

VANCOUVER TRANSPORTATION AUTHORITY POLICE SERVICE: Deputy Chief Ken Allen [recreated from the May 16, 2008 transcripts]:

A The GVTAPS takes the issue of Taser use very seriously, and that's why we're here today.

The GVTAPS is quite a new policing agency. It's proud and professional, responsible and accountable organization. We operate by the book. It's an open book. We are grateful for the opportunity to speak to the inquiry, to contribute what we can clarify on our position.

My presentation today will cover three main areas. The first will be the history and background of GVTAPS. Second will be our policy and the use of Tasers, and how it was developed and what it contains. And third our response under the **Police Act** to the events of the past month relating to concerns raised in the public about our Tasers, use of Tasers.

The GVTAPS supports the work of the Braidwood Inquiry and its review of Taser use policies. We are happy to contribute to this inquiry on Taser use policies. We have been advised by the office of the Police Complaint Commissioner that our participation and review of policies and processes is appropriate and can be done without jeopardizing their investigation into specific incidents.

We have taken the extra step of responding to the Braidwood Inquiry's request for the files on individual incidents and documents. Documentation has been provided to the Commission Counsel this morning.

We also respect the role of the Police Complaint Commissioner and his ongoing investigation into the individual incidents over the past ten months where Tasers were used by GVTAPS officers. We will therefore not jeopardize the progress of the investigations of the Police Complaint Commissioner by making premature comment or appearing to make any prejudicial conclusion about the individual incidents under investigation. By doing so we are confident that we can participate fully in this

inquiry process while protecting the integrity of the Police Complaint Commission process.

I will just give you the history and background of GVTAPS. GVTAPS is a designated policing unit in B.C. The service became fully operational on December 4th of 2005. Our mandate is to preserve and maintain the public peace, to prevent crime and offences against the law, aid in the administration of justice and enforce the laws of B.C., primarily directed towards any criminal activity or breach of public peace that could affect the safety or security of transit passengers, employees or property, and conducting investigations and enforcement operations with respect to any unlawful activity on or around transit vehicles or other transit property. GVTAPS provides policing service to the entirety of the transit system, primarily concentrating our efforts to the SkyTrain. We also have a squad of officers who focus on bus service.

The governance structure of GVTAPS is unique in that the Police Board is a blend of senior police executives and three civilians representing TransLink and the public. This is different from other municipal police boards, which are made up strictly of civilian appointees. As one of its duties, the Police Board approves all policy for GVTAPS.

The SkyTrain covers a distance of 51 kilometres and has 39 stations.

In 2007 there were over 295 million passenger boardings in the transit system, 73 million of those on SkyTrain. This translates into roughly 220,000 boardings per day on SkyTrain.

The SkyTrain stations are a unique work environment in that they are strictly concrete and steel with narrow platforms and restricted entrances and exits. They have automated trains travelling through on a guide way that contains 600 volts of electricity. Most of the stations have multiple levels of stairs or escalators leading to the platform. This creates challenges in dealing with police incidents and executing arrests. The officer not only has to take into account his own safety and that of the person he is dealing with, but also that of the

travelling public and other transit employees. The nature of the work environment is such that officers most frequently work in areas of high concentration of passenger movement. This may impact on choices that they employ in the Use of Force spectrum in effecting arrests. Our establishment strength is 156 sworn officers, approximately half of which have a high level of policing experience along with 41 civilian staff. GVTAPS officers have the same authority under the **Police Act** as other municipal police officers. This authority includes enforcement of all laws relating to offences under the **Criminal Code**, the **Controlled Drugs and Substances Act**, **Immigration Act** and all provincial statutes, including issuing violation tickets for transit-related infractions.

Our officers have met all the same training standards as every municipal police officer in the province and qualified through the Police Academy, which includes certification in Firearms and Use of Force. To give the Commission an idea of the scope of the work we do, in 2007 we opened 43,000 files and made over 23,300 arrests. This included 666 arrests for outstanding warrants, 92 arrests for weapons associated to robberies, 143 related to assaults with weapon, and 619 for drug-related offences.

The second area I wish to address is the issue of our policy on Tasers. My submissions will address two separate areas. The first is the development of the policy, and the second is the content of the policy and reporting requirements.

The first development, the policy came into effect in May of 2007 and it was developed based on common practices within municipal police agencies in B.C. This policy was approved by the Police Board, which as you will recall in our case is unique in that it includes four senior police executives.

During this time selected personnel commenced their Taser training, which included training in the policy. Starting in July of 2007, trained officers were authorized to start carrying Tasers. Currently 93 police officers are trained and authorized to carry Tasers and the GVTAPS has 20 Tasers in their inventory.

Since we started using them, Tasers have been deployed on ten occasions. Starting this year we track incidents where the Taser is drawn but not deployed, and so far to date there have been six occasions when this has occurred.

THE COMMISSIONER: What is the "this"? Six times what happened?

A On six occasions this year the Taser was drawn but not deployed.

Second is the content of the policy. Here, Mr. Commissioner, I will draw your attention that you should have two versions of two separate policies before you. And the policy that I want to draw to your attention is the Use of Force policy that on the top in the grey shaded area has the effective date of March 28th, 2005 and on the extreme right of that, just below, is a Board directive dated May 12th, 2008.

THE COMMISSIONER: I'm not sure I have that, but...

MR. VERTLIEB: We have a new one for you. This is brand new, Mr. Commissioner, you wouldn't have seen it before.

THE COMMISSIONER: All right. I have it now, thank you.

A The second policy is the Taser policy and that in the top area is effective date May 7th, 2007. Below that is revised April 18th, 2008 with the Board directive May 12th, 2008. And you will notice under section 2 of policy there is a yellow highlighted area highlighting the words "actively resistant". The word difference in both documents is the inclusion of those two words. I don't intend taking you through these policies in detail, as you have them in front of you. But there are a few points I would like to make.

THE COMMISSIONER: Just so I grasp this, Officer, what is the date and the yellow, the words "active resistant", how do they relate?

A There was a previous policy that was effective on May the 7th. This new policy was brought into effect by way of Police Board directive on May the 12th, 2008.

THE COMMISSIONER: Oh, I see.

A Which included the words that are highlighted in yellow.

THE COMMISSIONER: Oh, I see. So that on May the 12th last the policy was modified to include the words "active resistant"?

A That's correct.

THE COMMISSIONER: All right.

A I would be pleased to answer any additional questions the Commission may have about these policies. The first deals with the language of our original policy, which allowed for Taser in situations where someone is non-complaint. As you are aware, Mr. Commissioner, last month some concerns arose about this language and we have addressed this. The Police Board determined that the words "non-compliant" should be removed from the policy. It is our understanding that they did this because the potential for there to be confusion created by the use of this terminology. The concern was that the term, "non-compliant" could be construed to mean non-payment of fares by the public.

At the Police Board's monthly meeting earlier this week at which I was present, in response to some concerns raised about a potential void left in the policy creating a potential officer safety issue, the Board decided to substitute the words "actively resistant" for "non-compliant".

The versions of the policy you have, Mr. Commissioner, which they revised May 12th, 2008 have this most recent language in them.

While I can't speak for the Board, I believe that they accepted that this void in the language of the policy did create the potential for an officer safety issue, particularly in light of the difficult and unique environment in which we operate, and that's the reason they decided to include the words "actively resistant" in the language of the policy.

The other section of the policy I want to briefly address is the provisions dealing with what happens when a Taser is deployed. Section 15 in the Taser policy imposes duties on the individual police officer which include notifying the Emergency Health Services, notifying a supervisor and completing the appropriate reports which include the Use of Force report.

The policy also imposes duties on a supervisor attending at the scene where a Taser has been deployed and those are in section 16. I will go through those points under section 16:

It is the duty of the patrol supervisor upon attendance at a Taser deployment the supervisor will

- (1) ensure that the subject is examined by EHS (Emergency Health Services) as soon as possible;
- (2) if reasonable, photograph any injuries to the subject, photograph the scene, prepare a sketch of the scene, including any applicable measurements;
- (3) take possession of the Taser, expended cartridges and probes, if applicable, and place in a temporary exhibit locker unless it can be immediately turned over to the Inspector Support Services;
- (4) request SkyTrain station closed-circuit TV tapes or other available tapes, if applicable;
- (5) ensure witnesses are interviewed and written statements are obtained;
- (6) notify the Inspector Support Services the Taser has been seized and provide the number of the temporary exhibit locker where it is stored; and
- (7) ensure the member has completed the required reports and that such reports are reviewed by the supervisor and then forwarded for further review in accordance with the Use of Force Policy.

In addition to what is contained in policy, it is important to emphasize that in each and every instance where a Taser is deployed we do a complete and thorough internal review of the incident to determine whether there are any policy, training or disciplinary issues which arise. I can advise the Commission that each of these ten instances where Tasers were deployed by GVTAPS members resulted in an internal review to ensure consistency with policies and training. This is separate from the external review which we asked for and which was

ordered by the office of the Police Complaint Commission.

The final area I wanted to address in this presentation is our response as an organization to the media attention paid to the GVTAPS use of Tasers.

As a result of concerns raised in the public about our use of Tasers, we immediately took a number of proactive steps. First we arranged a meeting with the Office of the Police Complaint Commissioner and asked that an investigation be ordered into all instances of Taser use by GVTAPS.

Second, we asked that this investigation be conducted by a police agency external to our organization, and third we also asked that the findings of that investigation be assessed by the Chief of Police of a third agency external to both GVTAPS and the investigative agency. Finally, we met with the Police Board and made immediate changes to our policy on Taser use. We will continue to monitor the effectiveness of this policy and make further changes as required.

We have taken advice and acted with great care to ensure our presentation here today could be conducted in a manner that both serves the purpose of this inquiry and preserves the integrity of the Police Complaint Commissioner investigation. Thank you.