. This reporting should also assist ongoing improvements to policies and training.

• (0915)

[Translation]

In conclusion, let me again thank the committee for having us here today and for your ongoing interest in the important issues relating to the RCMP's use of CEWs.

[English]

In conclusion, let me again thank the committee for having us here today and for your ongoing interest in the important issues relating to the RCMP's use of CEWs. My colleague and I would be happy to respond to any questions.

Thank you.

The Chair: Thank you very much, Commissioner. We appreciate those opening remarks.

For the information of the committee, this will be the order of the questioning today. We'll go with the Liberal Party first, then the Bloc, then the NDP, then the Conservatives for the first round. Then we'll go to the Liberals and the Conservatives for the second round. Then we're going to go to the Bloc and the Conservatives for the third round, then to the Liberals and the Conservatives for the fourth

round. My apologies; one of you will not get a turn. We will start then from the beginning again, and so I think in two hours we should have enough time to do it. According to what we agreed at the beginning, this is about as close as I can get to giving everybody one turn before anybody gets two turns.

Mr. Holland, you have indicated you'd like to go first. Go ahead, sir.

Mr. Mark Holland (Ajax—Pickering, Lib.): Thank you, Mr. Chair.

Thank you, Commissioner, for coming before the committee today.

By your comments I can assume obviously that you've read the report. Do you know if the public safety minister has? And have you had an opportunity to discuss the committee's report with the public safety minister?

Commr William Elliott: I've certainly discussed the report with the minister, yes.

Mr. Mark Holland: The committee undertook around 11 weeks of study, including going out to Vancouver, in the wake of Robert Dziekanski's death, and obviously there was an enormous amount of public interest in this. The committee took it very seriously and it took its recommendations very seriously.

Commissioner, one of the things I'm concerned about is that since that report was tabled on June 8, we have been unable to get any sort of response to our recommendations from the minister. Today is the first time we are hearing from you in terms of the response to a variety of questions. A number of the answers you've given frankly concern me. I am going to start with the very specific recommendation that the committee made with respect to an independent peer-reviewed study of the impact of taser weapons.

You stated in your response that there are three studies, all of which are in the U.S., two of which are conducted by law enforcement agencies, which certainly don't meet the criterion of being independent. To the best of my knowledge, you haven't provided any evidence that any of them were peer reviewed, and none of them were conducted in Canada.

In fact, the only independent study that we have in Canada was done by a media organization. It was done by the CBC, which found that the X26 taser models expel more energy than the manufacturer had stated and therefore were more dangerous than thought.

Can you tell me why specifically that recommendation has been ignored? Why has there been a refusal to have an independent, third party, peer-reviewed test of tasers, particularly in light of not only this committee's deep interest in the issue but also the great deal of public interest in the wake of Mr. Dziekanski's death and also in the wake of other incidents?

Commr William Elliott: Thank you, Mr. Chair. With respect, I would suggest that a number of the premises advanced by the honourable member are not factually accurate.

First of all, in my opening comments I indicated that I wanted to refer to three studies. I did not indicate that they were the only three studies. I also indicated specifically with respect to one study that it was published in a medical journal and that it was peer reviewed.

I don't believe any of the studies I referred to were actually conducted by police forces. I indicated that we support independent research. We are very supportive of efforts undertaken by the Canadian Association of Chiefs of Police and by the Canadian Police Research Centre.

With respect to the CBC reporting about not the subject matter that I referred to in my opening remarks—that is, the injuries associated with deployment of CEWs—but with respect to the actual performance or output of the device, we are certainly very aware of the CBC study. On learning of the issues raised by the CBC, even before the broadcast of the CBC story, we undertook research. We contracted for CEWs in the RCMP's inventory to be tested. Those tests are being conducted by an independent firm here in Ottawa. To date, we have tested 60 devices. They have been drawn from our inventory across the country. Testing continues.

We are working with many others, including the Canadian Association of Chiefs of Police and outside experts, to refine the protocols for testing. We are committed to introducing testing on an ongoing basis with respect to our CEWs.

Lastly, I would say in answer to the question that we have not ignored any of the recommendations in the report. We have not followed the recommendation with respect to impact weapons for reasons I referred to in my remarks.

● (0920)

Mr. Mark Holland: I'm going to come back to impact weapons. I'm sorry, I only have two minutes. I do want to go to impact weapons.

I just have a concern. All three examples you raised were American examples. The one you cited was a peer review. It was a retrospective study of people who had already been hit by the weapon; it was not a study of the weapon itself. So you're not giving me anything about the weapon itself being tested. The example you gave was a peer review of post-mortems of incidents that have already occurred.

So it is my feeling, sir, that the recommendation has been ignored. The committee was explicit in wanting a Canadian third party study, and it shouldn't take a media organization to force the RCMP to begin testing some of these weapons, in my respectful opinion.

The second point I want to come to is the reclassification of the weapons, which you began getting into, maybe in anticipation of the concern I was going to raise. That recommendation wasn't followed. Obviously Canadians are deeply concerned about this issue. There have been a number of grave injuries and deaths that have involved tasers. And the committee, after studying the issue for a great length of time, made a recommendation for reclassification. This is the first we've heard in response to that. All previous responses were that tasers are here to stay.

Now, I have a question. The use of force continuum is maybe an improvement over what's there, but it certainly isn't going nearly as far as the committee's recommendation for reclassification of the weapon. So can I ask why you have ignored that recommendation and haven't, in fact, moved forward with the reclassification?

The Chair: Time is almost expired for an answer.

Commr William Elliott: Mr. Chairman, I again repeat that we have not ignored the clear recommendation.

The term “impact weapon” is not a term that, frankly, is helpful, in our view. It's not consistent with the IMIM model that we have adopted, that police forces across the country have adopted.

With respect to the categorization of the weapon, I might point out that our policy actually is very clear that the CEW is a prohibited firearm. So I do not believe, Mr. Chairman, that there is a problem with respect to how we have categorized this weapon. It is a weapon that delivers considerable force. There are risks, including the risk of death, associated with the delivery of considerable force. Our policies, our practices, and our training are all based on a recognition of that fact.

The Chair: Thank you very much.

Now we'll go over to the Bloc.

Monsieur Ménard, are you going to question first?

● (0925)

[*Translation*]

Mr. Serge Ménard (Marc-Aurèle-Fortin, BQ): Thank you, Mr. Elliott. I am favourably impressed by the way in which you carefully answered our questions and by the explanations you have provided.

I have practised long enough to know that police forces have used a variety of methods to subdue uncooperative individuals. Before the existence of the taser, many of these methods had been considered dangerous. I recognize that the invention of a device like the taser raised great hopes that the former methods would be used less frequently and that there would be a method which is absolutely safe, as far as that is possible, to subdue uncooperative people.

In time, it became clear that this method also involved some danger. The only studies that were available where those produced by the manufacturer, whose commercial practices were extremely persuasive, as is often the case with American companies. There is reason to doubt the reliability of the studies, which quite often had been funded by the manufacturer itself. I am pleased to see that there are now studies which are funded otherwise. I do appreciate the effort you have made to improve the situation.

I would like to get back to a point which was raised by my colleague from the Liberal Party: the investigation carried out by CBC. You state that you knew the results of the investigation before they were published. You also stated that you had already begun testing your devices.

Correct me if I am wrong: you intend to test all of your devices to determine whether their output may be far superior to that expected by the manufacturer.

Commr William Elliott: Thank you, Mr. Chair.

[*English*]

I have one point of clarification. We were aware of the results of the CBC study before the broadcast, because the CBC contacted us with respect to that study. And as I indicated, we immediately undertook our own testing, not testing conducted by the RCMP but testing of RCMP weapons. As I indicated, we've tested 60 to date.

We'll proceed to test our devices, beginning with the oldest devices. It was the pre-2006 devices the CBC report raised particular concerns about. We are working to establish a protocol with respect to testing, both with respect to the conduct of the tests themselves and with respect to what an appropriate strategy would be for testing. We have about 2,600 CEWs in our inventory.

I think we will continue with our testing. Then we will make more informed choices with respect to whether it's necessary to test all our devices or whether it's necessary to test only a representative sample on a recurring, ongoing basis.

[Translation]

Mr. Serge Ménard: So, you carried out some tests. Did you indeed find that, among the devices you tested, there were some that had an electrical output far superior to that indicated by the manufacturer?

[English]

Commr William Elliott: The short answer is no. There have been two devices whose peak open-circuit output was somewhat beyond what was indicated by the specifications supplied by the manufacturer, but all the experts we have consulted, including those who were involved in the CBC study, have indicated that particular measurement is not relevant with respect to the amount of electrical current that is delivered to an individual. It's subject to great variation as a result of changes in temperature and atmospheric pressure. In fact, in the new protocol we have established for testing, we are not testing that element. So there have been no test results that raise any concerns with respect to the output of the weapon and its impact on individuals as a result of that output being greater than anticipated or as specified by the manufacturer.

● (0930)

[Translation]

Mr. Serge Ménard: You are essentially saying that the CBC tests were not relevant in determining the dangerousness of the weapon. It is somewhat strange, however, that you should arrive at such totally different results. I do not have the exact figures, but if I recall, the tests carried out by the CBC showed that the voltage or electrical output—well, I am not an electrician—in almost all cases, was far superior to that indicated by the manufacturer. The tests you did did not produce the same results.

[English]

Commr William Elliott: That's correct.

[Translation]

Mr. Serge Ménard: Did you inform the CBC that your tests did not produce the same results as theirs?

[English]

Commr William Elliott: I believe we have spoken to the CBC about that and we're certainly quite happy to share the results of the testing. We have undertaken to do that with the Commission for Public Complaints Against the RCMP. We're happy to share the specific results of that testing with this committee.

As I indicated, we went back to the experts the CBC used to speak to them about our test results and what they meant. So we probably had more discussion with the technical experts the CBC hired than

the CBC itself. But the CBC has been made aware of the results of our testing.

The Chair: Thank you.

We're going to have to go on now to Mr. Harris, please, for seven minutes.

Mr. Jack Harris (St. John's East, NDP): Thank you, Mr. Chairman.

Commissioner, I think we all would agree that the example you used of this young man who was tasered in lieu of being shot with a service revolver is the reason Tasers were brought into use, and I think everyone would support that because it prevents death in circumstances where it otherwise might be inflicted.

But I want to get to recommendation number one. You did say you responded to the recommendation; you didn't say you followed it. I don't want to play with words like impact weapon or non-impact weapon; I want to go to the specific recommendation that says “where the subject is displaying assaultive behaviour or posing a threat of death or grievous bodily harm” to the police, himself, or the public. You said your order with respect to the use of tasers refers to threats to an officer or to public safety. Public safety is a very broad, vague, open-to-interpretation situation, and I realize you've used that terminology perhaps in consultation with the Canadian Association of Chiefs of Police.

I don't get comfort from that wording. Is that the exact wording you used? Can you provide us with a copy of this directive to your members? Do you think the words “threat to public safety” are adequate in terms of instructing RCMP officers as to when the taser is permitted or not?

Commr William Elliott: Thank you, Mr. Chair. Perhaps I could quote directly from the policy:

The CEW must only be used in accordance with CEW training, the principles of the Incident Management/Intervention Model (IM/IM) and in response to a threat to officer or public safety as determined by a member's assessment of the totality of the circumstances being encountered.

NOTE: Members' actions must be reasonable and the force used must be necessary in the circumstances.

It goes on to say: “All members must recognize that any use of force entails risk.”

So yes, I am satisfied that our policy and our training are appropriate.

I might just comment that while the example I gave was one of the deployment of a taser preventing death or grievous bodily harm, in our view that is not the only circumstance in which a taser can be used appropriately. In fact, the classification of the CEW in the committee report recommending it be treated as an impact weapon would suggest that a CEW could be used in circumstances where another device like a baton might otherwise be used. A baton in police parlance could certainly be referred to as an impact weapon; you basically hit somebody with it. You wouldn't use a baton if there were a risk of death or grievous bodily harm.

We train our members that if there is a risk of death or grievous bodily harm, they should use their firearm. The only instance where they should not use their firearm and where the application of force is necessary is as in the example I gave in my opening comments, where there is lethal overwatch. In other words, if the taser doesn't do it, another member is there who will use his firearm.

• (0935)

Mr. Jack Harris: The notion of public safety, though, is a very broad one, I think you'd have to agree. Leaving that interpretation to the judgment of an individual officer, despite all the qualifications here, may not satisfy the public. We've seen—not in your force but in the OPP—a recent example where a taser was used on an inmate in custody, a 14-year-old girl, who may have been uncooperative or displaying behaviours that were contrary to the wishes of her custody holders, but we don't want a situation where the terminology and the usage is so open to interpretation that officers can make their individual judgment of what “public safety” involves.

Would you not agree that there ought to be more specific restrictions on whether it's impact weapon? I wasn't part of the committee that chose those particular words, but wouldn't you agree there must be something more specific than what you have now?

Commr William Elliott: I would suggest there is something more specific, and I'll comment in a moment with respect to our officers' discretion. But as the policy clearly indicates, the force used must be reasonable and necessary in the circumstance; and that is a test that is well established and which the courts, over the history of criminal jurisprudence, have applied and interpreted.

I would caution very strongly against the notion that we would write policy and directives that were overly prescriptive. We hire and train intelligent, dedicated men and women and we expect them to exercise discretion. It is not possible for us to write policy and directions that will cover all of the circumstances our officers encounter every day. Some 7,500 people will call the RCMP today for help. We have to have policies that allow our officers to exercise discretion within reasonable parameters, and I believe the policies we have do that.

We are certainly very keen on ensuring that our officers act appropriately and that the explanation of their actions is fully reported and reviewed. We have mechanisms within the force to do that, and there are certainly lots of other mechanisms for that, including the CPC, the courts, and in the case of Mr. Dziekanski, the ongoing public inquiry in British Columbia.

I am very concerned about the notion that we would be overly prescriptive in our policy and directions.

Mr. Jack Harris: Paul Kennedy, chair of the RCMP Public Complaints Commission, has recently indicated that his commission reviewed 3,000 complaints last year, 13% of which claimed improper use of force by members. Now, those are only claims, and I'm not assuming that all of them are justified, but do you know how many of those might be related to the use of tasers?

• (0940)

Commr William Elliott: I don't know off the top, but I can certainly undertake to provide you with that information.

The Chair: We'll go to the government side now.

Mr. Norlock, you indicated you had a question.

Mr. Rick Norlock (Northumberland—Quinte West, CPC): I have several questions. Most of them require quick, easy responses, and I don't think they'll take a lot of verbiage.

Thank you for coming, Commissioner.

You talked about the testing of your inventory of 2,600 tasers. How much do you anticipate that costing?

Commr William Elliott: I'm advised that on the current testing we have done we've spent about \$20,000. About 10 devices can be tested a day.

Mr. Madill, how much again was the testing per day?

Assistant Commissioner Darrell Madill (Assistant Commissioner, Commanding Officer, "D" Division, RCMP Detachments in Manitoba): It works out to about \$1,000 a day.

Commr William Elliott: It works out to about \$1,000 a day and \$100 per device.

I expect that as time goes on and we refine protocols, the costs associated with the testing will decrease. I would also note that a number of other forces and jurisdictions have either undertaken tests or indicated an intention to do so.

Mr. Rick Norlock: You mentioned testing a representative sample. That means you wouldn't necessarily test them all, so if 30% are functioning, the assumption is that the rest are.

Commr William Elliott: As a general principle, yes, but I think it will depend to some extent on the results of the testing. It would be unusual to test every one of anything, given the cost. I think we have to do this in a reasonable, risk-based way, but initially we will be testing the oldest devices, because those are the devices where concerns have been raised. We will work with internal experts on the force and with outside experts to determine what a reasonable sample, test protocol, and routine would be.

Mr. Rick Norlock: Thank you.

We were talking about reporting, and one of the recommendations has a reporting requirement. You've indicated that you will comply with that. You've already complied with it in two quarterly reports, and soon you'll have the annual report. That report will quantify the number of times a taser was used, the number of times there were injuries, and the number of times there was death. But in that report—so the people of Canada can get a good overview—would you ever report on the number of lives that were saved by the use of the taser?

Commr William Elliott: That's not currently reported in the two reports we have produced, and it might be difficult to make that determination. For example, in the reports covering January to June of this past year there were 638 incidents, 33.7% of them related to assault and domestic disputes, and 45.9% of the situations were resolved as a result of the mere presence of the CEW. In other words, it wasn't actually fired. Our officers often find that just having the device, and certainly drawing the device—which we count as a deployment and require mandatory reporting on—often resolves the situation.

Mr. Rick Norlock: Just as an aside, we get reports from hospitals and from health care professionals. From the hospitals, we get reports on the number of deaths as a result of a person just going to the hospital, so there's a balanced view. We know that the hospital's a very good place to go because lives are saved, but we also have concerns when people go there and something negative happens.

I guess this committee's responsibility is to make sure that you folks are on your toes and doing the right thing, but I think Canadians need to know the good things as well as the bad things. When we haul a police agency before us, we need to give Canadians a balanced view. That's the premise upon which that question was asked.

Now I'd like to go to the words “public safety”. Thank you for articulating some of the issues surrounding the setting of policy and what is referred to, at least in my world, as micromanaging. Policy is usually a general overview. When we're talking about public safety and the use of the taser, you cannot give in policy every incident where a taser should or should not be used. But would I be correct in saying that when you are in your training mode, that's where the officer learns the specifics of public safety and the dos and don'ts?

I wonder if you could elaborate a little bit on how policy translates, because when I ask these questions, I always try to ask them in terms of the fact that Canadians are watching this committee and its deliberations and they'd like to know some of the facts. Usually they just hear the negatives from these things. Could you just run through the difference between policy and its translation into training and actual everyday operations?

• (0945)

Commr William Elliott: Sure, I can speak a little bit about that. Then perhaps I'll ask my colleague Assistant Commissioner Madill to comment.

First of all, with respect to the term “public safety” in our policy, I think it would be fair to suggest that we don't spend a lot of time trying to define and to have an understanding of a vague concept of public safety. We're really talking about the safety of members of the public. In a normal incident, you would have police officers, you would have an individual who our officers wanted to restrain, and then you would have others.

With respect to our policy, certainly we spend a lot of time training our officers on policy, both in their initial training at our training academy at Depot in Regina and in recurrent training. As I indicated, our officers need to be recertified every year, and there would be reinforcement of policy and operational considerations.

Much of our training is scenario-based training. We run scenarios, some on a simulator and some with people acting parts. We present situations to our officers, we require them to respond, and then we critique their response.

Darrell, you might want to add to that.

A/Commr Darrell Madill: The commissioner covered most of the highlights. I think what's important to stress here is that our training is a living mechanism by which we take advantage of things we learn from the field and implement them.

The scenario-based training the commissioner spoke about is a critical piece of our IMIM training that every member takes. It's been enhanced over the last few months. In fact, on April 1 all cadets leaving the Regina training centre will be subject to the new policies around use of force.

In the field, the intention is that we're already preparing to train the trainers. Beginning in June and July of this year, the new incident intervention model training will occur. That will be initiated by a two-hour online course that the course candidates will have to take. That's followed, when they go to the training centre, wherever that may be in Canada, with a four-hour tabletop, and then two days of eight hours each of scenario-based training.

Those scenarios will be developed based on the use of force reports that come into headquarters here. My staff and the learning and development people go through them and look at circumstances that we believe would provide enhanced levels of training through the scenarios.

Then, as the commissioner said, every year the members have to recertify on the taser.

The Chair: That brings us to the end of the first round. We're now going to go over to the Liberal Party.

Mr. Oliphant, please.

Mr. Robert Oliphant (Don Valley West, Lib.): Thank you, Mr. Chair. Thank you, Commissioner, for being with us today.

I'm going to start by saying that I do have grave concerns about your response to the committee's report. I was not on the committee when they did their work last year and took almost three months to study this. The RCMP obviously had time to present to that committee.

The principal understanding in the report, as I understand it, is that RCMP taser gun use policy is too permissive. There were a number of recommendations to try to tighten that up for public safety, obviously without causing further harm to members of your force. However, I don't see any evidence, really, of that in your remarks today. There was a very simple recommendation that the categorization of this weapon be changed—and I have your model from March or November 2008, I can't read those dates—essentially moving from an immediate weapon to a firearm or an assaultive weapon and those protocols. I don't see any evidence that there's a change in the understanding of this weapon. It still seems to be akin to pepper spray. It still seems to be akin to a less dangerous weapon. You're attempting to prove that it is.

I don't want to go through the hearings again. The hearings have been done. The committee has a recommendation. I don't see evidence that you've actually followed the recommendations. I think you're still resisting that, saying this is a weapon you want to have full and almost unbridled use of. I think that is of grave concern to this committee, because we have not seen evidence that there's been a change in protocol.

You refer to harmonizing or a common vocabulary with the chiefs of police, but that vocabulary is not in your statement today. I still don't understand what that common vocabulary is. This committee has suggested that your vocabulary needs to change, as do your protocols. I still don't see evidence that you're doing that.

My concern here as a member of Parliament is for public safety, and that means me, as a citizen, to ensure that I will be safe and my constituents will be safe. The added burden I have as a member of Parliament is that your force be safe. But when I weigh out those two, the burden on me is to ensure that citizens are safe. That is my ultimate burden on balancing those two, with concern for the force.

I still don't see that you've actually followed the report.

● (0950)

Commr William Elliott: Thank you, Mr. Chairman.

In fact, there have been changes. I would suggest there have been significant changes with respect to our policies, with respect to our vocabulary, with respect to our requirements.

I certainly cannot agree that our policy is such that the officers, members of the RCMP, are authorized to use the conducted energy weapon unbridled. At the time the committee studied our policies and practices, we authorized the use of the CEW against people who were resistant. We no longer allow that. We have clarified that this device is only appropriate to be used in situations of threat. We have emphasized that there are significant risks associated with the device.

We have made clear that there is a test: number one, it must be necessary to use the device in the circumstances, and the force must be reasonable.

We have increased our reporting requirements with respect to the device. We have established specific officers and positions to review each use of force and each deployment of a CEW. It is mandatory for people to report the circumstances of their deployment, which as I indicated, includes not only actually firing the device but threatening to fire the device. Those reports must be made on the same shift

where the deployment occurred. They are reviewed immediately. They are provided to Ottawa. We analyze them here. We report each of those incidents. Those reports go immediately to the Commission for Public Complaints Against the RCMP. They are the basis for our quarterly and annual reporting.

I certainly believe the facts are that we have made significant changes since the committee's report, and in my view we have responded to the committee's recommendation that the use of the device or the weapon should be further restricted. We have taken steps to restrict its use.

● (0955)

The Chair: We'll go to Mr. McColeman.

Mr. Phil McColeman (Brant, CPC): Thank you, and thank you for coming today and taking the time to answer our questions.

I want to comment on the question that was just answered. It's the premise that is being put out there that police would indiscriminately use this on a willy-nilly basis. I appreciate your response to that, because in my own local police board experience in my community where the taser is used, it's not that at all. In fact, citing the report today that you've given, recommendation number four, the recertification was called for every two years and you've moved it to a one-year standard, and I appreciate your doing that. My first question would relate to that.

Obviously when you recertify someone there's a reanalysis of what comes out of that, the learnings that come out of that, and the circumstances around the use of it obviously provide learnings as well. What have been the take-aways from that recertification process when you do bring people back and they have to go through that? What are the actual officers telling you and what are the things that you're hearing about the actual field use of the CEDs, CEWs?

A/Commr Darrell Madill: Thank you for that question.

We certainly gather information from the members when they come in for training right now. The certifications will continue that. I would say where we gain the most information, however, is the actual usage reports that each and every member has to file every time that CEW is deployed. We consider a deployment, as the commissioner said, even when it's just threatened to be unholstered, and even when it's just displayed. We review every one of those usage reports at the local level. Every supervisor has to review it. It's reviewed at the divisional headquarters, the use of force coordinator, and then at the national level.

That's where we draw most of our information; however, we are about to embark on a more fulsome use of force reporting that goes even beyond the CEW. All uses of force, we'll gather information from that too. So that's real world, real life information that we'll use to build our information, and of course whether it's the local supervisor or the divisional coordinator or my own staff here in Ottawa, if they see anything that is either concerning or alarming, they deal with it immediately.

I apologize, that maybe wasn't exactly the answer you're looking for, but the actual recertification training doesn't provide that immediate information that we get from the user reports.

Mr. Phil McColeman: Just to follow up on that then, as you get those user reports in, is it a reasonable question to ask, in a debriefing situation, what the probable outcomes might have been had the taser not been used?

A/Commr Darrell Madill: Yes, that's conducted at the local unit level, and again it's reviewed all the way up the ladder.

We also get briefings daily on situations like the commissioner described. As you can imagine, there's a heightened sensitivity around all use of force, but particularly the conducted energy weapons, and the commanding officers right across the country report on a daily basis any circumstances where there might be concern, or where a CEW was used, as was discussed by the commissioner, so we get that every day.

Mr. Phil McColeman: Earlier in your responses, there was a question about this very thing and about the fact that—and I think it came from my colleague—had tasers not been used, lethal force may have been the outcome. You were not able at that point to give us any actual data regarding that being the case, but that's where I'm leading with this question.

Would it be appropriate to have, in your debriefing documentation, those kinds of...? You can't predict totally whether it would have been that, but certainly you could have a category of data being collected that, had the taser not been available, other types of force would not have been appropriate and this might have been the outcome, and have some statistics-gathering, because that relates to public safety. That relates to saving the lives of people who are in these circumstances where the taser's being used.

Commr William Elliott: Thank you.

We certainly do require our officers to account for their use of force and to describe the circumstances in which it was used, and that includes information with respect to the threats that they were facing or perceived, including threats of death or grievous bodily harm. In the 638 incidents that I referred to between January and June of this year, 23.2% of those officers reported facing a threat of death or grievous bodily harm.

We also require our officers to provide information with respect to the subject's behaviour, the presence or not of a weapon. I think it is more appropriate and certainly more common for us to ask our officers to describe the facts and what they perceived, and to record them, and not generally to have them speculate what might have happened otherwise.

Certainly that is part of what we try to do with the analysis of the reports. We think the quarterly reporting and the annual reporting

will allow us to do that, not just on an incident-by-incident basis but on a more global basis. And we're certainly working with the Commission for Public Complaints Against the RCMP and others to do that, to try to assess trends, for example.

• (1000)

The Chair: We'll now go over to Ms. Mourani, please, from the Bloc.

[Translation]

Mrs. Maria Mourani (Ahuntsic, BQ): Good morning, gentlemen. Thank you for your attendance here today.

I have been listening to the questions put by my colleagues and the answers you've given. I see that you certainly want to keep the taser.

But, I wonder, do you have this data? Over the last eight years, approximately how many firearm deaths have occurred where an RCMP officer was involved, compared to the number of deaths which may have—it remains uncertain—been associated with the use of a taser? Do you have data allowing us to compare these two types of weapons?

[English]

Commr William Elliott: I'm sure we have data. We certainly keep very detailed information with respect to deaths and serious injuries.

I'm pretty confident in saying, unfortunately, that a number of individuals have died as a result of the RCMP shooting them. Any number is a significant number, and one is certainly too many. But those numbers would certainly far exceed deaths proximal to the deployment of a CEW.

[Translation]

Mrs. Maria Mourani: Can we have access to this data?

Commr William Elliott: You would like information and details on the incidents?

[English]

Certainly.

[Translation]

Mrs. Maria Mourani: We can get them, very well.

[English]

Commr William Elliott: By the way, we do cumulative reporting as well with respect to all in-custody deaths. We would treat an in-custody death to include the death of someone we were trying to arrest or in response to a scene. The individual really often isn't technically in custody, but we report on all of those circumstances, and those figures are certainly available. I think there have been, in total, about 11 deaths proximal to the use of the taser since the weapon was introduced.

I can probably get you immediately some information with respect to the number of overall deaths. I can certainly undertake to provide to the committee, Mr. Chairman, details with respect to that over the last number of years.

The Chair: Thank you. That's what I was interested in. Perhaps you could supply that to me.

Go ahead.

[Translation]

Mrs. Maria Mourani: When you compare the number of people who have died following the use of a firearm and the number of people who've died as a result of the use of a taser, would you say there has been a reduction in the number of firearm-related deaths because of the use of the taser? Can you draw a comparison there?

[English]

Commr William Elliott: There is some indication that there have been reductions. I'm now not talking just about the experience of the RCMP, but more broadly. There has been a reduction in the incidents where firearms have been used and in deaths resulting from firearms. I would say candidly that the data in this area are not sufficient, which is one of the reasons we are very supportive of the notion that we would, number one, track data much more carefully, report on data much more regularly, and work with policing partners and others to try to establish a better fact base to make those sorts of comparisons.

•(1005)

[Translation]

Mrs. Maria Mourani: At this point, we therefore cannot confirm that the use of tasers has allowed for a decrease in the use of firearms. That is what I gather. This is not something we can state for the time being because you have not yet completed these in-depth analyses.

[English]

Commr William Elliott: I certainly think that more analysis is required, but I have no doubt that the taser has saved lives. I cited one example today. I have no doubt that the taser has saved lives.

[Translation]

Mrs. Maria Mourani: That is your opinion, but it is not based on facts. That is what you are telling me?

Commr William Elliott: That is indeed my opinion, but it is based on the experience of our officers and that of members of other police forces. In fact, it is more difficult to determine

[English]

what could have happened as opposed to what did happen. When we shoot someone and they die, it's a fact, the person's dead. When we go to a scene and we don't shoot someone, it's much more subjective as to whether or not we would have had to shoot them in other circumstances. Every circumstance is different. But we certainly have some specific examples.

I can tell you that as I travel around the country and visit with officers, their experience tells them that they are safer and the public is safer because we have that tool in our tool box.

[Translation]

Mrs. Maria Mourani: Correct me if I'm wrong, but based on what you said earlier, in comparing the taser and firearms, you feel that they are both weapons. Is that correct? Can it be said that a taser is like a firearm, in that it is as important as firearms in police activity?

[English]

Commr William Elliott: I certainly would agree that both of them are weapons. I think that all of the evidence indicates that firearms are far more dangerous and that people who are shot are much more likely to be seriously injured. It's almost impossible to shoot someone and not have them be seriously injured, where in the vast majority of cases where people are subject to a CEW deployment, they suffer no injury or very little injury.

What I said in my opening comments and as reflected in our policy is that the CEW is classified as a prohibited firearm. "Prohibited firearm" is a term in the Criminal Code of Canada, and the definition in the Criminal Code of Canada of a prohibited firearm is such that a taser fits that definition. That is our interpretation of the provisions in the Criminal Code, based on the advice from the Department of Justice.

The Chair: Thank you very much.

We'll now go over to Mr. Richards, please.

Mr. Blake Richards (Wild Rose, CPC): Thank you, Mr. Chairman, and thank you, Commissioner, for being here today.

I also noticed that we have a few of our men in uniform here with us today. I would like to say that certainly they have my utmost respect for the work they do to protect Canadians. That's an important point to be made. Mr. Oliphant indicated that his only concern was for public safety. My concern has to be for the safety of our officers as well.

Mr. Robert Oliphant: Could I have a point of order on that?

An hon. member: He deserves a point of order on that.

Mr. Robert Oliphant: I need a point of order on that.

The Chair: This will be a rebuttal probably.

Mr. Robert Oliphant: That is not what I said. Very clearly, the record will show that I weigh out both of them and I come in support of the public eventually. I am very concerned about members. I have worked very closely with the RCMP for much of my career. I know many officers. I am very concerned about them.

On balance, I come out in favour of public safety.

The Chair: Thank you.

Mr. Richards, I'll give you a little extra time. Go ahead.

•(1010)

Mr. Blake Richards: Thank you very much. I believe that is debate, because that's certainly not how I understood the comment. But regardless—

Mr. Mark Holland: On a point of order, Mr. Chair, this is a very clear misstatement of facts, and I would suggest that the honourable member retract the statement. It is a legitimate point of order; it is not a point of debate. The member has misrepresented the comments of the member in a gross and unfair manner.

The Chair: Mr. Richards.

Mr. Blake Richards: If I've misunderstood, Mr. Chairman, I apologize. I didn't understand the comments that way.

Regardless, certainly, the safety of our members is important as well.

I have nine different RCMP detachments in my riding. One of the things I like to try to do on a regular basis, especially given my role on this committee, is to visit with the officers in those detachments. A couple of comments arise from the visits I've had with officers in my riding in relation to some of the comments in your statement today.

Certainly I appreciated the example you provided in terms of a scenario under which lethal force may have been required had the taser not been a tool in the tool belt of our officers. That's certainly something I've heard from officers in my riding as well. That's certainly something they find very valuable, so we don't see deadly force where it's not required, and from everything I've heard, the taser provides that opportunity. So I appreciate the example you provided, and I think there are other examples like that.

The other comment I picked up on is that there are certainly some increased requirements for paperwork. I hope those aren't going to be...we want to make sure there's a balance between ensuring that the reporting is there but that the paperwork isn't too onerous on our officers. That's something I hear time and time again from our officers, that paperwork takes away so much of their time from their duties in ensuring public safety. So I hope we ensure there's a proper balance there as well.

Those are just a couple of comments I had. You're certainly welcome to comment on them in your answer to my questions, if you'd like, but these are more just comments for your advisement.

My two-part question goes back to some of the questions you received from Mr. Norlock and Mr. McColeman, but it's a bit of clarification for me. How many officers or what percentage of our officers carry tasers now?

Commr William Elliott: I understand that approximately 12,000 of some 18,000 regular members of the RCMP have been trained and are therefore authorized to carry the device. Obviously they don't all do that; we have some 2,600 CEWs in our inventory.

If I could take up the honourable member's suggestion to comment on his remarks, I appreciate the concerns he has raised, first of all, for the safety of our members, and second, with respect to the burden of paperwork. I agree wholeheartedly that we need to properly balance the need for proper accountability with the demands on our officers for paperwork and other administrative functions.

With respect to the overall safety of our members, I would agree with comments made today. Certainly I, as commissioner, and the force are very concerned about the safety of our officers, but that is not our primary concern. Our primary concern is the safety of the public; otherwise, frankly, we wouldn't send our men and women out on shift. They undertake risks every day. They rush into situations where the public is running away. So the very nature of the job means they are asked and voluntarily take on risks that members of

the public do not. Public safety is our *raison d'être* and our first priority.

Mr. Blake Richards: Thank you.

The Chair: Briefly, please.

Mr. Blake Richards: I'll take up some of the comments I made earlier on the paperwork in particular. I think paperwork is done daily—daily activity reporting. Is that not correct? That's what the paperwork they do on a daily basis is called?

What percentage of an officer's time is spent daily on these reports and on the paperwork, as compared to being out on the streets?

•(1015)

Commr William Elliott: I think it varies, but I would say too much time is spent. And that certainly is a concern that's been raised with me, and we are trying to take steps to reduce the administrative burdens on our officers. We're doing that by trying to make adjustments to our demands, to the efficiency of our systems, and by adjusting the mix of employees between regular members on the one hand and other staff on the other.

The Chair: Thank you.

We're going to go to Mr. Kania in a minute.

As chair, I would like to ask you about a conversation that I had with an RCMP officer recently. He indicated to me that in the past decade or so, RCMP officers have been undergoing higher risks because of the danger of transfer of bodily fluids and so on, and sometimes the use of a taser may alleviate the situation. Would you care to comment on that? Is that a reasonable assessment of the changes that may have taken place in the last decade?

Commr William Elliott: I certainly would agree with the comments of that officer that there are greater and new risks faced today on the street. The risks associated with communicable diseases are very much front and centre in the minds of our officers and in our training.

One of the aspects of a CEW deployment is certainly that in one of its modes there is some distance between the officer and the individual, but you really cannot do police work without getting up front and personal, if I could put it that way. There are risks associated with that.

I think it's a combination, actually. We face risks that we didn't face before, and frankly, our knowledge of risks is probably better than it was in the past. But certainly, any time, for example, that we encounter somebody who is bleeding, I think all of us are very aware of risks of diseases like hepatitis C and AIDS. That certainly is a reality of policing in this century.

The Chair: Thank you very much.

Mr. Kania, please.

Mr. Andrew Kania (Brampton West, Lib.): I'm going to pick up on that. Do you train your officers or give them direction for the use of a taser based on perceived risks for bodily fluids?

Commr William Elliott: No.

Mr. Andrew Kania: Fine. You'll agree with me that tasers can malfunction, correct?

Commr William Elliott: Yes.

Mr. Andrew Kania: Also, it's possible for an officer to determine, after discharging the taser, that a taser has malfunctioned, by its crackling or cackling. There's an industry term for it. Is that accurate?

Commr William Elliott: Yes.

Mr. Andrew Kania: Would you agree with me that if an officer has discharged a taser and has heard that cackling, it would be prudent not to use the same taser again until it's tested?

Commr William Elliott: No. I think that sometimes there's a noise made. I'm not certified in the use of a taser, so perhaps others may help you. My understanding is that when there is not a good connection.... Basically, when you fire a taser, two probes are shot from the weapon. They are attached to wires, and the impact of the device is really the transfer of electricity between those two points. If there is not good contact as a result of the clothing that a person is wearing, for example, there won't be a good connection, and electricity will not flow through the body, as the device was designed. It will be otherwise discharged, which makes this noise that you are referring to.

So if I've been tasered—by the way, since my last appearance before the committee I have been tasered—and one of the probes lodges in my chest and the other is attached to my shirt, depending on how I move, that probe will come in contact with my body or not. In fact, it might be quite appropriate for the officer to recycle the device, because it might not impact me if I'm leaning forward, but it may impact me if I'm leaning backward.

But certainly after a device is used in an incident and an incident is resolved, if there were issues around the malfunctioning or functioning of the taser, there should be testing. In fact, our policy requires that.

• (1020)

Mr. Andrew Kania: I'm sure you'll agree with me that if an officer suspects, after the discharge of a taser, that it's malfunctioning, they shouldn't use the same weapon immediately before testing it.

Commr William Elliott: I absolutely agree with that. Our policy, as I've just tried to indicate, requires mandatory testing in those circumstances.

Mr. Andrew Kania: Okay. Great.

So in the Dziekanski case, the officer suspected that it was malfunctioning and then used it again. You'll agree with me that was wrong?

Commr William Elliott: No, I will not agree with you that it was wrong.

Mr. Andrew Kania: Why is that?

Commr William Elliott: I'm not going to comment on the specific matter, which as we all know is subject to an ongoing inquiry. By the way, it's also subject to an ongoing investigation by the Commission for Public Complaints Against the RCMP.

But you asked me whether or not, in circumstances where the weapon was making that cackling sound and was not being effective, it would be improper to cycle it again, and my answer—which I repeat—is that it could very well be appropriate and necessary to do so.

Mr. Andrew Kania: You indicated you're not trained in the use of tasers.

Commr William Elliott: That's correct.

Mr. Andrew Kania: Is there somebody at a senior level who would be more appropriate to testify before this committee?

Commr William Elliott: I'm sure there are many of them. We gave a very detailed technical briefing to the predecessor committee, where we brought in use of force experts from both the RCMP and the Canadian Police College. We would be very open—in fact anxious—to provide further technical briefings to the committee as a whole or any members of the committee on very short notice. I think it is very important that members of this committee understand the technical aspects of the device, just as it is important for them to understand our policies, training practices, and reporting requirements.

Mr. Andrew Kania: In terms of recommendation number one of this committee on reclassifying the weapon as an impact weapon, when it was preparing its report this committee visited the RCMP headquarters. Is that correct?

Commr William Elliott: That's correct.

Mr. Andrew Kania: At that time, this report indicates you disagreed with the suggestion that it should be classified as an impact weapon. Do you acknowledge that?

Commr William Elliott: In simple terms, we don't classify anything as an impact weapon. It's not a term that is helpful. It's not a term that is in our policy. With the greatest of respect, based on our current policies, it is a misnomer or a red herring. I think the question honourable members should be seized with is whether our policies and practices are appropriate or not. On general principle I would suggest that defining an implement as a prohibited firearm is a more serious definition than the term “impact weapon”.

I don't know what else to say in answer to the honourable member's question. As I understand the thrust of the recommendation, we should further restrict the use of the weapon, and we have done so.

The Chair: Thank you very much.

Mr. MacKenzie.

Mr. Dave MacKenzie (Oxford, CPC): Thank you, Chair.

Commissioner, I was part of that original committee, and I am very satisfied with what I've heard today. The force has moved completely in the direction of what that committee asked for. Like you, I'm not sure what my friend thinks an impact weapon is. Certainly a fist is an impact weapon at times, and so is a baton. I'm quite satisfied about where you're using it—the whole circumstances.

My friend opposite indicated that there had been no testing in Canada when you talked about the three tests. I found it very difficult to understand the logic there. I suspect that Americans are physiologically the same as Canadians, and the tasers are the same. You also made it very clear that they had been peer-reviewed, which we had asked to be done. With all due respect, I think the member asked disparagingly whether or not the minister had read the report. I would direct him to read your comments. I believe you indicated in them that they had been peer-reviewed.

We talked about the testing of the tasers and the subsequent conversations that took place with the people who did the testing for the news media. Do you know—or is it a fair question to ask—if they would concur that the testing of the equipment you provided from the inventory of the RCMP was within the tolerances they would expect the equipment to have?

• (1025)

Commr William Elliott: As I indicated, we have worked with the very same experts as the CBC used, and we have received and listened to their advice with respect to the testing we have undertaken.

Perhaps I could make two very quick points.

First of all, with respect to the Wake Forest University Baptist Medical Center test, I stated in my opening remarks that it was published in the *Annals of Emergency Medicine*, a peer-reviewed scientific journal of the American College of Emergency Physicians.

I do not, however, want to leave any room for the suggestion that I believe the amount of independent study, including peer-reviewed study, with respect to this device is adequate. We are very interested and very actively supportive of further research and further analysis, and part of that is work being undertaken in Canada. We will continue, as I indicated in my opening remarks, to follow and monitor it and to make adjustments as appropriate with respect to our policies and everything associated with our use of the weapon.

Mr. Dave MacKenzie: Thank you, sir. I believe that's the openness that the committee should expect, that things will change: recommendations will change and policy will change. That's part of the reason you have the reporting you have, I believe. It's part of the reason you're going to continue doing the testing. Those were the things this committee, which was active at the time, felt were important: they wanted to know that those things did occur and would occur in the future.

One of the other things you indicated—and someone was not heartened by it—is that the policy is consistent with that of police forces across Canada. The Canadian Association of Chiefs of Police are in concurrence with the policy. The RCMP frequently take part in joint force operations with municipal and provincial forces across the country. Members interact with each other. Is it important that they each know what the other is going to do?

Commr William Elliott: I believe it's very important. Certainly we collaborate more and more with other forces, both with respect to standing capacity, such as IBETs, our border enforcement teams, and also in joint operations across the country. We have in the Lower Mainland in British Columbia, for example, in cooperation with other police forces, established an integrated homicide investigation team. I'm sure members of the committee will be aware of the

alarming incidence of violence, including murders, in the Lower Mainland.

I think it's very important that we have common understandings. I'm not suggesting that the IMIM that we have adopted has been adopted universally across the country. We continue to work with the Canadian Association of Chiefs of Police and others with that objective in mind—that is, that we will have more standardization. That helps also with respect to training, and we also want to cooperate with respect to the gathering and analysis of data.

Mr. Dave MacKenzie: Thank you. That's all I have.

The Chair: Thank you very much.

That completes the first series. We'll now start from the top again.

Mr. Holland.

• (1030)

Mr. Mark Holland: Thank you, Mr. Chair.

Here's the problem, just so that I'm clear, with the independent third party testing. The centrepiece of what is being presented today concerning that independent third party studying is a study from 2007 done by an obscure Baptist U.S. university. That's what is held out as the centrepiece of testing for Canadian decisions on tasers. This committee asked in mid-2008 for an independent, third party, peer-reviewed study. I don't think they had in mind that you would find some Baptist university in the United States that had done a study. I don't think that's what we had in mind.

Secondly, I don't think we had in mind that you would wait until the CBC phoned you and said there were some problems with some of the devices you were using and then commence initiating a study. I'll be bringing forward a motion with respect to that.

Of course, I was a member of a police services board; I have enormous respect for the work that RCMP officers and anybody on the front line of our police forces does. I recognize the point Mr. Oliphant made, that precisely what makes those people so brave is that they always put public safety ahead of their own safety. That's precisely the point Mr. Oliphant made.

What I'm concerned about, Commissioner—whether you want to call it reclassification or whether you think there's some other term—is that there's ambiguity. There's a lack of clarity going through to the officers. I'll point to your most recent report, which came from the RCMP itself. The report for January to March 2008, your most recent report, said that officers pulled their tasers against one cooperative person and eight passively resistant people. This is very recent. It's certainly a lot more recent than the U.S. Baptist university study. My question to you, in light of the fact that we're getting that many incidents against passively resistant people, against cooperative people, and that this committee made such a strong recommendation about there needing to be....

It's really a leadership issue. It's saying to the force that these are the conditions. And reclassification sends a clear signal to the force about that. There is clearly still ambiguity if we're seeing these instances. If this is working so effectively, why are we continually seeing tasers being pulled against individuals who are either passively resistant or, in this instance, cooperative?

Commr William Elliott: Thank you.

Mr. Chair, I would like to begin by suggesting that in my opinion, the American College of Emergency Physicians could hardly be called obscure.

Second, I believe that the information the honourable member has put forward in fact supports the position that our policies have changed. He cites a report that covers deployments from January 2008 to March 2008. The change that followed the committee's report in June 2008 occurred on June 18, 2008. So as of June 18, 2008, some months after the incidents the honourable member referred to, the RCMP changed its policies to make it clear to our members that they were not to use the CEW in situations in which people were merely being resistant. There had to be a situation of threat. So I believe that the honourable member and the committee will see, in our subsequent reporting, that there will be a decline in, and hopefully an elimination of, situations in which the device is used against resistant or cooperative people. And if those incidents occur, they will occur contrary to policy, and the officers who have been involved in those incidents will be held accountable for not following current RCMP policy.

Mr. Mark Holland: I don't have that, and I continue to have concerns about ambiguity and the report of the committee. We don't have the most recent figures. Those are the most recent figures we have. If you have something more recent, I'd be pleased to look at those.

Given that I only have one minute left, I want to ask a question that's very important with respect to a disturbing case in Ontario that was brought to light with respect to the use of tasers on minors. I know that this practice has been condemned by everybody from Amnesty International through to the provincial advocate for children and youth in Ontario. We know that from 2001 to 2008 there were 90 documented instances of tasers being used on minors. Can you confirm whether the RCMP has ceased the practice of allowing the use of tasers on minors? And can you provide the committee with any incident reports of RCMP taser use on minors in the last two years?

Commr William Elliott: I'd be happy to provide the committee with any reports, if there have been such incidents. The RCMP's policy does not prescribe an age of an individual against whom it is appropriate to use a taser. I would suggest that the age of an individual is a factor with respect to what threat they might pose. but it is only a factor. Unfortunately, I would say that there are some people out there who are minors who are very dangerous individuals. I repeat, and our policy requires, that the force used must be necessary, and it must be reasonable in the circumstances.

• (1035)

The Chair: Thank you.

I should have mentioned that this will be the last round for every questioner, because we agreed to end slightly early so we can discuss some in camera business.

We'll go to Monsieur Ménard.

[*Translation*]

Mr. Serge Ménard: Thank you, Mr. Chairman.

Can you give me an idea of the number of RCMP officers currently authorized to use tasers?

Commr William Elliott: Twelve thousand officers.

Mr. Serge Ménard: Let's get back to recommendation 1. I fully understand your argument on the use of terms. I understand that you would want to use terms which are common to all Canadian police forces and that it would be preferable for us to use these same terms.

In fact, without breaching confidentiality, I can tell you that we had in-depth discussions on the translation of the word "aggressive" by "violent". In fact, "aggressive" and "agressif" are false friends. In other words they do not have exactly the same meaning in English and in French. This is why, in French, we chose to use the word "violent".

Moreover, as indicated in the rest of the first recommendation, the committee recommended that the taser only be used in situations where the subject is displaying assaultive behaviour or posing a threat of death or grievous bodily harm to the officer himself or the public.

Do you give officers the same instructions today?

[*English*]

Commr William Elliott: The short answer is no.

[*Translation*]

Mr. Serge Ménard: Tell us what you do and why.

[*English*]

Commr William Elliott: In situations of death or grievous bodily harm, we believe an appropriate response—I believe this response has been endorsed by the courts—is lethal force. We talked about the importance of officer safety. We do not train our officers to respond with like force with respect to the threat they are facing. We teach them, and we believe it is appropriate, to respond with greater force. So if, with respect to them or another individual, there is a threat of death or grievous bodily harm, we authorize and instruct our officers to use lethal force.

With regard to the taser, all of the evidence we have, incomplete and imperfect as it is, indicates that deploying a taser is far less likely to cause serious injury or death than the use of a firearm. As I have indicated, the only time we would suggest to our officers that they use a taser, if they're facing a threat of death or grievous bodily harm, is if there is someone else there with them providing lethal overwatch and using lethal force if the deployment of the taser does not resolve the situation.

[*Translation*]

Mr. Serge Ménard: I disagree, but let's move on, to issues of mental health among the people you are called to deal with.

Recommendation 5, and recommendation 6, which was in fact an extension of the fifth, provided for improved training of officers with respect to mental health and addiction issues, to make sure their training makes them aware of this reality. It is mainly recommendation 6 which is important. It stipulates that you should call upon psychiatric support services when dealing with an individual who has a mental health or addiction problem.

Are you applying this recommendation or do you not consider it wise to apply it?

• (1040)

[English]

Commr William Elliott: Our policies do address the requirement for medical assistance and indicate that our officers should, where they can, have on hand the individuals who can provide medical assistance. But as I indicated in my opening comments, that is not always possible.

A piece of information that this committee and I heard yesterday—this was during the appearance of the Minister of Public Safety, and it came from the head of the Correctional Service of Canada—was that some 86%, if my memory serves me correctly, of individuals who are incarcerated in federal penitentiaries have problems of addiction. I think that gives you some idea of the magnitude of the issues our officers face in the streets and in communities across the country, and of the impracticality, frankly, of always having medical personnel on hand when we respond to incidents that may involve people with addiction problems.

The Chair: Your time is actually up. Unless it's really brief and very important—

[Translation]

Mr. Serge Ménard: In fact, I am struck by one aspect of the specific example you gave, which in fact illustrates what happened quite clearly: it would seem to me that one would suspect a mental illness. If someone is attacking his father, perhaps you should endeavour to bring along someone who has psychological training to deal with the case rather than immediately use the taser.

[English]

Commr William Elliott: Well, Mr. Chairman, I guess I'd indicate that in an ideal world we would have had that. But frankly, I'd rather have our officers arrive in time to save the father's life without medical help than with medical help after the axe had already been wielded.

The Chair: Thank you.

Mr. Harris, please.

Mr. Jack Harris: Thank you, Mr. Chairman.

I noted your comments and the concern about having a common vocabulary with other police forces across the country. For a long time during this committee hearing this morning, I was worried about a common vocabulary even amongst those in the room, because everybody else was using the term “taser” and you were referring to a CEW. But I note that you are now with us on that, and we're able to call them tasers with you.

Across the country, of course—to get to this common vocabulary point—what we and the public are concerned about more than vocabulary is standards. Can you tell us that the standards would be the same across the country?

I recognize, by the way, that we have seen some changes in the RCMP policy and approach since this committee made its report, and that's to the credit of the work of this committee, I would suggest. You have said that now the policy is not to use the taser for

the purpose mainly of dealing with people who are resisting, that there must be a threat and the use of the taser must be necessary.

Is that the common standard that now applies, if you're...? I know you're not speaking for all the police forces, but you say you have a common vocabulary, at least, with the Canadian Association of Chiefs of Police. Can people across the country expect that this would be the standard applied in the use of tasers?

Commr William Elliott: Thank you, Mr. Chairman.

First of all, to clarify with respect to vocabulary, Taser, of course, is a brand name. It's used in common parlance, just as many of us would refer to a tissue as a kleenex. Our policies call the device a conducted energy weapon, which it is, but the fact of the matter is that all of the CEWs in our inventory are Taser brand CEWs.

With respect to the standard, certainly the standard that is outlined in our policy applies to all of our officers in some 750 detachments across the country. I think the direction we have taken is the direction that the police community generally is taking, but I would not say that those changes have been universally adopted in Canada at this point in time.

And Mr. Chair, the issue of individuals suffering from mental illness or whose actions are as a result of the ingestion of drugs or alcohol is a huge problem for the RCMP—it is a huge problem for law enforcement. Unfortunately, many of the incidents we're called upon to deal with are as a result of mental illness or the ingestion of substances, and we have a number of examples where the use of the CEW has helped to resolve those situations without any serious injury.

Last evening I saw a report posted by CBC, the heading being “Sussex man supports RCMP use of Taser on wife”: “The husband of a Sussex woman who police subdued with a stun gun last week said the RCMP officers made the right choice during the altercation.”

• (1045)

Mr. Jack Harris: Commissioner, I only have a few minutes here, so maybe you can save that for a little later. We do understand, all of us here, the important work that the RCMP does and that they risk their own lives in pursuit of public safety, but we only have a certain ability to talk here.

You did refer, obviously, to CEW as a weapon. I hear words from you and from RCMP officers and others about the taser being a tool in the tool box. I think this perhaps trivializes the fact that this is a weapon, and a weapon that has to be deployed in particular circumstances. But would you not agree that this weapon should be tested regularly, as other weapons may be tested, or as the breathalyzer machine you use in police enforcement is regularly tested and calibrated, and that it's not really a big deal that you would regularly test weapons you use to ensure that they're working properly, that they're safe for both the user and any members of the public who might be affected?

Commr William Elliott: I'd agree with all that.

Mr. Jack Harris: Thank you.

If I'm out of time, I'll stop here.

The Chair: Thank you. A very brief round for Mr. MacKenzie.

Mr. Dave MacKenzie: I'd like to follow up on Mr. Ménard's question with respect to having medical personnel.

The RCMP police a lot of rural Canada in the provinces outside of Ontario and Quebec. Fair enough? Yes?

Commr William Elliott: Yes.

Mr. Dave MacKenzie: We hear all the time that it is difficult to staff hospitals. Given the availability of medical people, it would be very difficult to find medical people to attend with a police officer in an emergency?

Commr William Elliott: Absolutely.

Mr. Dave MacKenzie: Not all our problems with respect to drugs are that people have ingested illegal drugs. We do have a problem with the police agencies being called to attend situations where people have not taken their prescribed medications?

Commr William Elliott: Yes.

Mr. Dave MacKenzie: So it becomes a very difficult situation to totally fulfill the expectations of some folks for any police agency to have medical personnel attend on all those situations where you may or may not know you're going to need to deploy a taser.

Commr William Elliott: I'd agree with that.

Mr. Dave MacKenzie: Half that issue would be that when the police officers get a call to attend, they don't always know what the emergency is.

Commr William Elliott: That is often the case. If I may, can I just quote again, briefly, from our policy:

Acutely agitated or delirious persons may be at a high risk of death. If an individual is in an acutely agitated or delirious state and, whenever possible, when responding to reports of violent individuals, request the assistance of emergency medical services. If possible, bring medical assistance to the scene.

Again, that, certainly in our view, is responsive to the recommendations of the committee. However, there are real issues with respect to the practicality of always having medical assistance at the scene.

The Chair: Thank you.

We're going to suspend for a few minutes and clear the room. I remind members that you can keep one staff person in.

I'd like to thank you, Commissioner and Mr. Madill, for appearing before this committee at quite short notice.

We'll suspend for a few minutes to clear the room so we can discuss some business in private.

• (1050)

Commr William Elliott: Thank you, Mr. Chairman. May I repeat my offer to the committee to make experts available to provide further technical briefings, if you think that would be helpful?

The Chair: Thank you very much.

[Proceedings continue in camera]

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