

Taser Technology in Canada: Examining Whether Tasers Constitute Reasonable or Excessive
Force

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INTRODUCTION

Conducted energy weapons [CEWs], most commonly referred to as Tasers, are used by a number of RCMP agencies across Canada. They are designed to conduct electrical current in order to incapacitate a person or ensure compliance through pain. Some of the most difficult and dangerous police responsibilities are to overcome the resistance of a hyper-agitated person in order to bring them to arrest or to assist a suicidal subject- without inflicting or receiving significant injuries (Kroll & Ho, 2009). Besides helping officers minimize their own risks, non-lethal weapons also reduce the chances of bystander injury (Perkins, 1998). For reasons such as these, CEWs are used by police as an alternative to guns because Tasers are considered a safer substitute for bullets. However, there have been a number of fatalities around the world resulting from the use of Tasers.

This essay will explore how and when Tasers are used by RCMP officials in Canada, to determine whether or not the force inflicted on individuals constitutes reasonable force as defined under the *Canadian Criminal Code*. It will begin by providing a background on Tasers and describe the models that are currently used by law enforcement officials. It will then discuss the medical risks associated with discharging a Taser in both healthy and non-healthy individuals. Furthermore, it will outline the current checks and balances to the use of force as defined in the *Criminal Code*, and will briefly outline Canada's commitment to international treaties and conventions and the United Nations 1987 *Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment*. Finally, through a discussion of a Canadian court case and an RCMP Subject Behavior/Officer Response report, this essay will bring together medical risks with the law in an attempt to answer the central question to this

essay: do Tasers constitute reasonable or excessive harm? This essay will conclude with a summary, recommendations and my own personal opinion.

BACKGROUND

ORIGINS AND MANUFACTURES

The first CEW was developed in the late 1960s by an American physicist and NASA researcher named Jack Cover. His inspiration was drawn from the 1966 Blue Ribbon Crime Commission that called for the development of non-lethal devices for use in controlling riots that were occurring across the United States (Braidwood, 2009a). CEW technology was first introduced to United States law enforcement officials in 1974, and by the mid 1990s, TASER International was established in Canada (House of Commons Canada [HCC], 2008). By 2001, Canadian law enforcement agencies adopted the use of CEWs and began training officers on their use and effects (Canadian Mental Health Association, 2008). According to TASER international, more than 16,200 law enforcement agencies in more than 40 countries around the world currently use their devices (Canadian Broadcasting Corporation [CBC], 2009). In Canada, 129 law enforcement agencies are actively using CEWs (CBC, 2009). Within these agencies, there are approximately 2800 Tasers and 9100 officers in Canada who are trained to use them (CBC, 2009). TASER International's CEWs are the only CEWs that are authorized for use in Canada by law enforcement officials (Braidwood, 2009a). The two main models TASER International currently supplies law enforcement agencies in Canada with, that are approved for operational use, are the M26 and the X26 (RCMP, 2009a).

The M26 is a pistol shaped weapon that activates a five-second electrical current cycle through probe wires. It can be stopped by placing the safety lever in the safe position, or can be repeated by re-pressing or holding down the trigger after the completion of the first, five-second

cycle (Braidwood, 2009a). The M26 can be used in two different modes: a push-stun mode and a probe mode. Push-stun mode is when “the end of the weapon is pressed against the targets body and an electrical current is transferred to the adjacent muscles” (Braidwood, 2009a). Probe mode is when “a cartridge is attached to the end of the weapon, which fires two metal darts (or probes) that imbed in the targets skin or clothing. The probes are connected to the weapon by wires that conduct a pulsed electrical current from the weapon into the targets body (Braidwood, 2009a). When the Taser is in probe mode, different cartridges can be installed with different wire lengths ranging from 15 feet to 35 feet. For the M26 to be effective when used, both probes should hit the subject. To assist the officer in aiming, the M26 emits a red laser which marks where the probes will hit (Braidwood, 2009a). However, as each M26 reaches its life expectancy, it will be replaced by the newer X26 model (RCMP, 2010b).

The X26 was introduced in 2003 for law enforcement and military use. The X26 operates similarly to the M26, but is more compact and designed to be carried in a holster of an officer’s service belt (Braidwood, 2009a). In addition to these features, the X26 has a data port that records the time and date the weapon was activated and the newer X26 has a ‘Taser-cam’ which can record audio and video of each event (HCC, 2008).

ELECTRICITY AND ITS EFFECTS ON THE BODY

The M26 and the X26 are both designed to deliver up to 50,000 volts of electricity when deployed in either probe mode or stun mode (CBC, 2009). However, because Tasers must incapacitate a person through their clothing and through air- neither of which are a good conductor of electricity- the amount of voltage delivered to a person’s body is on average about 1,200 volts (CBC, 2009). When first deployed, the M26 and X26 generally send an initial three microsecond electric pulse. This pulse produces an electrical arc that creates a pathway for

electricity to reach the body with or without skin contact (Nanthakumar, Masse, Umapathy, Dorian, Sevaptsids, Waxman, 2008). The initial pulse is then followed by longer 100 microsecond pulse that deliver electrical energy to the target's body, stimulating his or her nerves and skeletal muscles, resulting in incapacitation (Nanthakumar et al., 2008). Incapacitation usually lasts for the duration of the discharge, which is typically five seconds, but can be longer as long as pressure is maintained on the Taser's trigger (Nanthakumar et al., 2008). Because of the high amount of electricity that passes through a person's body, critics have suggested Tasers are extremely dangerous and can lead to adverse health effects, including death.

Non-serious health issues directly attributed to the Tasers consist of minor burns and abrasions, which often heal within two to three days and do not require hospitalization (RCMP, 2007). Other health issues are associated with the probes becoming embedded in sensitive areas such as the subject's face, throat or groin (RCMP, 2007). TASER International also includes warnings against muscle contractions that may result in strain-type injuries such as hernias, ruptures or injuries to soft tissue and organs (Stanford Criminal Justice Centre, ND). Furthermore, TASER International warns against using Tasers on pregnant women because they are at an elevated risk from falling, muscle contractions and stress. In addition to these health risks, critics often suggest that Tasers put individuals at risks of having a heart failure. Because Taser guns send electricity through the body, there has been considerable debate over whether or not it can induce a heart attack (HCC, 2008).

More than a century ago, investigators have demonstrated that large electrical stimuli can cause sudden cardiac arrest (Kroll & Ho, 2009). In order for the heart to sustain cardiac output for life, the two lower chambers of the heart need to contract in a regular and synchronized

manner (Braidwood, 2009b). However, direct electrical stimulation of the heart can cause Ventricular Fibrillation, which is rapid uncoordinated contraction of the heart muscle that causes a loss of blood flow to the heart, brain and other tissues (Kroll & Ho, 2009). Ventricular Fibrillation leads to a loss of consciousness followed by death unless electrical defibrillation is performed within a few minutes (Kroll & Ho, 2009). One study determined that if defibrillation did not occur within two to four minutes, 50 percent of the subjects suffered irreversible brain damage, and if it did not occur within 10 minutes, death was almost universal (Braidwood, 2009b). The emergence of Taser technology has led to a renewed interest in this question as there have been reports of individuals who have collapsed and died after being subdued with a Taser.

Ventricular Fibrillation can be caused by an internal or external source. The most frequent disruption is internal, typically in people with heart disease such as coronary artery disease or valvular disease (Kroll & Ho, 2009). Many cardiologists would agree that people with a cardiovascular disease are at a significantly higher risk of Ventricular Fibrillation. In light of this medical evidence, it is not surprising that in 2007 the manufacturer published a product warning that stated in part:

Avoid known pre-existing injury areas-when practical, avoid deploying a Taser device at a known location of pre-existing injury (e.g., avoid targeting the chest area on persons with a known history of previous heart attacks, etc). These injuries may be provoked by such deployment

As provided in (Braidwood, 2009b)

In addition, there have been a number of autopsy reports from Taser associated deaths that have been examined by researchers in Canada and the United States. In the *Review of Conducted Energy Devices* prepared by the Canadian Police Research Centre, researchers examined independent research conducted by police bureaus from around the world (2006). After

examining ten different studies, the Canadian Police Research Centre concluded that subjects who had a history of heart problems or were at greater risk of suffering Ventricular Fibrillation (Canadian Police Research Centre [CPRC], 2006). Another study found similar results: out of 37 Taser related deaths, a disproportionately large number involved individuals with heart problems such as coronary artery disease (HCC, 2008).

In healthy individuals, many researchers have suggested that the chance Tasers will onset Ventricular Fibrillation is very low (CRCP, 2006; HCC, 2008; Kroll & Ho, 2009). One statistic cited by a medical researcher for the Braidwood inquiry stated that “there have been over 700,000 conducted energy weapon discharges during the manufacturer’s training classes, with no reported collapses, cardiac arrests or fatalities” (2009b). However, researchers have suggested that there are a number of different risk factors that increase the likelihood a healthy individual could suffer from Ventricular Fibrillation, such as the location of the probes (i.e. across the heart), the timing of the discharge, the proximity of the tip of the probe to the heart wall and the duration of the discharge (Braidwood, 2009b). Furthermore, if an individual has a larger than average body size, or is under the influence of drugs or alcohol at the time of the discharge, they are also at a greater risk of experiencing adverse health effects (HCC, 2008). Although research generally demonstrates an impressive record of safety for healthy individuals, this data should be approached with caution for the following reason: the fact that individuals have died following the discharge of a Taser suggests that Tasers are *capable* of inducing heart failures; although this risk is low, it is possible. As of 2007, there have been approximately 270 deaths worldwide, including 17 Canadian deaths (RCMP, 2007). A statistic from 2011 suggests that in Canada, this number has risen to at least 20 (CBC, 2011).

EXCITED DELIRIUM

Another important risk factor associated with the deployment of Tasers is excited delirium. Excited delirium occurs when an individual who is delirious, either from the use of drugs or a physical or mental illness, becomes more agitated and excited and can die from a heart attack caused by extremely high levels of agitation (CRCP, 2006). Factors such as advanced age, dementia, a history of alcohol abuse, the male gender, sensory impairments, unfamiliar settings, language barriers and dehydration are all predisposing risk factors to excited delirium (Braidwood, 2009b). Some precipitating factors that can push an individual over the edge and generate a delirious state include environmental changes, pain, emotional stress, social isolation and sleep deprivation (Braidwood, 2009b). Although excited delirium is currently not universally recognized as a medical condition, it is gaining increased acceptance as the main contributor to deaths proximal to CEW use (CRCP, 2006). This is because police everywhere are encountering cases where people in custody are dying in circumstances where everyone involved would agree that death is not anticipated (RCMP, 2007). Presently, individual cases of this kind seem to be rare, but on a national scale these deaths seem to be occurring more frequently (RCMP, 2007).

Because Tasers are capable of causing serious harm to individuals, the first question that must be addressed is whether or not discharging a Taser constitutes as reasonable as defined in Canada's *Criminal Code*. Secondly, on what grounds are reasonability considered? Since many different factors influence the risk of harm caused by Tasers, is it possible for an officer to make a reasonable decision to discharge a Taser during a time of crisis? The second half of this essay will explore the regulatory law in Canada regarding Tasers, and discuss the possible answers to these questions.

THE LAW AND USING CONDUCTED ENERGY WEAPONS IN CANADA

According to Canadian regulations, civilians are prohibited from possessing and using Tasers and CEWs. The *Regulations Prescribing Certain Firearms and other Weapons, Components and Parts of Weapons, Accessories, Cartridge Magazines, Ammunition and Projectiles as Prohibited or Restricted* contains a list of firearms prohibited by law to use and possess. Part One of the Prohibited Firearms lists “any firearm capable of discharging a dart or other object carrying an electrical; current or substance, including the firearm of the design commonly known as Taser Public Defender and any variant or modified version of it” as prohibited (1998). However, public officers such as the RCMP or a member of the armed forces are exempt from this regulation and are permitted to use prohibited firearms as Section 117.06 of the *Criminal Code* states “Notwithstanding any other provision of this act, but subject to Section 117.1, no public officer is guilty of an offence under this Act or the Firearms Act by any reason”

As a society, we have entrusted our police officers with exceptional powers, including the power to carry prohibited fire arms for the safety of the public and the power to use force (Braidwood, 2009c). These powers are all qualified with checks and balances that the courts and Parliament have developed over the years to safeguard against abuse. A police officer’s authority to use reasonable force is dealt with in several sections of the *Criminal Code*. Section 25(1)(b) sets out the basic principle:

Every person who is required or authorized by law to do anything in the administration or enforcement of the law...as a peace officer or public officers.. is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do in using as much force as necessary for that purpose.

(*Criminal Code*, 1985)

In addition, the *Criminal Code* has three special provisions respecting the use of force that is intended or is likely to cause death or grievous bodily harm. Because Tasers are capable of causing grievous bodily harm such as excited delirium and heart attacks, these special provisions will apply. First, Section 25 (3) of the *Criminal Code* states that:

A person is not justified in using force that is intended or is likely to cause death or grievous body harm unless the person believes on reasonable grounds that it is necessary for the self preservation of the person or preservation of any one under that person's protection from death or grievous body harm.

(*Criminal Code*, 1985)

Secondly, Section 25(4) states that a police officer is justified in using force that is intended or likely to cause death or grievous bodily harm to a person to be arrested if five conditions are met:

1. The peace officer is proceeding lawfully to arrest, with or without a warrant, the person to be arrested;
2. The offence for which the person to be arrested is one for which that person may be arrested without a warrant'
3. The person to be arrested takes flight to avoid arrest;
4. The peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; and
5. The flight cannot be prevented by reasonable means in a less violent manner

(*Criminal Code*, 1985)

Finally, Section 25(5) of the *Criminal Code* states that a police officer is also justified in using force that is intended or is likely to cause death or grievous bodily harm against an inmate who is escaping from a penitentiary if two conditions are met:

1. The peace officer believes on reasonable grounds that any of the inmates of the penitentiary pose a threat of death or grievous bodily harm to the peace officer or any other person; and
2. The escape cannot be prevented by reasonable means in a less violent manner

(*Criminal Code*, 1985)

If a police officer uses excessive force in a situation where the force is not reasonable or necessary, than Section 26 of the *Criminal Code* applies, which states:

Everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess.

(*Criminal Code*, 1985)

INTERNATIONAL CONVENTIONS

In addition to federal laws, Canada has committed itself to international treaties and conventions. The United Nation's *Convention against Torture and other Cruel, Inhumane or*

Degrading Treatment or Punishment is one international convention that could apply to the use of Taser technology by RCMP officials. Article 1 of the convention defines “torture” as meaning:

An act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as... punishing him for an act he or a third person has committed or is suspected of having committed...or for any reason based on discrimination of any kind...it does not include pain or suffering arising only from inherent in or incidental to lawful sanctions. (United Nations, 1987)

Some critics have argued that Tasers are inhuman and could constitute as torture because of the severity of pain and medical risks associated with the discharge. Amnesty International has criticized Canada’s use of Tasers as both inappropriate and excessive, and stated that Canada is guilty of deploying Tasers on individuals (and especially children) who are non-complaint but do not pose a probable threat of serious injury to themselves or others, and that these actions may constitute as torture or other cruel, inhumane or degrading treatment (Amnesty International, 2007).

However, it is not convincing that the use of Tasers does not adhere to the United Nations *Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment*. In order for actions to be considered torture, the definitional clauses of torture must be met; although Tasers may cause severe pain or suffering, they must not be deployed for the purposes specified in the definition such as obtaining a confession, punishment, intimidation or discrimination. Although it is conceivable that an officer could improperly use a CEW for one of the specified purposes in the definition of torture, according to the RCMP Tasers are typically used to facilitate an arrest, to disarm a person, or to prevent someone from harming themselves, a police officer or others. In attempt to ensure that the check and balances created by parliament are maintained, and that international conventions are upheld, the RCMP actively monitors the

deployment of CEWs. According to their website, new research is continuously monitored and reviewed by the RCMP in order that “policies, protocols and training may be enhanced” (intro). In addition, officers are required to complete a Subject Behavior/Officer Response report every time a CEW is used or a verbal warning has been given (RCMP, 2009a). These reports are comprehensive and can help provide insight into when, why and how CEWs are being used in Canada by providing data on the “type of deployment, effectiveness, occurrence type, subject behavior, subject injuries and perceived presence of alcohol and/or other substances” (RCMP, 2009a). This next section will explore whether or not the use of Tasers constitutes as reasonable or excessive force by analyzing these reports and describing the data provided by these reports in relation to federal laws and international conventions.

REASONABLE OR EXCESSIVE FORCE

The most recent RCMP report on CEWs is a quarterly report that covers the period of October 1st 2009 to December 31st 2009. In this time frame there were 128 CEW deployments on 127 subjects. 86.7% of these deployments were effective in controlling the subject’s behavior (RCMP, 2010a). Figure 1 outlines the different types of occurrences from October 1st 2009 to December 31st 2009. During this time frame, there were fourteen different occurrence types in which RCMP officers reported using CEWs. Although circumstances and situational factors can change during an occurrence, the initial occurrence is the type of category that RCMP members

are instructed to select in their report (RCMP, 2010a).

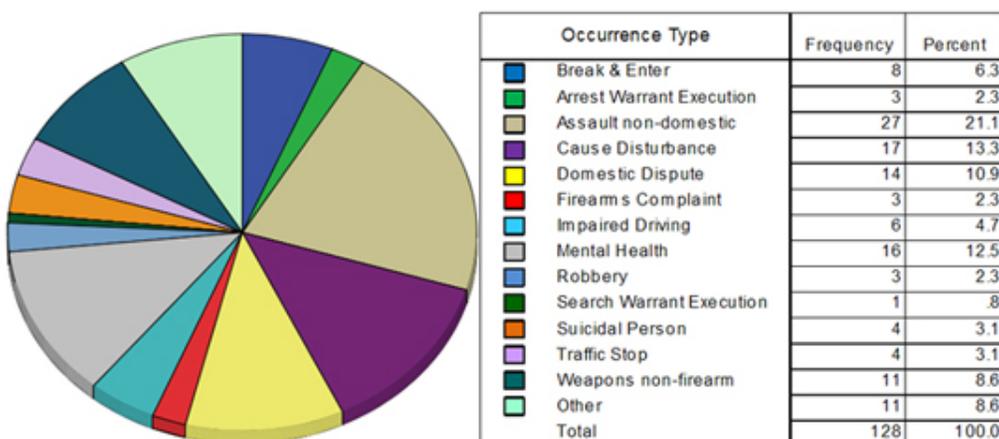


Figure 1: Conducted Energy Weapon Occurrence Type
Retrieved from: (RCMP, 2010a)

Many of these occurrences, if generalized to their title, share a common theme of danger and/or threat towards the officer's self preservation, as well as the preservation of individuals involved in these occurrences. For example, titles such as robbery, assault, firearms complaint, break and enter, and suicidal persons all generally indicate a heightened level of danger for either the officer or individuals involved in the occurrence based on the nature of these crimes. As stated in the *Criminal Code*, a police officer is justified in using as much force as necessary if he acts on reasonable grounds and if there is a need to protect the officer or any other person from imminent or future death or grievous bodily harm (*Criminal Code*, 1985). Because Tasers are mostly being deployed during crimes that are more violent and dangerous in nature, one could assume that an officer, following all the laws set out in Section 25 of the *Criminal Code*, behaved reasonably in light of the dangerous circumstances.

However, making generalizations based on the nature of the crime is not substantial evidence that Tasers are being used in adherence to Canadian Law; each individual deployment will be unique as those involved and situational circumstances will always be different. In order for an officer to lawfully use a Taser, the officer must believe on reasonable grounds that there is an imminent threat to the safety and preservation of those involved. Furthermore, if the officer is making an arrest, at least one of the five conditions set out in Section 25(4) of the *Criminal Code* must be met each and every time a Taser is deployed. There may be some cases where, although the nature of the crime may seem violent, none of these conditions meet the criteria to deploy a Taser. For example, in *R. v. J.W.*, a 15 year old boy was arrested for breaking and entering. J.W. admitted in court that he and B.W.G committed a break and enter into the home of David Gillanders (*R. v. J.W.*, 2006). He further admitted that he was in possession of concealed

weapons and housebreaking tools. These items included “three knives, one large 8 to 10 inch knife and two smaller flat knives” (*R. v. J.W.*, 2006).

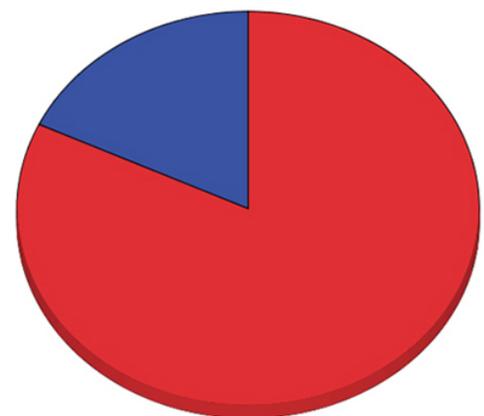
At the time of the arrest, the boy denied carrying a weapon but one was found during a pat-down search (*R. v. J.W.*, 2006). According to the policy of the Edmonton City Police, individuals would be strip searched if they had weapons hidden on them and were going to be in police custody for any length of time (*R. v. J.W.*, 2006). J.W. was put into a police cruiser to be transferred to the station where a strip search was going to be performed. While travelling in the police vehicle, Hudec (one of the officers who made the arrest), pulled out his Taser, showed it to J.W. and told him “We’ll have to give you a zap for lying to the police” (*R. v. J.W.*, 2006). J.W. indicated that he was taken into a strip search room and complied with police demands to remove his clothes. When he was told to put his clothes back on, J.W. indicated that Hudec pushed him into the corner, brought out his Taser and put it in the back of his hip, saying “you’re lucky you’re only getting this in the leg” and Tasered J.W. (*R. v. J.W.*, 2006). Hudec did not record the incident in his notes or complete the required use-of-force form (*R. v. J.W.*, 2006).

As stated in the *Criminal Code*, officers are only permitted to use force that would cause grievous and bodily harm if they believed it was necessary for the self preservation of the officer or preservation of anyone under the officer’s protection from death or grievous bodily harm (*Criminal Code*, 1985). In the case of J.W., the fifteen year old boy was already detained by police. Furthermore, he was unarmed, non-aggressive and compliant towards all of their requests. In this case, despite the nature of the crime, the use of a Taser on J.W. was inappropriate and did not meet the standards of the law. The court agreed and found that J.W. was Tasered after he had been completely compliant with all the requests of Hudec and after he had been put through the humiliation of a strip search (*R. v. J.W.*, 2006). Furthermore, the court

found that J.W. was Tasered by Hudec to punish him for his actions in breaking and entering a home the day before Christmas and lying to the police about having weapons (*R. v. J.W.*, 2006). Tasers are meant to be used as a non-lethal device to ensure compliance or incapacitation when individuals do not follow police demands, not act as a tool for punishment. It is important that police believe on reasonable grounds that there is a threat to self-preservation, because of all the medical risks associated with Taser discharge. In cases where abuse like this occurs, it is easy to conclude that use of Tasers is excessive. However, not all cases involve police abuse of power; the question of whether or not Taser use is excessive should be determined by the situation and the reasonable response of an officer who must manage it.

REASONABLY DETERMINING THREAT

During a time of crisis, it may be hard for an officer to reasonably determine the extent of threat being posed by an individual. As in the case of J.W., Tasers can be misused by officers relatively easy. Police officers have an extremely difficult job as they must protect, remain calm and act reasonably while dealing with individuals who are hyper-agitated or under the influence of substances. Individuals who are under the influence of alcohol or other substances are not themselves, and it can be much harder for an officer to determine risk or control these individuals. As depicted in the RCMP quarterly report that covers the period of October 1st 2009 to December 31st 2009, Figure 2 demonstrates the number of Taser deployments on individuals who were under the influence of alcohol or drugs at the time of the deployment.



Alcohol or Substance Noted	Frequency	Percent
Yes	105	82.0
No	23	18.0
Total	128	100.0

Figure 2: Perceived Presence of Alcohol and/or Other Substances

Retrieved From: (RCMP, 2010a)

According to the data reported by the RCMP, 82% of Taser deployments were on individuals who were perceived to be under the influence of alcohol or drugs. Section 25(3) of the *Criminal Code* suggests that officers are allowed to use Tasers if they reasonably believe that it is necessary for self-preservation of the person, or if they are making an arrest and the five conditions under Section 25(4) of the *Criminal Code* are met. If all these conditions are met, and the officer is acting reasonably, the use of a Taser would not be excessive. However, according to much of the research on Tasers, medical risks are substantially heightened if individuals are under the influence of alcohol and drugs. In cases where Tasers are deployed on individuals who are under the influence of drugs and alcohol, there is a chance of excessive force compared to deploying a Taser on those who are sober. Although the law is a socially constructed tool that provides protection for members of society, there are no special rules or provisions in dealing with and protecting individuals who are at a heightened risk of fatality from Tasers. The final judgment to deploy or not to deploy a Taser is left up to an officer, who may not be rational in the moment. Because the law lacks specific safeguards for these individuals, this essay will turn to the police training models to determine if safeguards have been installed at this level of governance to help prevent unnecessary in-custody deaths.

POLICE TRAINING

Although it is not illegal for an officer to carry a Taser under the *Criminal Code*, before he or she can do so the RCMP requires officers to qualify for authorization by completing a sixteen hour course spread over two days (HCC, 2008). During this time, a number of topics are dealt with including Taser gun technology, the known effects of discharges on the central motor and sensory nervous systems, excited delirium, and the RCMP's policy and weapon maintenance. The courses also teach when a Taser should and should not be deployed, based on

the RCMPs Incident Management/Intervention Model (RCMP, 2009b). This model suggests that officers should first use less aggressive tactics, such as a verbal warning, before deploying a Taser. However, the Incident Management/Intervention Model explicitly states that it is used for training purposes and is not in itself policy or law (RCMP, 2009b). Furthermore, police training programs are not regulated by law or any regulatory body. All municipal police departments and several other law agencies have had to develop their own in-house training programs for CEWs, regardless of their size or training expertise (Braidwood, 2009d).

Because of the lack of consistency across Canada, governments should take responsibility in creating a regulatory body for training and draft policy on important issues surrounding CEW use. Currently there are no special policies or laws specifically regarding Taser use (Braidwood, 2009d). Although police departments have tried to create policy through the Incident Management/Intervention Model, policy should not be the job of police departments and instead police departments should train officers on policy and function. For example, training should address matters such as how the weapon functions, differences between the two modes, and ways to reduce injury, whereas policy should dictate matters such as qualifications of trainers, circumstances in which a CEW should never be deployed, and repeated and prolonged cycles (Braidwood, 2009d).

CONCLUSION

In conclusion, CEWs are currently being used by RCMP agencies across Canada to ensure and promote the safety and self-preservation of officers, bystanders, and individuals involved in incidents of crime. CEWs ensure compliance through pain and incapacitation by sending electrical pulses through an individual's body. Many medical risks have been associated with Taser use, and these medical risks are heightened based on factors such as weight, health

and substance use. Our law currently allows officers extraordinary powers and privileges to help ensure the safety of society. These laws give officers the right to use force that can cause death if the situation calls for it. As demonstrated in *R. v. J.W.*, our system can be effective in protecting citizens and punishing the abuse of these rights. However, the law does not provide protection for those who are at an increased risk of severe adverse health effects from Tasers. Police models have attempted to fill this void through the creation of training and policy models. However, these training programs are inconsistent within provinces and across Canada. It is important that training becomes regulated in order to ensure that in the future, individuals do not die in-custody. In my own opinion, I think Tasers are an alternative to lethal weapons, and necessary to help preserve and protect lives, and that abuse of this tool must be addressed in order to prevent excessive harm. However, when it comes to abusing Tasers I think that the law is successful in *punishing* abuse, but not in *preventing* it. If the law regulated training and taught officers how to respond better to situations that may need to deploy Tasers, I think the prevention of abuse would be lessened, and the risk of in-custody deaths would also be reduced because everyone would receive the same mandatory knowledge and training. If everyone was on the same page, and the risks of abuse and deploying Tasers on those who are most vulnerable to risks are reduced, then Tasers would be a practical non-lethal weapon. However, until proper training issues are addressed, individuals will continue to misuse them and victims of such abuse will continue to die in-custody.

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