

**THE THOMAS R. BRAIDWOOD, Q.C.
COMMISSIONS OF INQUIRY**

**Submissions of Court Services Branch,
Sheriff Services Division**

A. Introduction

British Columbia Sheriff Services (“Sheriff Services”) is a subdivision of the Court Services Branch of the Ministry of Attorney General. Sheriff Services’ responsibilities include transporting prisoners, providing courtroom security, assembling and supervising juries, serving court documents, and carrying out court orders.

Sheriffs and Sheriffs Deputies work in courthouses and communities across the province.

B. Taser Use in Sheriff Services

(1) History

Sheriff Services introduced the M-26 Taser in 2001 and continues to use that model exclusively.

Sheriff Services records indicate that, since its first application in 2001, the Taser has been employed to control subjects (but not necessarily discharged) 132 times. Of these incidents, 25 resulted in discharge of the weapon (including 9 in contact stun mode). In the remaining 107 incidents, resolution was achieved upon verbal warnings (10), drawing of the Taser (20), and/or activating the laser sight (77). These figures are current to February, 2008.

93 of the 132 recorded Taser uses involved jail security events, and 14 involved prisoner escort events. The majority of persons subject to either actual or impending Taser use were prisoners (114).

Sheriff Services has not experienced any incidents in which the health of a person subject to a Taser discharge has been affected following the discharge of a Taser. There has been one reported incident of a sheriff staff member injuring his finger while performing a routine cycle test of a Taser. Of note, Sheriff Services track all discharges of Tasers. There have been 54 accidental discharges reported. These discharges do not involve third parties and are attributed to routine cycling of the Taser while inadvertently having a Taser cartridge attached. These discharges occurred as part of our required function and safety tests performed before the Taser is put into operation. These discharges have occurred inside of a steel gun barrel used exclusively for Taser and firearms loading and unloading procedures as per policy.

Sheriff Service's incident and use of force reports indicate 81% of encounters where there was risk of physical altercation were successfully controlled by presentation of the Taser including verbal warning, display and sight activation without discharge.

Sheriff Services does not have any data to demonstrate that the introduction of the Taser has reduced the level of injuries to deputies, prisoners, or members of the public. However, US National Justice statistics indicate that in 80% of cases where officers have to get close and engage in a physical struggle with an offender, there is some type of injury to the officer. Sheriff Service's experience, reflected in first aid and WCB reports of injuries in officers who are involved in physical altercations, tend to support this observation.

(2) Policies and Practices

Sheriff Services employs Tasers to assist in prisoner management in cells and prisoner transport, and as an alternative force options tool available to court security and rover teams. The issue of Tasers to Sheriff Services officers is strictly controlled and its carriage is not routine. They are normally issued to experienced and trained deputies or line supervisors. Issuance is based on the need to provide the level of safety, deterrence and effectiveness provided by the Taser. This might include tactical preparation surrounding the presence or transportation of known violent and repeat offenders, or other threat indicators present in the operating environment or demographic profile of courthouses and jails.

Issue of the Taser is recorded in a log in the same manner as a temporary assignment of a handgun.

The use of the Taser is governed by written policy, attached in the Appendix . That policy permits the Taser to be used as a control weapon against an active resister or assailant where other forms of control or weapons would be ineffective or inappropriate under the circumstances. Tasers are considered intermediate level force tools normally appropriate for high risk, non-life threatening, non-compliant subjects.

Where time and circumstances permit, the Sheriff is to be advised prior to the deployment of the Taser. Otherwise, the Sheriff is to be notified as soon as is practical following deployment.

Time permitted, prior to sighting and discharging the Taser, a warning should be given. The suggested warning is:

"You have been instructed to _____, if you do not immediately comply with those instructions you will be subjected to 50,000 volts of electricity"

Upon discharge, the Taser's impulses are to be terminated as soon as the assaultive or resistant behaviour has ceased and control is established. Subsequent impulses beyond the initial 5 seconds are only to be used where the subject continues to resist being restrained.

Use of the Taser in the contact stun mode should only take place where the subject is continuing to resist and the discharge of the probes is not possible or restricted by the physical situation

There are also policy provisions governing the carriage of Tasers by Sheriff Service's officers within provincial correctional facilities and federal penitentiaries.

(3) Training of Sheriff Services Personnel in Taser Use

The Sheriff Services policy mandates that Tasers will be operated only by qualified operators.

Use of the Taser is taught as part of Sherriff Services' Force Options curriculum, training that is provided to every deputy in the province. The initial introduction to the Taser includes 4 hours of training and focuses on technical knowledge, specifications, familiarity with the operating principles and effectiveness of the device. The actual use of force applications and situational training (when to employ the Taser and why) is also incorporated into the context of the other use of force tools and broader Force Options training.

In the initial introduction, deputies are required to successfully demonstrate their functional familiarity with the unit and fire on a static target from seven feet away. They must also pass a written exam, identify components of the Taser on a diagram, and confirm their understanding of how the TASER is utilized on the use of force model

Follow-up training on the Taser is done as part of the two-year Force Options recertification process which is required under the present policy of the Branch.

Training material and information specific to the introduction to the Taser is provided by Taser International, Inc., which also provides certification in the use of its products. Select lead instructors have historically received Master Instructor certification in the use of Tasers as part of their professional development. These Master Instructors then certify trainers within their own service.

Sheriff Services' Force Options training is initially 7 days at the recruit level and covers decision making and use of force levels, incorporating all approved use of force tools (i.e. stuns, strikes, control holds, pressure areas, baton, OC spray, Taser, firearm, handcuffs etc.).

Sheriff Service's use of force instructors are certified by the Branch and the Justice Institute of BC.

In 2002-03 the Court Services Branch undertook a national and international use of force training review to align itself with best practices and industry standards in this area. As a result, and with cooperation with other law enforcement related academies at the Justice Institute, there was a provincial use of force curriculum and instructor certification course under the aegis of the Police Academy. Sheriff Branch instructors are now certified in that process after undergoing a development and training program through which they are selected. Candidates are chosen through a rigorous process involving a work performance check, a screening for suitability and a panel review of various competencies. These candidates then take approved training courses in instructional techniques etc., and later spend on average one to two years in an apprenticeship/mentoring relationship before being certified to take the lead in any use of force or firearms training event.

(4) Reporting and Record Keeping

Whenever a Taser drawn or discharged as an action to control a subject, a *TASER Deployment Report* must be completed and submitted to the deputy's immediate supervisor as soon as practical following the incident. The *Taser Deployment Report* must also be submitted to the attention of the Director, Strategic Management and Corporate Programs in Victoria within 24 hours of deployment.

A *Court Services Incident Report* is to be completed at the direction of the Sheriff. Sheriff Services maintains a central database of Taser use by its officers.

