

Use of Conducted Energy Weapons by Municipal Police Agencies in British Columbia, 1998–2007

This review of 1,404 reported incidents of conducted energy weapon (CEW) usage by independent municipal police in British Columbia includes descriptions of subject characteristics and behaviours, incident type and location, mode of CEW deployment, use of other force options, subject and officer injuries, arrest status, policy compliance, and public complaints.

Prepared for the Thomas R. Braidwood, Q.C., Commissions of Inquiry

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INTRODUCTION

Phase One (the “Study Commission”) of the Braidwood, Q.C., Commissions of Inquiry sought to answer some basic questions about the use of conducted energy weapons (CEWs) by independent municipal police agencies in British Columbia. Early in its mandate the Study Commission learned that beyond simple counts of CEW usage, no comprehensive details of the characteristics, circumstances, and outcomes of CEW use had been compiled. Therefore, in partial fulfillment of its mandate to “inquire into and report on the use of conducted energy weapons” by “constables of police forces in British Columbia, other than the RCMP,” the Commission undertook the CEW incident file review project.

METHODOLOGY

In April and May 2008, requests were sent to each of the 11 independent municipal police departments,²⁵⁷ plus two tribal police agencies²⁵⁸ and the Greater Vancouver Transit Authority Police Service,²⁵⁹ asking for “CEW incident reports” dating from when the department first equipped its members with CEWs to the present. Each department was also asked to provide information about when CEWs were first acquired by the agency and inventory information about the number of CEWs initially and subsequently acquired.

In order to facilitate and expedite the release of documents to the Commission, Sharon Samuels, Research Counsel, negotiated and signed confidentiality agreements with each of the independent police agencies that ensured that the privacy of individuals involved in CEW incidents (both police and civilians) would be safeguarded by the Commission.

For some departments these requests posed a significant challenge in identifying and retrieving incident reports related to CEW usage.²⁶⁰ Incident reports were identified through multiple database, location, and manual searches. After the initial delivery of documents, several departments identified additional reports by searching for different spellings of key words (such as taser/tazer).²⁶¹

Incident information was provided in four main formats: control tactic reports, use-of-force reports, subject behaviour/officer response reports, and general occurrence reports. In some cases, more than one type of report (such as a use-of-force report and a general occurrence report) was provided. General occurrence reports were requested from some departments when it was determined that the use-of-force reports initially provided did not contain enough information, in particular a narrative or synopsis of the event, about the circumstances of the incident for the purposes of this analysis.

257 Abbotsford, Central Saanich, Delta, Nelson, New Westminster, Oak Bay, Port Moody, Saanich, Vancouver, Victoria, and West Vancouver.

258 Only one of these agencies, the KITASOO Tribal Police (comprised of a single RCMP officer under contract), had used the CEW. The St’Ati’Imx Tribal Police reported no CEW usage.

259 Originally known as the Greater Vancouver Transit Authority Police Service this agency is now known as the South Coast British Columbia Transportation Authority Police Service “GVTAPS or Transit Authority.”

260 Although West Vancouver adopted the CEW in 2001, the department could not locate any CEW incident reports from 2004 and did not know whether there were or were not any CEW incidents in that year. Other departments reported that a few early files had been purged from their systems and no reports could be provided.

261 Notably, among the last reports to be provided, following several inquiries and reminders, were those related to two fatalities associated with CEW use in Vancouver. Additional reports that had not previously been acknowledged were found in the possession of specialized units such as the VPD Emergency Response Team.

A coding form (see Appendix 1) was developed to capture information about subject characteristics and behaviours, incident type and location, mode of CEW deployment, use of other force options, subject and officer injuries, arrest status, and policy compliance. The form was modified somewhat following the coding of approximately 100 incident files. File coding was completed in early September 2008.²⁶²

For the purposes of this research the unit of analysis was defined as “the use of a CEW on an individual during a single event.” If the police incident report(s) described the use of the CEW on more than one subject during a single event a “CEW Incident File Review Coding Form” was completed for each subject and would be counted as multiple instances of CEW use.

The period covered by this review is from December 1998 (when the first use of CEWs occurred during pilot testing of the weapon in Victoria) through to the end of 2007. Some departments provided reports from early in 2008; however, these incidents were excluded from the analysis in order to have a consistent study end date for all agencies.

CEW incident information relating to BC, including incident reports and summaries, was also requested from the RCMP in April 2008; however, a CD-ROM disk containing incident reports was not provided until July 31, 2008, after the Commission had notified the RCMP that the request was being withdrawn due to the inability of the Commission to adequately review these incidents given the time remaining in its Part 1 mandate. Summary information for the entire period of interest was never provided. Fortunately, the Commission for Public Complaints Against the RCMP agreed to reanalyze the RCMP CEW incident database in its possession to provide statistics for BC (“E” Division) for the period January 1, 2002, to January 19, 2008.²⁶³ Where available these CPC figures have been used to compare RCMP CEW usage with the results obtained from the review of independent municipal police agency incidents.

CONTEXT

The following tables provide context for the use of CEWs by independent police agencies. Contextual features include when CEWs were first adopted for use, CEW inventory information, authorized strength figures, and population data for each jurisdiction.

262 Significant research assistance was provided by Jennifer B. Morgan, who completed much of the file coding and provided general research support.

263 Commission for Public Complaints Against the Royal Canadian Mounted Police, “Statistical Analysis of RCMP CEW Usage Reports for British Columbia,” (September 2008).

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Table 1: First Implementation of CEWs by Agency by Year

Agency	Year
Abbotsford	2000
Central Saanich	2001
Delta	2001
Transit Authority	2007
Kitasoo Tribal	2006
Nelson	2001
New Westminster	2000
Oak Bay	1999
Port Moody	2001
Saanich	2000
Vancouver	2000
Victoria	1998
West Vancouver	2001

Table 2: Inventory of CEWs by Agency by Year

Agency	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Abbotsford			3	3	18	18	25	25	29	30
Central Saanich				2	2	2	2	2	2	2
Delta				3	15	19	23	26	30	34
Transit Authority										20
Nelson				1	1	1	1	1	1	1
New Westminster			3	3	3	9	9	15	15	15
Oak Bay		1	1	3	3	3	4	4	4	4
Port Moody				2	2	2	2	2	6	4
Saanich			3	3	3	3	3	7	8	8
Vancouver			40	40	40	40	40	95	95	95
Victoria	1	4	4	4	4	4	14	12	15	30
West Vancouver				2	5	5	5	5	5	6

Note: Counts are per year and are not cumulative.

Table 3: Authorized Strength by Year, 1998 to 2006

Agency	1998	1999	2000	2001	2002	2003	2004	2005	2006
Abbotsford	137	138	143	148	153	158	173	187	195
Central Saanich	21	21	21	21	21	21	21	21	21
Delta	138	138	138	143	139	141	145	151	151
GVTAPS								75	75
Nelson	17	17	17	17	17	17	17	17	17
New Westminster	105	110	111	106	106	106	107	107	107
Oak Bay	22	22	22	22	22	22	22	22	22
Port Moody	30	31	30	30	32	34	36	40	40
Saanich	133	133	136	138	141	141	144	147	147
Vancouver	1149	1130	1066	1096	1096	1124	1124	1174	1214
Victoria	206	207	211	218	216	211	211	215	221
West Vancouver	77	77	77	77	77	77	79	79	79

Note: Authorized strength refers to authorized police strength as of December 31 of each calendar year and includes sworn members and sworn civilian members assigned to a department. All figures for municipal police agencies provided in the Police Services Division report, *Police Resources in British Columbia, 2006*. For all years the authorized strength figures for Victoria include Esquimalt members although the amalgamation of the Esquimalt Police Department with the Victoria department did not occur until 2003. For the years 1998 through 2002, Esquimalt's authorized strength was 28, 29, 33, 34, and 32, respectively. Figures for 2007 are not yet available, according to the Police Services Division. GVTAPS figures were provided by GVTAPS.

Population statistics for census years 2001 and 2006 for each municipal jurisdiction are provided in Table 7 along with per capita CEW use information.

RESULTS

A total of 1,404²⁶⁴ CEW incidents were reported by the independent police agencies during the period 1998 through 2007. The frequency of CEW use has seen a steady increase since the device was introduced in BC, beginning with Victoria in December 1998. All of the municipal police agencies had equipped their members with CEWs by the end of 2001. In addition, as evident in Table 6, increased frequency of usage has occurred within departments and cannot be attributed to the adoption of CEWs by more departments over time.

During the period January 1, 2002, to January 19, 2008, RCMP members in British Columbia used the CEW on 1,466 occasions.

²⁶⁴ **NB:** The commissioner's report separates the analysis of 1,397 municipal police department incidents, six Greater Vancouver Transit Authority Police Service incidents, and one Kootenai Tribal Police incident.

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Table 4: Number of CEW Incidents by Year

Year	Number of CEW Incidents
1998	1
1999	6
2000	50
2001	54
2002	77
2003	102
2004	223
2005	269
2006	314
2007	308
Total	1404

Table 5 presents the number of reported CEW incidents for each agency.²⁶⁵ Nearly one-half of all incidents occurred in Victoria (48.3%), just over one in five occurred in Vancouver (21.2%), slightly more than one in eight incidents were reported in New Westminster (13.9%), and approximately one in 15 took place in Abbotsford (6.9%). The number of CEW incidents by year for these four departments is listed in Table 6. These departments with the most frequent use of CEWs show the same pattern of year-over-year increase in CEW usage, and all had equipped their members with CEWs by 2001. Nine agencies contributed less than 5 per cent each to the total number of CEW incidents.

²⁶⁵ Note that agency reporting requirements differ somewhat and to an unknown degree the number of reported CEW incidents will reflect the diligence with which the agency enforces mandatory reporting requirements.

Table 5: Number of CEW Incidents by Agency, 1998–2007

Agency	Number of CEW Incidents	Per centage
Abbotsford	97	6.9
Central Saanich	5	0.4
Delta	45	3.2
GVTAPS	6	0.4
Kitasoo Tribal	1	0.1
Nelson	3	0.2
New Westminster	195	13.9
Oak Bay	7	0.5
Port Moody	8	0.6
Saanich	43	3.1
Vancouver	297	21.2
Victoria	678	48.3
West Vancouver	19	1.4
Total	1404	100.0

With reference to Table 6 below, part of the increase in the number of New Westminster incidents between 2005 and 2006 is accounted for by an increase in reported incidents in which the CEW was displayed only (with no stun or probe deployment). In 2005, none of the 26 incidents were display only while in 2006, 17 of 65 incidents (26%),²⁶⁶ and in 2007, 36 of 80 incidents (45%) were display only. Nevertheless, CEW usage in stun or probe modes increased 69.2 per cent between 2005 and 2007.

The dramatic increase in the number of incidents in Victoria from 2003 and 2004 is not due to an increase in display-only usage of the CEW. In 2003, 16 of 56 incidents (28.6%) were display only²⁶⁷ while in 2004, the proportion was 24.6 per cent (32²⁶⁸ of 130 incidents), and in 2005, the proportion fell to 16.3 per cent (22 of 135 incidents).

²⁶⁶ In an additional two incidents, the subject was warned only and the CEW was not used in any other manner (display, stun, or probe).

²⁶⁷ An additional one incident involved a warning only, with no other CEW usage.

²⁶⁸ An additional two incidents involved warnings only, with no other CEW usage.

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Table 6: Number of CEW Incidents by Year in Departments with Most Frequent CEW Usage

Year	Abbotsford	New Westminster	Vancouver	Victoria
1998				1
1999				6
2000	2		18	30
2001	2	3	16	32
2002	5	1	20	51
2003	11	4	21	56
2004	9	16	49	130
2005	17	26	54	135
2006	28	65	66	124
2007	23	80	53	113
Total	97	195	297	678

Note: Initial year of implementation may represent a partial year.

With reference to the number of CEW units in the inventory of Abbotsford, New Westminister, Vancouver, and Victoria, in 2007 the ratio of incidents to CEW units ranged from a low of 0.56:1 in Vancouver, through 0.77:1 in Abbotsford and 3.77:1 in Victoria, to a high of 5.33:1 in Abbotsford.

Table 7 presents the number of CEW incidents per capita (per 100,000 population) for each of the municipal jurisdictions in the census years 2001 and 2006. Every jurisdiction shows an increased per capita rate of CEW use from 2001 to 2006. In 2006, the rate of CEW incidents per capita is notably very high in both Victoria and New Westminister at 130.7 incidents and 111 incidents per 100,000 population, respectively.

Table 7: Per Capita CEW Use by Municipal Jurisdiction 2001, 2006

Agency	2001			2006		
	# of CEW Incidents	Population	# of Incidents per 100,000 Population	# of CEW Incidents	Population	# of Incidents per 100,000 Population
Abbotsford	2	115,494	1.7	28	123,864	22.6
Central Saanich	0	15,348	0	3	15,745	19.1
Delta	0	96,950	0	5	96,723	5.2
Nelson	0	9,318	0	1	9,258	10.8
New Westminster	3	54,656	5.5	65	58,549	111.0
Oak Bay	0	17,798	0	2	17,908	11.2
Port Moody	0	23,816	0	2	27,512	7.3
Saanich	1	103,654	.96	13	108,265	12.0
Vancouver	16	545,671	2.9	66	578,041	11.4
Victoria	32	74,125	43.2	124	94,897	130.7
West Vancouver	0	41,421	0	4	42,131	9.5

Note: Population statistics for 2001 from: Statistics Canada, *2001 Community Profiles*. (2002). Population statistics for 2006 from: Statistics Canada, *2006 Community Profiles*. (2007). In 2003, the Esquimalt Police Department was amalgamated with the Victoria Police Department. The figure given for the 2006 population of Victoria includes 16,840 Esquimalt residents.

Subject Characteristics

The vast majority of subjects involved in incidents in which a CEW was used were male. Of the 1,404 reported incidents, males were the subject of 1,285 (91.5%) incidents and females the subject of 101 (7.2%) incidents. In the remaining 18 incidents it was not possible to determine the gender of the subject from the police report(s) provided. The predominance of male subjects was true for all agencies and also consistent with RCMP use of CEWs in British Columbia (91.2% male and 8.8% female).

The average age of subjects was 32.7 years, with a minimum age of 13²⁶⁹ (Delta, New Westminster, and Victoria) and a maximum age of 84 (Victoria). Within agencies, average age varied from a low of 29 years (Central Saanich and Oak Bay) to a high of 34.7 years (West Vancouver). The average age of subjects of RCMP use of CEWs in BC was nearly identical at 32.9 years.

²⁶⁹ Five subjects were as young as 13; however, in four of these cases the CEW was displayed only. In the fifth case, the 13 year old was exposed to two cycles of probe deployment.

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Table 8: Subject Age by Age Group, Independent Municipal Police

Age Group	Frequency	Per centage
10 to 19	96	7.2
20 to 24	245	18.4
25 to 29	247	18.5
30 to 34	212	15.9
35 to 39	198	14.8
40 to 44	155	11.6
45 to 49	94	7.0
50 to 54	41	3.1
55 to 59	21	1.6
60 to 64	13	1.0
65 to 69	6	0.4
70 to 74	2	0.1
75 to 79	2	0.1
80 and over	3	0.2
Total	1335	100.0

Note: Subject age was unknown in 69 cases.

Information about the subject's size was known in 937 cases (66.7%) – either because the report included details about the subject's height and weight or because the subject's size was specifically noted in the synopsis of the incident (usually when the subject was notably large or small). Of these 937 cases, subjects were medium or average size in 709 (75.7%) cases, large in 167 (17.8%) cases, and small in 61 (6.5%) cases.

The race or ethnicity of the subjects involved in CEW incidents was noted in 1,133 cases. With reference to these cases, three-quarters (74.8%) involved Caucasian subjects. The distribution of race or ethnicity varied somewhat across agencies, with Vancouver cases involving a lower per centage of Caucasian subjects and a greater diversity among other racial or ethnic groups. In contrast, Victoria cases involved a higher per centage of Caucasian subjects and less racial or ethnic diversity. A complete list of subject race or ethnicity for all cases and for cases involving the four agencies with the most frequent CEW use is provided in Table 9.

The overall rate of involvement of Aboriginal people in CEW incidents at 12.7 per cent is notably higher than their representation in the population as a whole. According to the 2001 census Aboriginal people represented 4.4 per cent of British Columbia's total population.²⁷⁰ In 2006, Aboriginal people accounted for 4.8 per cent of the total population of the

270 2001 population statistics for British Columbia and for the four jurisdictions from: Statistics Canada, *2001 Census Aboriginal Population Profiles*.

province.²⁷¹ In Abbotsford 8.6 per cent of CEW incidents involved Aboriginal people while their representation in Abbotsford's population was 2.2 per cent in 2001 and 2.9 per cent in 2006. In New Westminster Aboriginal people were involved in 10.6 per cent of CEW incidents while they represented 2.9 per cent (2001) and 3.1 per cent (2006) of New Westminster's population. Aboriginal people made up 1.9 per cent (2001 and 2006) of Vancouver's population while 16.5 per cent of Vancouver's CEW incidents involved Aboriginal people. In Victoria, Aboriginal people accounted for 2.9 per cent and 3.6 per cent of Victoria's population in 2001 and 2006 respectively while 13.2 per cent of CEW incidents in Victoria involved Aboriginal people.

Table 9: Subject Race or Ethnicity

Race or Ethnicity	Total Per cent of Total		Abbotsford		New Westminster		Vancouver		Victoria	
			Total	%	Total	%	Total	%	Total	%
Caucasian	848	74.8	64	79.0	69	66.3	156	61.4	471	80.8
Aboriginal	144	12.7	7	8.6	11	10.6	42	16.5	77	13.2
Asian	35	3.1	0	0	4	3.8	16	6.3	13	2.2
Black	33	2.9	0	0	10	9.6	11	4.3	10	1.7
South Asian	32	2.8	9	11.1	4	3.8	5	2.0	4	0.7
Hispanic	19	1.7	1	1.2	1	1.0	13	5.1	3	0.5
Middle Eastern	13	1.1	0	0.0	0	0.0	9	3.5	3	0.5
Other	9	0.8	0	0	5	4.8	2	0.7	2	0.3
Total	1133	100.0	81	100.0	104	100.0	254	100.0	583	100.0

Note: Subject race or ethnicity was unknown in 271 cases, including 16 Abbotsford cases, 91 New Westminster cases, 43 Vancouver cases, and 95 Victoria cases.

Census figures for visible minority groups for each jurisdiction were not readily available; however, in 2006 Chinese people represented 10 per cent of the province's total population and South Asian people represented 6.4 per cent. In Abbotsford 16.3 per cent of its total population reported belonging to the South Asian visible minority group.²⁷²

In 135 of the 1,404 cases (9.6%) the report(s) provided by the police agencies indicated that the subject of the CEW incident had a history of mental illness known to police prior to the

271 2006 population statistics for British Columbia and for the four jurisdictions from: Statistics Canada, *2006 Census Aboriginal Population Profiles*.

272 All figures in this paragraph from: Statistics Canada, *Canada's Ethnocultural Mosaic, 2006 Census*. (Catalogue no. 97-562).

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incident. This percentage was more than tripled in Delta (14 of 45 cases, or 31.1%) and nearly doubled in Abbotsford (18 of 97 cases, or 18.6%). The proportion of cases where a subject history of mental illness was known to police prior to the incident was somewhat higher than the overall rate of 9.6% in West Vancouver (three of 19 cases, or 15.8%), Oak Bay (one of seven cases, or 14.3%), Vancouver (40 of 297 cases, or 13.5%), Port Moody (one of eight cases, or 12.5%), and Saanich (five of 43 cases, or 11.6%). However, the rate was somewhat lower in Victoria (48 of 678 cases, 7.1%) and much lower in New Westminster (five of 195 cases, or 2.6%). None of the incidents involving the police agencies of Central Saanich, Nelson, Kitasoo Tribal, or GVTAPS reportedly concerned subjects with a history of mental illness known to police prior to the incident.

A subject history of violent behaviour known to police prior to the incident was noted in the police report(s) provided for 138 of the 1,404 cases (9.8%).

The presence of a pre-existing medical condition among the subjects of CEW use was very rarely (1.9%) noted in the information provided by the police agencies. The most commonly reported conditions were brain injuries (five cases), diabetes (five cases), hepatitis C (three cases), and seizure disorders (three cases). Two subjects had asthma and two subjects were physically disabled and confined to wheelchairs.

Type of Incident

The type of incident to which police responded is listed in Table 10. It should be noted that the dispatch information does not always represent the actual situation facing the officers dispatched. For example, although 99 calls described a “person with knife,” in 16 of these cases (16.2%) the subject was unarmed when police arrived (78 subjects were armed with an edged weapon and five were otherwise armed). Similarly, on arrival for a “person with gun” call, none of the subjects had a gun in their possession (one was otherwise armed with a “pointed” weapon). At the same time, regardless of the type of call police were dispatched to attend, officers were faced with a subject armed with an edged weapon 187 times and with a firearm five times. Weapons in the possession of subjects when police arrived will be discussed in more detail below.

Table 10: Type of Incident

Type of Incident	Frequency (N=1404)	Per centage
Suicide attempt/threat/self-injurious behaviour	277	19.7
Violence/threat of violence to others (fight)	239	17.0
Disturbance	215	15.3
Drug/alcohol intoxication	173	12.3
Emotionally disturbed person	150	10.7
Domestic disturbance/violence	138	9.8
Patrol observes infraction	107	7.6
Person with knife	99	7.1
Assault	95	6.8
Suspicious person(s)	54	3.8
Break and enter	50	3.6
Serve warrant	50	3.6
Mental health worker assist	46	3.3
Theft	37	2.6
Paramedic assist	33	2.4
Destruction of property	30	2.1
Public assist	29	2.1
Mischief	27	1.9
Robbery	26	1.9
Motor vehicle theft	24	1.7
Police officer assist	22	1.6
Drug offence	21	1.5
Impaired driving	21	1.5
Motor vehicle accident	20	1.4
Unknown	15	1.1
Person with gun	13	0.9
Hit and run (MVA)	7	0.5
Trespassing	6	0.4
Barricade	5	0.4
Possession of stolen property	2	0.1
Child welfare assist (apprehension)	1	0.1
Incomplete 911 call	1	0.1

Note: Up to two incident type descriptions were possible for each case.

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There was some variation from the pattern shown above in the distribution of incident types within individual departments. Among the four agencies with the most frequent CEW use:

- Abbotsford had much higher proportions of disturbance incidents (23 of 97 cases, or 23.7%) and also of domestic disturbance/violence incidents (24 of 97 cases, or 24.7%) but lower proportions of violence/threatened violence (fight) incidents (10 of 97 cases, or 10.3%), suicide attempt/threat/self-injurious behaviour incidents (15 of 97 cases, or 15.5%), drug/alcohol intoxication incidents (eight of 97 cases, or 8.2%), and emotionally disturbed person incidents (eight of 97 cases, or 8.2%).
- New Westminster had much higher proportions of emotionally disturbed person incidents (29 of 195 cases, or 14.9%) and also of assault incidents (21 of 195 cases, or 10.8%) but lower rates of violence/threatened violence (fight) incidents (21 of 195 cases, or 10.8%), suicide attempt/threat/self-injurious behaviour incidents (10 of 195 cases, or 5.1%), drug/alcohol intoxication incidents (17 of 195 cases, or 8.7%), and disturbance incidents (11 of 195 cases, or 5.6%).
- Vancouver had much higher rates of emotionally disturbed person incidents (47 of 297 cases, or 15.8%) and also of person with knife incidents (36 of 297 cases, or 12.1%) but lower proportions of incidents involving suicide attempt/threat/self-injurious behaviour (41 of 297 cases, or 13.8%) and drug/alcohol intoxication (28 of 297 cases, or 9.4%).
- Victoria had higher rates of disturbance incidents (128 of 678 cases, or 18.9%) and also of incidents observed by officers on patrol (74 of 678 cases, or 10.9%) but lower rates of incidents involving suicide attempt/threat/self-injurious behaviour (49 of 678 cases, or 7.2%) and emotionally disturbed persons (48 of 678 cases, or 7.1%).

The distribution of incident types for RCMP CEW usage in BC is similar to the overall distribution of incident types among independent police agencies in BC with the following exceptions:

- The RCMP rate of mental health calls at 14.7% was higher than for the independent police agencies (10.7%).
- The RCMP rate of cause disturbance calls at 18.4% was somewhat higher than for the independent police agencies (15.3%).
- The RCMP rate of suicidal person calls at 4.9% was much lower than for the independent police agencies (19.7%).
- The RCMP rate of non-firearm weapons calls at 5.3% was somewhat lower than for the independent police agencies person with knife calls (7.1%).

The time of day of the CEW incident was known in 1,291 or 92 per cent of cases. Of these cases, two-thirds (67.5%) occurred during evening or nighttime hours (6 p.m. and 6 a.m.). The prevalence of CEW use during nighttime hours is consistent with RCMP CEW use figures.

Location of Incident

Incidents in which the CEW was used most frequently occurred on the street (527 incidents or 37.5%) followed by a residence (476 incidents or 33.9%).²⁷³ The third most frequent location

273 This figure includes 54 incidents that occurred in residential hotels or “single room occupancy” residences.

of CEW incidents was police cells (105 cases, or 7.8%), followed by businesses other than bars and night clubs (65 cases, or 4.6%) and outside of bars and nightclubs (65 cases, or 4.6%). Thirty-seven incidents (or 2.6%) occurred in hospitals.

Some variation from this overall pattern of location of CEW use exists within the four departments with the most frequent use of the CEW:

- Abbotsford recorded a much higher rate of incidents in hospitals (seven cases, or 7.2%) and in businesses other than bars or night clubs (nine cases, or 9.3%) and a somewhat higher rate of incidents occurring on the street (39 cases, or 40.2%) or in residences (37 cases, or 38.1%). Abbotsford recorded a much smaller proportion than the overall rate of incidents occurring in police cells (two cases, or 2.1%).
- CEW incidents in New Westminster were much less likely to occur in a residence (41 cases, or 21%) but more likely to occur on the street (90 cases, or 46.2%).
- In Vancouver, nearly one-half of CEW incidents occurred in residences (141 cases, or 47.5%) and were also more likely to occur outside bars or night clubs (21 cases, or 7.1%). Somewhat fewer incidents occurred elsewhere on the street (97 cases, or 32.7%) or in hospitals (one case, or 0.3%) and none reportedly occurred in police cells.
- In Victoria, CEW incidents were much less likely to occur in residences (185 cases, or 27.3%) and more likely to occur in police cells (84 cases, or 12.4%). An additional 14 cases (2.1%) occurred elsewhere in the police station.

The location of the incident was not available with respect to RCMP CEW use.

Subject Behaviours/Actions

Incident descriptions, narratives and synopses of events recorded in the report(s) provided by the police agencies were used to extract the characteristics of subject behaviours or actions as observed by police members on the scene of the CEW use incident. Levels of resistance as outlined in the National Use of Force Framework were supplemented with other descriptors of subject behaviour as noted in the police report(s). Table 11 lists the frequency that these behaviours or actions were observed and noted by police members. Behaviour categories, including levels of resistance, are not mutually exclusive. This means, for example, that in an incident in which the subject's behaviour is initially passively resistant to police direction but escalates to active resistance, both passive resistance and active resistance is recorded. Analysis of method of CEW use in the context of the highest level of resistance displayed by the subject is presented in a later section of this report.

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Table 11: Subject Behaviours/Actions

Subject Behaviours/Actions	Frequency (N=1404)	Per centage
Cooperative/compliant to directions	100	7.1
Passive resistance ²⁷⁴	108	7.7
Agitated	210	15.0
Pacing	19	1.4
Yelling	340	24.2
Smashing property	60	4.3
Verbally abusive/verbal threats/verbal aggression	322	22.9
Alcohol/drug intoxication	867	61.8
Symptoms of “excited delirium”	14	1.0
Symptoms of drug overdose	1	0.1
Symptoms of drug induced psychosis	49	3.5
Active resistance ²⁷⁵	1020	72.6
Assaultive ²⁷⁶	691	49.2
Violence/threatened violence to police	160	11.4
Violence/threatened violence to self	132	9.4
Violence/threatened violence to others	111	7.9
Threatened suicide by cop scenario	51	3.6
Grievous bodily harm or death ²⁷⁷	19	1.4
Officer assaulted	66	4.7

Note: Each incident may contain multiple (not mutually exclusive) descriptors of subject behaviour/actions (including levels of resistance).

Subject behaviour characteristics differed somewhat from the overall pattern for the four agencies with the most numerous CEW incidents. Among these agencies notable differences included:

274 Passive resistance is defined as refusal, with little or no physical action, to cooperate; refusal to show hands.

275 Active resistance is defined as non-assaultive physical action to resist; e.g., pulling away.

276 Assaultive is defined as attempts to apply or application of force to any person; kicking, punching, threatening acts or gestures, aggressive body language, “pre-assault cues.”

277 Grievous bodily harm or death is defined as actions intended to or likely to cause grievous bodily harm or death; assault with weapon; actions that would result in serious injury to any person; actions that warrant use of deadly force.

- In Abbotsford subject behaviours were characterized by much higher rates of agitated behaviour (22.7%), verbal abuse/threats/aggression (37.1%), active resistance (81.4%), violence or threatened violence to police (34%), grievous bodily harm or death (7.2%), and officer assaulted (9.3%). Far fewer Abbotsford cases were characterized by cooperative or compliant behaviour (1%) and alcohol and/or drug intoxication (44.3%).
- In New Westminster, passive resistance by the subject was much more common (27.2%) than in the overall figures. Agitated behaviour (7.7%), yelling (9.2%), active resistance (54.4%), assaultive behaviour (41%), and violence or threatened violence to police was much less common than in the overall figures.
- In relation to Vancouver cases, subjects were much more likely to be described as yelling (33.7%), and somewhat more likely to be described as cooperative (11.4%), smashing property (7.4%), displaying symptoms of drug induced psychosis (7.1%), and threatening a suicide by cop scenario (5.7%). The Vancouver cases were somewhat less likely to involve passive resistance (4%) and assaultive behaviour (44.1%).
- A far smaller proportion of subjects in the Victoria cases displayed passive resistance to police direction (1.3%) and a somewhat smaller proportion of subjects were violent or threatened violence toward police. In a much higher proportion of the Victoria cases, subject behaviour was described as actively resistant (80.4%).

For the most part, information about subject behaviour was not available with respect to RCMP CEW incidents. The single exception concerned the involvement of substance use, in relation to which the RCMP CEW incidents involved a much higher rate than was evidenced in the independent police agency data. Of the 1,466 RCMP CEW incidents in BC, 1,202 (82%) reportedly involved the use of substances (including alcohol and drugs) while alcohol and/or drug intoxication was noted in 61.8 per cent of independent police agency incidents.

Weapons

Approximately one in five CEW incidents (275 of 1,404 cases, or 19.6%) involved a subject armed with some type of weapon. The rate of weapons involvement was considerably higher for the RCMP CEW use incidents at 34.7 per cent.

In comparison to the overall pattern there was notable variation in the proportion of CEW incidents involving armed subjects within the various independent police agencies. Armed subjects were involved in:

- over one-quarter (26 of 97 cases, or 26.8%) of Abbotsford incidents
- one of the five (20%) Central Saanich cases
- over one-quarter (13 of 45 cases, or 28.9%) of Delta incidents
- one of the three (33.3%) Nelson cases
- one in 10 (19 of 195 cases, or 9.7%) New Westminster incidents
- three of the seven (42.9%) Oak Bay cases
- two of the eight (25%) Port Moody cases
- five of the 43 (11.6%) Saanich incidents
- nearly one-third (91 of 297 cases, or 30.6%) of Vancouver incidents
- one in six (109 of 678 cases, or 16.1%) Victoria cases
- five of the 19 (26.3%) West Vancouver cases

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None of the six Transit Authority Police Service cases involved an armed subject. The single Kitasoo CEW incident also did not involve an armed subject.

The majority (68%) of the 275 subjects who were armed with some type of weapon were in possession of an edged weapon (such as a knife, glass, scissors, or hatchet) when police arrived on the scene. A blunt weapon (or something that was used as a blunt weapon), such as a bat, hockey stick, pipe, hammer, was in the possession of 52 (18.9%) armed subjects. Thirty-three armed subjects (12%) were in possession of a pointed weapon, such as a needle, fork, or pickaxe. Five subjects (1.8%) were armed with a firearm. Four (1.5%) subjects were armed with other types of weapons (such as pepper spray), and in two cases (0.7%) subjects used a dog as a weapon against police.

Included in the totals given above, a handful of subjects were in possession of more than one type of weapon when police arrived:

- Five were armed with both an edged weapon and a blunt weapon.
- Two were armed with both an edged weapon and a pointed weapon.
- One was armed with both a firearm and an edged weapon.

Nature of CEW Deployment

In 297 (21.2%) of the 1,404 CEW incidents the subject was warned that a CEW might be used if he or she failed to comply with police direction. In 12 of these cases (4%), the warning was sufficient to gain compliance and no further use of the CEW was needed. In 84 cases (28.3%) the warning was followed with a display of the CEW in an attempt to gain compliance with no further use of the CEW. In 73 cases (24.6%) the warning was followed by the application of the CEW in stun mode (also known as drive-stun mode) with or without an attempt to gain compliance through display of the weapon and no further use of the CEW was needed. In 104 cases (35%) the warning was followed by the deployment of the CEW in probe mode only (with or without display of the weapon). In 23 cases (7.7%) the warning was followed by the application of the weapon in both stun and probe modes (with or without display of the weapon).

Table 12 below gives the frequencies with which the CEW was used in the various modes of display, stun, and probe for each agency.

Table 12: Nature of CEW Use by Agency

Agency	Number of CEW Use Incidents	Display		Stun		Probe	
		Total	%	Total	%	Total	%
Abbotsford	97	34	35.1	44	45.4	54	55.7
Central Saanich	5	5	100.0	1	20.0	3	60.0
Delta	45	32	71.1	11	24.4	19	42.2
GVTAPS	6	4	66.7	2	33.3	4	66.7
Kitasoo Tribal	1	0	0.0	0	0.0	1	100.0
Nelson	3	0	0.0	0	0.0	3	100.0
New Westminster	195	96	49.6	75	38.5	85	43.6
Oak Bay	7	6	85.7	0	0.0	2	28.6
Port Moody	8	2	25.0	1	12.5	7	87.5
Saanich	43	20	46.5	29	67.4	15	34.9
Vancouver	297	151	50.8	107	36.0	144	48.5
Victoria	678	238	35.1	301	44.4	239	35.3
West Vancouver	19	11	57.9	7	36.8	11	57.9
Total	1404	599	42.7	578	41.2	587	41.8

Note: The CEW may be used in more than one mode in any one incident. Use of the CEW in display mode was unknown in four cases. Whether or not it was used in stun mode or probe mode was unknown in 10 cases.

In comparison to CEW usage by the RCMP, the overall rate of stun mode use by the independent municipal agencies is slightly lower at 41.2 per cent than that reported for the RCMP (44.7%). Probe mode use is slightly higher among the independent municipal agencies at 41.8 per cent than that reported for the RCMP (39.2%).

The CEW was used in display mode only (with no stun or probe mode usage) in approximately one in five of the 1,404 cases (308 cases, or 21.9%). Such use was rare in Saanich (one of 43 cases, or 2.3%) and Abbotsford (eight of 97 cases, or 8.2%), in the 20 to 30 percent range in Central Saanich (one of five cases, or 20%), Vancouver (61 of 297 cases, 20.5%), West Vancouver (four of 19 cases, or 21.1%), Victoria (155 of 678 cases, or 22.9%), and New Westminster (55 of 195 cases, or 28.2%), and more frequent in Delta (19 of 45 cases, or 42.2%) and Oak Bay (four of seven cases, or 57.1%).²⁷⁸

The overall rate of display-only usage among the independent police agencies is slightly lower than that reported for the RCMP (24.6%).

²⁷⁸ Nelson, Port Moody, the Transit Authority, and the Kitasoo Tribal Police reported no such use of the CEW.

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In just over one-quarter of incidents (400 cases, or 28.5%) the CEW was used in stun mode only (with no display or probe usage). The rate of such usage by each agency is listed in Table 13 below.

Table 13: Stun Mode Only CEW Use by Agency

Agency	Number of CEW Use Incidents	Stun Mode Only	
		Total	%
Abbotsford	97	28	28.9
Central Saanich	5	0	0.0
Delta	45	4	8.9
GVTAPS	6	1	16.7
Kitasoo Tribal	1	0	0.0
Nelson	3	0	0.0
New Westminster	195	42	21.5
Oak Bay	7	0	0.0
Port Moody	8	1	12.5
Saanich	43	18	41.9
Vancouver	297	62	20.9
Victoria	678	240	35.4
West Vancouver	19	4	21.1
Total	1404	400	28.5

A greater proportion of the RCMP CEW incidents involved the use of the CEW in stun mode only at 36.2 per cent compared to the overall rate among the independent municipal police agencies of 28.5 per cent.

In just under one-quarter of CEW incidents (323 cases, or 23%) the CEW was used in probe mode only (with no display or stun mode usage). The rate of such usage by each agency is depicted in Table 14 below.

Table 14: Probe Mode Only CEW Use by Agency

Agency	Number of CEW Use Incidents	Probe Mode Only	
		Total	%
Abbotsford	97	30	30.9
Central Saanich	5	0	0.0
Delta	45	5	11.1
GVTAPS	6	1	16.7
Kitasoo Tribal	1	1	100.0
Nelson	3	3	100.0
New Westminster	195	41	21.0
Oak Bay	7	0	0.0
Port Moody	8	5	62.5
Saanich	43	5	11.6
Vancouver	297	73	24.6
Victoria	678	155	22.9
West Vancouver	19	4	21.1
Total	1404	323	23.0

In comparison with the RCMP CEW use figures, the rate of probe-mode-only usage among the independent police agencies is somewhat lower at 23 per cent than the RCMP usage rate of 30.7 per cent.

The deployment of the CEW in both stun and probe mode (without display usage) occurred in less than one in 20 incidents (59 of 1,404 cases, or 4.2%). This is lower than the comparable rate of RCMP usage of both stun and probe mode of 8.5 per cent. Among the independent municipal agencies the rate of use of the CEW in both stun and probe mode (without display usage) ranged from lows of 3.4 per cent (10 of 297 cases) in Vancouver and 4 per cent (27 of 678 cases) in Victoria to highs of 5.2 per cent (five of 97 cases) in Abbotsford, 6.7 per cent (three of 45 cases) in Delta, and 7.2 per cent (14 of 195 cases) in New Westminster. The remaining independent agencies reported no such usage of the CEW in both stun and probe modes.

In more than half of the 1,404 incidents (764 cases, or 54.4%) it was not possible to determine from the police report(s) the model of CEW used. In relation to the remaining 640 cases, the TASER M26 was used in one-third (33.4%) and the TASER X26 was used in two-thirds (66.6%). This pattern was reversed in relation to the RCMP CEW incidents with 73.9 per cent involving the TASER M26 and 26.1 per cent involving the TASER X26.

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The following four sections will review the more detailed results relating to display mode, stun mode, probe mode, and combined stun and probe mode usage.

Use of the CEW in Display Mode

As previously reported, display of the CEW in the attempt to gain subject compliance was present in 599, or 42.7 per cent, of the 1,404 CEW incidents. This type of use of the CEW includes simple display of the weapon, “sparking” of the weapon, and targeting of the laser sight on the subject.

In almost all instances (595 cases, or 99.3%) where the CEW was used in display mode, display of the CEW was the first CEW method used to gain the subject’s compliance. In four cases the CEW was used in this way after it had been used in probe mode. In one of these four cases the CEW was used first in probe mode, was then displayed in an attempt to gain compliance, and the subject was then exposed to the CEW in stun mode.

In most cases (578 cases, or 96.5%) one attempt to gain the subject’s compliance through the display of the CEW occurred. In 18 cases (3%) two attempts were made to gain subject compliance through this method and in a single case (0.2%) three attempts were made. In two cases (0.3%) it was not known how many times the CEW was used in this mode.

In nearly half of incidents (284 of 599, or 47.4%) in which display compliance was attempted the method was effective or ultimately effective (in the case of multiple attempts) in gaining the subject’s compliance to police direction. This method was ineffective in 286 (47.7%) cases and only temporarily effective in 28 (4.7%) cases.

Use of the CEW in Stun Mode

As previously reported, use of the CEW in stun mode occurred in 578 (41.2%) of the 1,404 CEW incidents.²⁷⁹ In nearly three-quarters of these cases (413, or 71.5%) use of CEW in stun mode was the first method of CEW use. In nearly one-quarter of cases (137, or 23.7%) use of the CEW in stun mode was the second method of CEW use (following 88 instances of display and 49 instances of use of the CEW in probe mode). In 28 cases (4.8%) use of the CEW in stun mode was the third option used, following use in both display and probe modes.²⁸⁰

In over one-half of the 578 incidents (319 cases, or 55.2%) in which the CEW was used in stun mode the subject was exposed to one stun deployment. In just over one-quarter of incidents (151 cases, or 26.1%) the subject was exposed to two stun deployments. Three stun deployments were used in 55 incidents (9.5%) and four deployments were used in 23 cases (4%). Stun mode was used five times against five subjects (0.9%) and six times against five subjects (0.9%). Four subjects (0.7%) were stunned eight times, and one subject (0.2%) was stunned a total of 14 times. The number of stun deployments (but at least one) was unclear in 15 incidents (2.6%).

Table 15 below presents the number of times stun mode was used by the independent municipal police agencies with comparable RCMP figures.

279 This rate has remained relatively stable over time, apart from 2000 when the rate was 12 per cent and 2001 when the rate was 27.8 per cent. The rate jumped to 41.6 per cent in 2002, fell to 37.3 per cent in 2003, was 41.7 per cent in 2004, rose to 49.8 per cent in 2005, fell to 42.7 per cent in 2006, and dropped slightly to 40.9 per cent in 2007.

280 Order of use was display, probe, stun in 27 cases, and probe, display, stun in one case.

Table 15: Number of Times Stun Mode Used by Independent Police Agencies vs. RCMP

Number of Times Stun Mode Used	Independent Agencies (N=578)		RCMP (N=655)	
	Total	%	Total	%
1	319	55.2	402	61.4
2	151	26.1	161	24.6
3	55	9.5	60	9.2
4	23	4.0	13	0.6
5+	15	2.6	19	2.9
Unknown	15	2.6	0	0.0

With respect to incidents involving the use of the CEW in stun mode, the overall average number of stun deployments for the municipal departments was 1.7 times per incident with a minimum of one and a maximum of 14. Table 16 below lists the averages, minimums, and maximums for each of the municipal agencies that had incidents in which stun mode was used.

Table 16: Average, Minimum, and Maximum Stun Deployments by Agency

Agency	Average Number of Stun Deployments	Minimum Number of Stun Deployments	Maximum Number of Stun Deployments
Abbotsford	1.6	1	6
Central Saanich	2	2	2
Delta	2.5	1	8
GVTAPS	1	1	1
New Westminster	1.8	1	6
Port Moody	2	2	2
Saanich	2	1	14
Vancouver	1.8	1	6
Victoria	1.7	1	8
West Vancouver	2.4	1	3

In relation to the 578 incidents in which stun mode was used, subjects were stunned more than once in nearly half of all incidents (259 cases, or 44.8%). The proportion of incidents in which stun mode was deployed multiple times varied from a low of 37.9 per cent (11 of 29 cases) in Saanich to highs of 85.7 per cent (six of seven cases) in West Vancouver and 100 per cent in Central Saanich and Port Moody, where the single cases where stun mode was used involved multiple stun deployments.

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As a proportion of total incidents for the year, multiple stun deployments (that is, more than one deployment against a subject during an incident) has remained relatively stable over time. There were no incidents of multiple stun deployments in 1998 or 1999, two incidents (4%) in 2000, 10 incidents (18.5%) in 2001, 22 incidents (28.6%) in 2002, 16 incidents (15.7%) in 2003, 48 incidents (21.5%) in 2004, 50 incidents (18.6%) in 2005, 58 incidents (18.5%) in 2006, and 53 incidents (17.2%) in 2007.

In one-third of stun use incidents (195 cases, or 33.7%) the location on the subject's body targeted by the stun deployment was not recorded in the police report(s). The most common location for stun deployment was the subject's back (28.9%), followed by the legs (9.7%), shoulders (6.1%), side or ribs (5%), chest (4.3%), abdomen (3.5%), buttocks (2.8%), neck (2.2%), arms (2.1%), and torso (1.6%). In one case the CEW was triggered against a metal vent that the subject was touching, resulting in a shock to the subject.

In 24 cases (4.2%) the stun deployment was applied to the subject's bare skin.

Use of the CEW in stun mode was effective (or ultimately effective in the case of multiple stuns) in controlling the subject in 458 incidents (79.2%). The method was ineffective in 83 incidents (14.4%) and only temporarily effective in 24 incidents (4.2%). It was not possible to determine the effectiveness of the stun deployment from the police report(s) in 13 cases (2.2%).

Use of the CEW in Probe Mode

As previously reported, use of the CEW in probe mode occurred in 587 (41.8%) of the 1,404 CEW incidents.²⁸¹ In two-thirds of these cases (390, or 66.4%) use of CEW in probe mode was the first method of CEW use. In nearly one-third of cases (193, or 32.9%) use of the CEW in probe mode was the second method of CEW use (following 182 instances of display and 11 instances of use of the CEW in stun mode). In four cases (0.7%) use of the CEW in probe mode was the third option used, following use in display and then stun modes.

In nearly two-thirds of the 587 incidents (378 cases, or 64.4%) in which the CEW was used in probe mode the subject was exposed to one probe deployment. In almost one-quarter of incidents (131 cases, or 22.3%) the subject was exposed to two probe cycles. Three probe cycles were used in 40 incidents (6.8%) and four cycles were used in 14 cases (2.4%). Probe mode was used five times against six subjects (1%) and six times against two subjects (0.3%). The CEW in probe mode was cycled seven, eight, nine, and 10 times against one subject each (0.2%). The number of probe cycles (but at least one) was unclear in 12 incidents (2%).

The rates of single and multiple cycles of probe engagement for the RCMP is similar to that found for the independent municipal police agencies.

With respect to incidents involving the use of the CEW in probe mode, the overall average number of probe cycles for the municipal departments was 1.6 times per incident with a minimum of one and a maximum of 10. Table 17 below lists the averages, minimums, and maximums for each of the municipal agencies that had incidents in which probe mode was used.

281 As a proportion of incidents per year the rate of CEW use in probe mode has fallen gradually over time. In 1998 the single case involved the use of the CEW in probe mode (100%). The rate was 66.7 per cent in 1999, 56 per cent in 2000, 55.6 per cent in 2001, 46.8 per cent in 2002, 46.1 per cent in 2003, 40.8 per cent in 2004, 39.4 per cent in 2005, 40.8 per cent in 2006, and 37.7 per cent in 2007.

Table 17: Average, Minimum, and Maximum Probe Cycles by Agency

Agency	Average Number of Probe Cycles	Minimum Number of Probe Cycles	Maximum Number of Probe Cycles
Abbotsford	1.5	1	5
Central Saanich	1.3	1	2
Delta	1.5	1	3
GVTAPS	1	1	1
Kitasoo Tribal	1	1	1
Nelson	1.3	1	2
New Westminster	1.8	1	10
Port Moody	1.7	1	2
Saanich	1.4	1	3
Vancouver	1.5	1	6
Victoria	1.5	1	8
West Vancouver	2	1	5

In relation to the 587 incidents in which probe mode was used, subjects were exposed to more than one probe cycle in over one-third of all incidents (209 cases, or 35.6%). The proportion of incidents in which the subject was exposed to multiple probe cycles varied from lows of 33.3% in Abbotsford (18 of 54 cases), Central Saanich (one of three cases), Nelson (one of three cases), and Saanich (five of 15 cases) to highs of 50 per cent (one of two cases) in Oak Bay, 54.5 per cent (six of 11 cases) in West Vancouver, and 71.4 per cent (five of seven cases) in Port Moody.

As a proportion of incidents by year, multiple probe cycles (that is, use of more than one cycle against a subject during an incident in which probe mode was used) has fallen slightly over time. There were two incidents (33.3%) in 1999, 12 incidents (24%) in 2000, nine incidents (16.7%) in 2001, 14 incidents (18.2%) in 2002, 12 incidents (11.8%) in 2003, 36 incidents (16.1%) in 2004, 39 incidents (14.5%) in 2005, 46 incidents (14.6%) in 2006, and 39 incidents (12.7%) in 2007.

Information about the distance the police officer was from the subject when the CEW probes were fired was often (273 cases, or 46.5%) missing from the police report(s). In 80 per cent of the remaining cases the CEW was deployed from a distance of between five and 15 feet. The average deployment distance was 8.7 feet with a minimum distance of one foot and a maximum distance of 22 feet.

The duration of the probe cycles was also often (50%) unknown from the information provided in the police report(s). The most commonly (84.7% of the 294 known cases) noted duration was five seconds (the default duration of a probe cycle). The minimum duration noted was one second and the maximum was 40 seconds (eight continuous cycles).

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In one-fifth of probe use incidents (127 cases, or 21.6%) the location on the subject's body hit by the probe darts was not recorded in the police report(s). Among cases where the body location was known, the most common location was the subject's back (24.8%), followed by the chest (21.7%), torso or "centre mass" (8.7%), chest and abdomen (8.3%), and abdomen (5%). In six cases, one or more of the probe darts hit the subject in the neck or face.

In 18 cases (3.1%) the CEW was deployed in probe mode while the subject was in a vulnerable position, such as on a rooftop or climbing a fence, and liable to fall when incapacitated by the electrical shock.

In 44 cases (7.5%) the probe darts hit the subject's bare skin.

Use of the CEW in probe mode was effective (or ultimately effective in the case of multiple probe cycles) in controlling the subject in 393 incidents (67%). The method was ineffective in 135 incidents (23%) and only temporarily effective in 59 incidents (10.1%). In relation to the 194 cases where the probe deployment was ineffective or only temporarily effective, the reason for the failure to control the subject was unknown in 71 cases (36.6%). The method failed due to poor electrical conduction (usually due to thick clothing) in 69 cases (35.6%), one or both of the probe darts missing or becoming dislodged in 47 cases (24.2%), and a technical problem (such as the malfunction of the CEW or low battery power) occurring in seven cases (3.6%).

One or both probe darts were embedded in the subject's skin in 386 cases. In these cases the dart(s) was/were removed by a hospital physician in 153 cases (39.6%), paramedics in 34 cases (8.8%), the subject in 32 cases (8.3%), and police in 10 cases (2.6%). Information about dart removal was missing in 157 cases (40.7%).

Use of the CEW in Stun and Probe Modes

In 92 of the 1,404 (6.6%) CEW use incidents the CEW was deployed in both stun and probe modes (with or without an attempt to gain compliance through display of the CEW). The frequency of such usage for the police agencies that had used the CEW in this manner is listed in Table 18 below.

Table 18: Frequency of Stun and Probe Mode Deployments by Agency

Agency	Number of CEW Use Incidents	Stun and Probe Mode	
		Total	%
Abbotsford	97	9	9.3
Delta	45	5	11.1
New Westminster	195	22	11.3
Saanich	43	2	4.7
Vancouver	297	16	5.4
Victoria	678	35	5.2
West Vancouver	19	3	15.8

As a proportion of CEW incidents each year, use of the CEW in both stun and probe modes during a single incident has gradually increased somewhat. There were two (4%) such incidents in 2000, two (3.7%) in 2001, four (5.2%) in 2002, seven (6.9%) in 2003, 11 (4.9%) in 2004, 18 (6.7%) in 2005, 22 (7%) in 2006, and 26 (8.4%) in 2007.

In 19 of the 1,404 CEW incidents (1.4%) both stun and probe modes were used multiple times (that is, more than once each in a single incident). The rate of such usage was highest in West Vancouver where two of 19 (10.5%) incidents involved both multiple stun deployment and multiple probe cycles. In Delta the rate was 4.4 per cent (two of 45 incidents), and in New Westminster the rate was 3.1 per cent (six of 195 incidents).

In 11 of the 19 incidents (57.9%) two probe cycles were combined with two (eight cases), three (one case), and four (two cases) stun deployments. In four of the 19 cases (21.1%) three probe cycles were combined with two (two cases), four (one case), and eight (one case) stun deployments. In three of the 19 cases (15.8%) five probe cycles were combined with two, four, and five stun deployments (one cases each). In one case (5.3%) seven probe cycles were combined with three stun deployments.

In an additional 20 of the 1,404 CEW incidents (1.4%) two or more stun deployments were combined with one probe deployment. In these cases the number of stun deployments ranged from two (14 cases) to six (one case).

In an additional 15 of the 1,404 CEW incidents (1.1%) two or more probe cycles were combined with one stun deployment. In these cases the number of probe cycles ranged from two (13 cases), to four (one case).

Subject Behaviour and the Use of Conducted Energy Weapons

Thus far, the review of CEW use by municipal police agencies in BC has presented the characteristics of subject behaviour and the nature of CEW use in isolation from each other. However, the justification for the use and method of use of the CEW is dependent upon the behaviour of the subject when confronted by police. This section will summarize how the CEW has been used by police when dealing with subjects who displayed various levels of resistance to police efforts to control them.

Table 19 presents the methods of CEW use in the context of the highest level of subject resistance faced by police. Subject resistance is categorized according to the National Use of Force Framework which describes subject behaviour as cooperative, passive resistance, active resistance (including fleeing from police), assaultive, and posing a threat of grievous bodily harm or death to anyone. As can be seen from this analysis of the data, police have used the CEW in situations that fall short of posing an immediate threat of harm.

Table 19: Method of CEW Use by Highest Level of Subject Resistance

Highest Level of Resistance	Cooperative	Passive	Active	Assaultive	GBH/Death	Other	Total
Warning Only	0	3	3	5	0	1	12
Display Only Deployment	92	32	89	75	0	20	308
Display & Stun	0	0	34	50	1	1	86
Display & Probe	0	16	57	89	7	3	172
Stun Only	0	2	145	245	2	6	400
Probe Only	0	18	130	147	9	19	323
Stun & Probe	0	0	22	37	0	0	59
Display & Stun & Probe	0	1	8	24	0	0	33
Total	92	72	488	672	19	50	1393*

Note: The “other” category includes all cases where the subject’s behaviour did not involve any of the National Use of Force Framework resistance categories but may involve alcohol or drug intoxication; possession of a weapon; or verbal threats of violence to police, self, or others.

*The specific method of CEW use was unknown in seven cases involving active resistance and four cases involving assaultive resistance.

With respect to the results presented in Table 19, it should be noted that a number of subjects who displayed only passive resistance to police direction were in possession of a weapon. In seven of the 16 cases in which the CEW was used in both display and probe mode, the subject was armed while offering passive resistance. In six of the 18 cases in which the CEW was used in probe mode, only the subject was armed while offering passive resistance to police direction. Of course, the converse is also notable. Thirty-seven unarmed subjects displaying only passive resistance were exposed to the CEW in stun mode, probe mode, or both.

It is also noteworthy that only 19 incidents (1.4% of the 1,404 incidents) involved subject behaviour considered to be actions intended to or likely to cause grievous bodily harm or death to anyone – that is, actions that would legally justify the use of deadly force.

Alcohol or drug intoxication is also a significant feature in CEW incidents. As previously reported, 61.8 per cent of all CEW incidents involved a subject who was under the influence of alcohol or drugs. Table 20 presents the frequency with which the CEW was used in various modes against an intoxicated subject.

Table 20: Method of CEW Use Against Alcohol or Drug Intoxicated Subjects

CEW Use	Intoxicated Subject	
	Total (N=863)*	%
Warning Only	4	0.5
Display Only Deployment	135	15.6
Display & Stun	68	7.9
Display & Probe	101	11.7
Stun Only	307	35.6
Probe Only	191	22.1
Stun & Probe	35	4.1
Display & Stun & Probe	22	2.5

* In four cases the method of CEW use was unknown.

In relation to the 863 cases listed in Table 20 above, the subject displayed no active resistance, assaultive behaviour, or threat of grievous bodily harm or death in 97 cases (11.2%). In most (57.7%) of these 97 incidents the CEW was used in display mode only. However, in nine cases (9.3%) the subject was exposed to the CEW in stun mode; in 31 cases (32%) the subject was exposed to the CEW in probe mode; and in one case (1%) the subject was exposed to the CEW in both stun and probe modes. In 10 of these 41 cases (24.4%) where the CEW was used in stun mode, probe mode, or both, the subject was not subsequently arrested for a *Criminal Code* offence or under the authority of the *Mental Health Act*.

Use of Other Force Options

Police report(s) also documented use of other intervention methods or force options to control subjects. Table 21 below lists the frequency with which these methods were used before, during, or after use of the CEW.²⁸²

²⁸² In the absence of an adequate synopsis or narrative of events, it was difficult or impossible to determine the order with which these other options were used. This was particularly the case with the subject behaviour report/officer response report.

Table 21: Use of Other Intervention Methods or Use-of-Force Options in Conjunction with CEW Use

Intervention Method	Before CEW Use		During CEW Use		After CEW Use	
	Total (N=1404)	%	Total (N=1404)	%	Total (N=1404)	%
Verbal Intervention	1320	94.0	86	6.1	35	2.5
“Soft” Physical Control	474	33.8	31	2.2	114	8.1
“Hard” Physical Control	246	17.5	37	2.6	134	9.5
OC/Pepper Spray Warning	6	0.4	1	0.1	3	0.2
OC/Pepper Spray Use	100	7.1	2	0.1	34	2.4
Baton Use	19	1.4	2	0.1	17	1.2
Bean Bag Shotgun Use	10	0.7	4	0.3	11	0.8
Arwen Gun Use	8	0.6	2	0.1	3	0.2
Dog Warning	6	0.4	5	0.4	4	0.3
Dog Use	9	0.6	0	0.0	9	0.6
Firearm Warning	71	5.1	62	4.4	13	0.9
Firearm Use	0	0.0	0	0.0	0	0.0
Restraints	14	1.0	14	1.0	1333	95.0

Note: “Soft” physical control includes arm and wrist locks, hands-on force to pressure points, and taking the subject to the ground. “Hard” physical control includes open and empty hand strikes, punches, and kicks to target areas. OC/Pepper spray warning includes presence or display of oleoresin capsicum spray. Dog warning includes the presence of a police dog during the incident. Firearm warning includes display of a firearm and “lethal overwatch.”

In relation to use of other force options, it is notable that 77 of the 100 cases where OC/pepper spray was used before use of the CEW occurred in Victoria (77 of 678 Victoria CEW incidents, or 11.4%). Victoria incidents also made up the majority of cases where OC/pepper spray was used after use of the CEW (24 of the 34 cases, or 3.5% of the 678 Victoria incidents).

The presence of drawn firearms or “lethal overwatch” was notably more common among the CEW incidents in Port Moody and Delta. In Port Moody two of the eight CEW incidents (25%) involved a firearm warning prior to the use of the CEW. In Delta eight of the 45 CEW incidents (17.8%) included “lethal overwatch” prior to the use of the CEW.

Use of the CEW against a handcuffed subject was very rare; however, 12 of the 14 cases where the subject was handcuffed prior to the use of the CEW occurred in New Westminster (12 of 195 cases, or 6.2% of New Westminster CEW incidents). In relation to the 14 restrained subjects, all displayed active or assaultive resistance. In two cases the CEW was used in display mode only and in 12 cases the CEW was used in stun mode (in one of these cases, the CEW was also deployed in probe mode).

In nearly all CEW incidents (95%) the subject was restrained following the use of the CEW.²⁸³ Most commonly (1,060 cases, or 79.5%) the subject was handcuffed. In one in 10 cases (10.7%) the subject was taken into custody but the type of restraint employed was not specifically noted in the police report(s). Handcuffs combined with another form of restraint (such as ankle restraints) were used in 52 incidents (3.9%). Subjects were restrained on a Provincial Ambulance Service stretcher in 35 cases (2.6%). Other forms of restraint (such as a body cuff or wrap) were used in 37 cases (2.8%).

Injuries and Medical Attention

In 82 of the 1,404 CEW incidents (5.8%) one or more police officers suffered some type of injury. Most (68.3%) of these injuries were relatively minor, involving bruises, cuts, scrapes, and muscle strains. More serious cases (28%) involved such injuries as broken fingers, knee injuries, back injuries, and possible exposure to serious infectious disease such as hepatitis or HIV.

Subjects sustained some form of injury²⁸⁴ in 592 of the 1,404 incidents (42.3%). One in five of these subjects (126, or 21.3%) sustained injuries both related to the use of the CEW and unrelated to CEW use.

In total, 336 (23.9%) subjects suffered a CEW-related injury. Nearly all of these injuries (97.6%) were minor in nature, involving only the penetration of probe darts²⁸⁵ into the skin or welts from the application of the CEW in stun mode. In addition to puncture wounds, 17 subjects also sustained relatively minor injuries, such as cuts, from falling following incapacitation by the probe deployment. In eight cases the subject sustained more serious injuries, including two subjects who suffered lung collapse when the probe darts punctured their lungs, two subjects who lost consciousness when they fell on their heads when incapacitated, two subjects who suffered facial wounds (one from a fall and one from a puncture wound to the nose), one subject who fell and broke his ankle, and one subject who suffered a probe dart embedded in his clavicle bone.

In total, subjects suffered a non-CEW-related injury in 382 of the 1,404 CEW incidents (27.2%). These injuries were most commonly sustained during arrest (175 cases, or 45.8%) but many occurred prior to police arrival (147 cases, or 38.5%) due to involvement in a fight, assault, or self-harm. In 33 cases (8.6%) the subject inflicted injuries to themselves in the presence of police. In 27 cases (7.1%) it was unclear from the police report(s) when the injury occurred (that is, before or during arrest). For the most part (81.9%), non-CEW-related injuries were relatively minor in nature. Of the 59 more serious injuries, 31 (52.5%) were present prior to police arrival, seven (11.9%) were self-inflicted by the subject in the presence of police, and the remaining 21 (35.6%) occurred in the course of arresting the subject.

Two fatalities occurred in association with CEW incidents – both in Vancouver.

In 462 of the 1,404 incidents (32.9%) the subject involved in the CEW incident was examined by Provincial Ambulance Service (PAS)²⁸⁶ paramedics at the scene of the incident. In 870

283 In 66 cases (4.7% of the 1,404 incidents) the subject was not restrained following the use of the CEW.

284 As reported in the police records reviewed.

285 Although relatively minor, some of these penetration wounds did require stitches to close.

286 Also known as Emergency Health Service (EHS).

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incidents (62%) paramedics were not called or did not attend.²⁸⁷ The subject refused to be examined by paramedics at the scene in 46 cases (3.3%). It was not clear from the police report(s) whether paramedics attended the scene of the incident or not in 26 cases (1.9%).

As shown in Table 22 below, examination by paramedics on the scene of the incident varied considerably between the police agencies.

Table 22: Paramedic Examination of Subject at Scene of Incident by Agency

Agency	Number of CEW Use Incidents	Paramedic Examination							
		Yes		No		Refused		Unknown	
		#	%	#	%	#	%	#	%
Abbotsford	97	21	21.6	68	70.1	3	3.1	5	5.2
Central Saanich	5	0	0.0	5	100.0	0	0.0	0	0.0
Delta	45	26	57.8	15	33.3	1	2.2	3	6.7
Transit Authority	6	3	50.0	3	50.0	0	0.0	0	0.0
Kitasoo Tribal	1	0	0.0	1	100.0	0	0.0	0	0.0
Nelson	3	0	0.0	2	66.7	0	0.0	1	33.3
New Westminster	195	49	25.1	137	70.3	8	4.1	1	0.5
Oak Bay	7	1	14.3	6	85.7	0	0.0	0	0.0
Port Moody	8	5	62.5	3	37.5	0	0.0	0	0.0
Saanich	43	22	51.2	20	46.5	1	2.3	0	0.0
Vancouver	297	211	71.0	73	24.6	12	4.0	1	0.3
Victoria	678	113	16.7	529	78.0	21	3.1	15	2.2
West Vancouver	19	11	57.9	8	42.1	0	0.0	0	0.0

In 519 cases (37%) the subject was transported to hospital from the scene by paramedics or by police. In nearly half of these cases (48.7%) the subject was arrested under provisions of the *Mental Health Act*.

Subjects received medical attention in police cells in 74 cases (5.3%). Subjects were transported to hospital after being booked into police cells in 59 cases (4.2%).

Arrest

The subject was arrested for *Criminal Code* violations following the CEW incident in two-thirds of cases (939 incidents, or 66.9%). The arrest rate varied from a low of 50 per cent (three of six cases) in relation to Transit Authority incidents to highs of 74.6 per cent (506 of 678

²⁸⁷ In a handful of cases paramedics were called to attend but did not due to high call demand. In these cases paramedics often attended to the subject in police cells.

incidents) in relation to Victoria incidents and 100 per cent (five of five incidents) in relation to Central Saanich incidents.

According to the police records reviewed,²⁸⁸ one-third of incidents (473 or 33.7%) led to *Criminal Code* charges against the subject. In 69 cases (4.9%) the subject was charged with resisting arrest or obstruction.

One in five CEW incidents (276 cases, or 19.7%) led to the arrest of the subject under the authority of the *Mental Health Act*. The highest rate of *Mental Health Act* arrests occurred in Vancouver (97 of 297 incidents, or 32.7%), followed by West Vancouver (six of 19 incidents, or 31.6%), Delta (14 of 45 incidents, or 31.1%), Abbotsford (30 of 97 incidents, or 30.9%), and Oak Bay (two of seven incidents, or 28.6%).

In nearly one in 10 cases (125, or 8.9%) the subject was not arrested under either *Criminal Code* or *Mental Health Act* provisions following the CEW incident. In 40 of these cases (32%) the CEW was used in display mode only. However, prior to their release 48 subjects (38.4%) had been exposed to a probe deployment of the CEW, 31 (24.8%) had been exposed to a stun deployment, and six (4.8%) had been exposed to both stun and probe modes of deployment.

Policy Compliance

Following review of CEW incident reports, researchers attempted to assess whether officer actions with respect to use of the CEW complied with departmental use-of-force policy. This analysis proved to be problematic, primarily because policy documents provided by the police agencies were often current policies implemented in 2008; that is, after the time period covered by this research. While some departments were contacted to obtain historical policy, tracking changes to policy for all of the agencies was beyond the scope of this project. As well, some departments had not defined specific CEW policy prior to 2008. In addition, several departments appear to be operating with draft policies that have not been filed with or approved by the Police Services Division.

Assessing policy compliance (where policy, or draft policy, did exist) was also difficult given the considerable discretion afforded to police officers in determining when CEW use is appropriate and what steps are necessary during and after use of the CEW.

The circumstances of each CEW incident were assessed against policies in six main areas:²⁸⁹

1. Was the CEW deployed in accordance with use-of-force policy? This area addresses the threshold question of whether or not use of the CEW was permitted by policy in view of the subject's behaviour and actions.
2. Were policy-prescribed steps taken before deployment of the CEW? This question encompasses such issues as whether or not the subject was warned that a CEW would be used if he or she failed to comply with police direction.

288 Information about charges was highly dependent upon the type of report(s) provided. Use-of-force reports and subject behaviour/officer response reports documented the circumstances of the incident and rarely included case outcome information.

289 Departments that did have CEW policy prior to 2008 did not necessarily have policy in each of these areas.

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3. Were policy-prescribed steps taken while discharging the CEW? Issues here included whether police established a “lethal overwatch” prior to deployment of the CEW.
4. Was policy relating to multiple CEW deployments followed?
5. Was policy relating to duration of CEW deployment followed?
6. Were policy-prescribed steps taken after deployment of the CEW? This question concerned issues such as medical attention, the removal of probe darts, supervisor notification, and the completion of a CEW incident report (such as a Use of Force Report or a Subject Behaviour Report).

With respect to the first question of whether or not the subject’s behaviour justified the use of the CEW, the policies examined generally allow for a great deal of discretion or latitude in the use of the CEW by police officers, including reliance on the officers’ subjective judgments. In this regard, the policy of New Westminster (since June 2007) is representative of policy in this area. It states:

The Taser shall only be used upon subjects:

1. whom the Member has *reasonable and probable* grounds to *believe* are a danger to themselves or others, or
2. who need to be immediately controlled, and the Member *believes* will be actively aggressive/assaultive toward police or others, or
3. who pose a threat of serious bodily injury or death to the Member or others, and other available force options are *inappropriate or unreasonable* in the circumstances. [emphasis added]

Arguably, within such guidelines use of the CEW may be considered appropriate in every case. An officer’s subjective belief that the subject will become aggressive or assaultive – even when the subject’s actual behavior poses no immediate threat to anyone – is sufficient justification for use of the CEW. For example, researchers identified cases where the justification for CEW use (in both stun and probe modes) was borderline, such as where the subject’s only (passive) resistance was refusal to comply with police direction to get on the ground. However, researchers were not in a position to second-guess the judgment of the officers involved about the subject’s potentially assaultive behaviour.

Prior to 2008, Vancouver policy governing the specific use of CEWs consisted of the following statement:

The Vancouver Police Department supports the use of intermediate weapons by members who are qualified and/or certified to use them when lower levels of force (including other specific intermediate weapons) have been ineffective and/or inappropriate, and the use of higher levels of force (including other specific intermediate weapons) may not be justified and/or appropriate.

Based on this standard, all Vancouver CEW incidents complied with policy.

However, one example of how judgments about appropriate use-of-force alternatives may be supported is found in an incident reported by GVTAPS. In this case an intoxicated subject was slow to comply with police direction to put his beer down and display his hands. The constable determined that “a hands-on struggle was less desirable” and deployed the CEW probes.

In regard to the second policy area – steps required before the deployment of the CEW – few departments provided guidance prior to 2008.²⁹⁰ Among the exceptions is West Vancouver, where policy (since April 2003) suggests that display mode must be used first in all circumstances before stun or probe mode deployment. The policy states: “If force presence is unsuccessful, the member may then discharge the Taser at the subject that needs to be controlled, provided reasonable grounds exist to deploy such level of force (Probes fired or stun mode).” However, in eight of the 18 (42.1%) relevant²⁹¹ West Vancouver incidents the incident report contains no indication that display mode was used.

In regard to the third policy area – steps required while discharging the CEW – several departments suggest that lethal force cover be present while the CEW is deployed. However, most of these departments limit this guidance to situations where it is “reasonable and appropriate.” West Vancouver’s policy (since April 2003) is more prescriptive, providing that “the member should designate at least one member to provide lethal force cover.” Nevertheless, in 14 of the 18 (77.8%) relevant cases the incident reports reviewed gave no indication that a lethal force cover member was designated.

In regard to the fourth policy area – multiple use of the CEW – where pre-2008 policy exists the policies of several departments seemed to limit the use of the CEW in probe mode to a maximum of two cycles. These policies were notably silent about the maximum number of allowable applications of the CEW in stun mode. The language used often echoed the following example: “If control of a subject has not been obtained within five seconds after the application of the second set of darts, consider the Taser to be ineffective in controlling the subject and consider another appropriate force option to gain control.” The policies of both Victoria (since December 1998) and Delta (since January 2003) contain this guidance, but probe cycles were administered three or more times in 25 of the 239 (18.8%) Victoria incidents where probe mode was used, and in two of the 19 (10.5%) relevant probe deployment incidents in Delta.

New Westminster (since June 2007) policy states:

If the subject has failed to be controlled with the first set of darts due to the fact that one or more darts have missed the subject, the Member may discharge a second set of darts at the subject. If the failure is due to the weapon not affecting the subject, the trigger may be depressed again for one more five second cycle, or until the subject has been controlled (whichever comes first).

This implies that the maximum number of allowable probe cycles is two; however, in one New Westminster incident (which occurred after the above policy came into effect) the subject was exposed to seven probe cycles and was then stunned three times.

The language of West Vancouver’s policy (since April 2003) is stronger: “If control of a subject has not been obtained after the application of the second set of darts, members should consider other appropriate force options to gain control of the subject.” Again the implication is that a maximum of two probe cycles is permitted; however, in three of the 11 (27.3%) relevant West Vancouver incidents in which the CEW was used in probe mode, the CEW was cycled three or more times.

²⁹⁰ Current policies often address this area.

²⁹¹ That is, incidents that occurred after the policy was implemented.

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Oak Bay's (May 2002²⁹²) policy is even more definitive. It states that "if control of subject has not been obtained within five seconds after the application of the second set of darts [where first set missed or failed to work], the officer must consider the Taser to be ineffective in controlling the subject and consider another appropriate force option to gain control." Nevertheless, in one Oak Bay incident in 2004, the subject was exposed to four probe cycles.

With respect to the fifth policy area – the allowable duration of CEW deployment – policy often refers to probe cycles of five seconds or less (the allowable length of a stun application is not specifically addressed). As previously reported, in half of all probe deployment incidents, information about probe duration was not recorded. Included in the cases where duration was recorded is a Port Moody case, in which after the first probe cycle of five seconds the subject attempted to get up. A second probe cycle was triggered and the trigger of the CEW was held down (to extend the default five-second duration of the cycle) until the power of the CEW was drained. Victoria policy (since December 1998) also limits applications to five seconds or less, but in several cases this maximum was exceeded. In one case the subject was exposed to five cycles for a total of 60 seconds. In another, the CEW was discharged for 40 seconds, followed by two more applications of 20 seconds each.

The last policy area concerns actions to be taken after deployment of the CEW. Most policy in this area was introduced after the time period relevant to this project. However, Victoria CEW policy has always required that a use-of-force report or a subject behaviour report be completed whenever "the weapon was discharged to cause a motor dysfunction." In 47 of 239 (19.7%) Victoria cases where probes were deployed, the Braidwood Commission received no such report (general occurrence reports were provided).

Prior to 2008 several departments gave policy direction concerning medical attention for the subject following deployment of the CEW. However, medical attention may not be required by policy as seen in New Westminster (June 2007) policy which states:

Once subject has been controlled using the Taser, Member should make every effort to do the following, where appropriate and reasonable to do so: ...

3. Monitor the subject and contact the Provincial Ambulance Service to attend the location.

Within the applicable time frame (mid-2007 to year end) there were eight incidents in New Westminster, including two probe deployments and one stun deployment. The ambulance service was not called in any of these cases.

Current Transit Authority (GVTAPS) policy (effective May 2007) states:

Every time a Taser has been deployed, the Member responsible for the deployment will:

1. Notify Emergency Health Services (EHS) to attend, if the deployment was successful, and have EHS personnel determine if the subject should be transported to a hospital...

In one of four relevant cases, the GVTAPS member did not call for the attendance of EHS.

292 This language is not in Oak Bay's current policy; however, it is not known when the newer policy came into effect, as it is not dated.

Public Complaints Related to Police Use of CEWs

At the request of the Braidwood Commission, the BC Office of the Police Complaint Commissioner (OPCC) provided information about public complaints it had received about police use of CEWs during the period 2001 through 2007. Based on this information there were 37 public complaints arising from incidents in which CEWs were alleged to have been used by police. Table 23 below presents the number of complaints per agency along with the disposition of the complaint.

From 2001 through 2007 no complaints were filed in relation to CEW use in Central Saanich, Nelson, or Port Moody.

The OPCC determined that no CEW was involved in five of the 37 incidents – that is, no CEW was present during the incident. The remaining 32 incidents represent 2.3 per cent of the 1,404 CEW incidents.

Table 23: Public Complaints Related to Police Use of CEWs by Agency, 2001 to 2007

Agency	Number of CEW Use Incidents	Number of Complaints		Disposition of Complaint						
		#	%	Withdrawn	No CEW Present	Unsubstantiated	Substantiated	Dismissed	Informally Resolved	Unresolved Open File
Abbotsford	97	3	3.1		1	1				1
Delta	45	1	2.2			1				
New Westminster	195	1	0.5			1				
Oak Bay	7	1	14.3					1		
Saanich	43	6	14.0	2		1			3	
Vancouver	297	8	2.7		2	4	1			1
Victoria	678	15	2.2		2	4		6	2	1
West Vancouver	19	2	10.5			1		1		
Total	1381	37	2.7	2	5	13	1	8	5	3

According to the OPCC only one complaint (3.1% of 32 complaints) of excessive use of the CEW was substantiated and the officer involved was subsequently suspended without pay for three days. Thirteen (40.6%) complaints were determined to be unsubstantiated by the OPCC and eight (25%) were summarily dismissed. Five complaints (15.6%) were informally resolved and two (6.3%) were withdrawn by the complainant. Three (9.4%) files are not yet resolved and remain open.

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Of the 32 relevant incidents, police report(s) relating to 14 incidents were provided to the Braidwood Commission. In 18 cases, although it appears that a CEW was involved, no CEW incident report was provided to the Braidwood Commission by the police agency involved.

In relation to RCMP CEW use in BC, the Commission for Public Complaints Against the RCMP (CPC) reported that during the period from 2001 through the end of January 2008, 95 complaints (representing 6.5% of the 1,466 RCMP CEW incidents) originating in “E” Division were lodged with the CPC. It is unknown how many of these complaint incidents are included among the 1,466 RCMP CEW incidents. Nationally, the CPC’s “mini-audit comparing public complaints lodged with the Commission versus the existence of a Form 3996” (the RCMP’s Incident Information report) found that “68% of the Commission’s deployment complaints could not be accounted for” in the RCMP incident database.²⁹³

Conclusions

In the ongoing debate about police use of conducted energy weapons, the value of the weapon is often justified by both the police and the public based on its perceived usefulness as a less lethal alternative to deadly force. However, this review of CEW incidents indicates that CEWs are very often used in circumstances in which deadly force is not a legal option. While many incidents do involve a subject whose behaviour is “assaultive” (which the National Use of Force Framework defines as including aggressive body language such as glaring and clenching fists), very few incidents involve actions intended to or likely to cause grievous bodily harm or death to anyone – that is, actions that would legally justify the use of deadly force. In fact, in only one in 20 incidents did police establish a “lethal overwatch” by drawing their firearms prior to using the CEW.

Many incidents also involve resistance that is no more than “active,” which includes any physical resistance to police control, including fleeing from police. CEWs have also been deployed in situations that involve “passive” resistance to police direction, implying that in those cases the weapon was used as a “come-along” tool to encourage compliance with police commands. Notably, in nearly one in 10 cases, the subject was not arrested following use of the CEW.

The central question is: what is an appropriate threshold for use of the CEW? In this respect clear policy direction is essential to prevent the slow expansion of circumstances considered acceptable for use of the weapon. Review of departmental policy indicates that police have very broad latitude and discretion in determining when CEW use is allowable. While policy must not overly curtail police judgment of the appropriate use of force, policy must acknowledge that some circumstances do not justify the use of the CEW.

The contention that equipping police with CEWs reduces injuries to police and suspects is open to debate.²⁹⁴ There is no doubt that the CEW itself can cause injury to the suspect. As well, the deployment of the CEW does not preclude injuries to suspects and police sustained during the “take down” of a suspect during or following use of the CEW. Nor does CEW use ensure that other force options won’t be needed. In one-third of cases, probe deployment of the CEW was ineffective in subduing a subject. In these cases, the risk of injury has not been reduced.

293 Commission for Public Complaints Against the Royal Canadian Mounted Police, *RCMP Use of the Conducted Energy Weapon (CEW): Final Report* (Ottawa: The Commission, 2008).

294 See Gilbride, Bridget, “The Relationship Between the Use of Conducted Energy Weapons by Law Enforcement Agencies and Harm Reduction to Officers and Suspects,” (August 29, 2008). Internal Braidwood Inquiry research paper.

Once the CEW has been deployed, successfully or not, additional use of the weapon is not uncommon. In total 422 (30.1% of all 1,404 cases, or 38.5% of the 1,096 cases where stun or probe mode was used at least once) subjects were exposed to multiple stun applications, multiple probe cycles, or both. A better understanding of the safety of such use is needed.

This review of CEW incidents involving independent police agencies in BC was a complex and very labour-intensive undertaking. The results provide a much better understanding of CEW use in BC than has ever been available before. However, the picture is still incomplete. In several areas basic information about the incident could not be determined from the police report(s). Subject characteristics such as age, gender, and size, as well as CEW use characteristics such as the mode of deployment, the location of the subject's body targeted by the deployment, distance to subject of probe deployment, and the duration of probe cycles need to be recorded in a more systematic and comprehensive way. In addition, the comparison of incident reports provided to the Braidwood Commission with CEW complaints filed with the Office of the Police Complaint Commissioner indicates that more CEW incidents have occurred than have been included in this review.

Finally, information about the characteristics of CEW incidents needs to be accessible without resorting to manual methods. A single, uniform, and consistent reporting format feeding a common database structure could provide routine feedback regarding CEW usage and changes in usage patterns, and highlight policy areas in need of attention.²⁹⁵

295 For a more detailed discussion of reporting issues see Chan, Jennifer, "Police Reporting and the Conducted Energy Weapon," (August 20, 2008). Internal Braidwood Inquiry research paper.

APPENDIX 1: CEW INCIDENT FILE REVIEW CODING FORM

Note: the unit of analysis is the use of a CEW on an individual during a single event – if the CEW is used on two subjects during one event, it will be counted as two incidents and should be assigned two case numbers and recorded on two coding forms.

Case Number [_ _ _ _]

Date of Incident (code Year, Month, Day) [_ _ _ _ _]

Time of Day of Incident 1=day (6am-6pm) 2=night (6pm-6am) [_]

SUBJECT CHARACTERISTICS

Age (in years) [_ _]

Gender 1=male 2=female 3=unknown [_]

Physical Size 1=small 2=medium 3=large [_]

Race/Ethnicity (specify) [_____]

1=Caucasian 2=Aboriginal 3=Asian 4=South Asian 5=Black 6=Other 7=Middle Eastern 8=Hispanic

History of mental illness (known to police prior to incident) 1=yes [_]

History of violence (known to police prior to incident) 1=yes [_]

Preexisting medical conditions (e.g., pregnancy, heart disease, epilepsy, diabetes) [_]

If yes, specify 1=yes 2=no [_]
[_____]

TYPE OF INCIDENT TO WHICH POLICE RESPONDED

1. Domestic disturbance/violence
2. Suicide attempt/threat/self-injurious behaviour
3. Violence or threatened violence to others (fight)
4. Drug/alcohol intoxication
5. Disturbance
6. Robbery
7. Homicide
8. Person with gun
9. Person with knife
10. Break and enter
11. Destruction of property
12. Officer assist
13. Barricade
14. Serve warrant
15. Psychiatric disturbance/emotionally disturbed person (EDP)/"mental male"
16. Mental health/forensic psych worker assist

- 17. Public assist
 - 18. Assault (includes sex assault)
 - 19. EHS/paramedics assist
 - 20. Members on patrol observe infraction or are approached by subject
 - 21. Hit and run (MVA)
 - 22. Investigate drug offence
 - 23. Home invasion
 - 24. Trespassing
 - 25. Impaired driving
 - 26. Mischief
 - 27. Theft
 - 28. MVA
 - 29. Suspicious person(s)
 - 30. Motor vehicle theft
 - 31. Child welfare assist (apprehension)
 - 32. Possession of stolen property 99=unknown
 - 33. GVTAPS assist
 - 34. Incomplete 911 call
- Incident Type #1
 Incident Type #2

LOCATION OF INCIDENT

- 1. Residence
 - 2. Hotel/SRO
 - 3. Street
 - 4. Public building
 - 5. Bar/Club
 - 6. Other business
 - 7. Hospital
 - 8. Beach/Park/Playing field
 - 9. Transit bus
 - 10. Police station
 - 11. Police cells
 - 12. Sky Train station/platform
 - 13. Ambulance
 - 14. Bushes 99=unknown
 - 15. Outside bar/club
 - 16. Parking lot/Underground parkade
 - 17. Other health care facility
-

SUBJECT BEHAVIOURS/ACTIONS (As observed by members on scene)
 (code 1 if present during incident, prior to use of CEW))

- Cooperative/compliant to directions
- Passive Resistance (refusal with little or no physical action, to cooperate; refusal to show hands)
- Agitated
- Pacing

APPENDIX G

- Yelling
- Smashing property
- Verbally abusive/verbal threats/verbal aggression
- Alcohol/Drug intoxication
- Symptoms of “excited delirium”
- Symptoms of drug induced psychosis
- Symptoms of drug overdose
- Active Resistance (non-assaultive physical action to resist; e.g., pulling away)
- Assaultive (attempts to apply or applies force to any person; kicking, punching, threatening acts or gestures, aggressive body language, “pre-assault cues”)
- Violence/threatened violence to police
- Violence/threatened violence to self
- Violence/threatened violence to others
- Threatened suicide by cop scenario
- Grievous bodily harm or death (actions intended to or likely to cause GBH or death; assault weapon weapon, actions that would result in serious injury to any person; actions warrant use of deadly force)
- Officer assaulted

WEAPONS

- Armed subject 1=yes
- Type of weapon: (code 1 if present)
 - Firearm
 - Edged (knife, glass, scissors)
 - Blunt force (bat, hockey stick, pipe, hammer)
 - Pointed (needle, fork, pickaxe)

NATURE OF CEW DEPLOYMENT

- Warning/Challenge issued 1=yes 2=no 3=uk
- Display only/compliance (presence, display, “spark”, laser sight) 1=yes 2=no 3=uk
 - Number of display only presentations []
 - Display only order (in relation to CEW use, 1st, 2nd, 3rd) []
 - Display only – Effective? 1=yes 2=no 3=ultimately 4=temporarily
- Stun Deployment (drive stun, push stun, contact stun) 1=yes 2=no 3=uk
 - Number of stun deployments (code 99 for unknown) []
 - Stun deployment order (in relation to CEW use, 1st, 2nd, 3rd, etc.) []
 - Location on subject’s body (specify; if multiple deployment list in order)
 - [_____]
 - [_____]
 - [_____]
 - Stun – Effective? 1=yes 2=no 3=ultimately 4=temporarily
- Probe Deployment 1=yes 2=no 3=uk

Number of probe deployments/cycles (code 99 for unknown)

Probe deployment order (in relation to CEW use, 1st, 2nd, 3rd)

Probe deployment distance (in feet, if multiple deployments list in order) 1st
 2nd
 3rd

Probe deployment duration (in seconds; if multiple deployments list in order) 1st
 2nd
 3rd

Location on subject's body (specify; if multiple deployments list in order)

Subject in vulnerable position (e.g., roof, tree, open window) 1=yes 2=no 3=uk

Probe – Effective? 1=yes 2=no 3=ultimately 4=temporarily 5=uk

If ineffective, why? 1=miss 2=technical problem 3=poor conduction 4=uk

If probe darts embedded in skin, who removed them?
 1=police 2=PAS 3=hospital physician 4=uk 5=N/A 6=subject

If CEW was used in any mode, what model of CEW was used?
 1=Taser M26 2=TaserX26 3=Unknown

Was CEW used in stun or probe mode against bare skin?
 1=yes

USE OF OTHER FORCE OPTIONS

Verbal intervention: before CEW use 1=yes
 (dialogue) during CEW use 1=yes
 after CEW use 1=yes

“Soft” physical control: before CEW use 1=yes
 (arm & wrist locks, hands during CEW use 1=yes
 on force to pressure points) after CEW use 1=yes

“Hard” physical control: before CEW use 1=yes
 (open & empty hand strikes, during CEW use 1=yes
 punches, kicks to target areas) after CEW use 1=yes

OC/Pepper spray warning: before CEW use 1=yes
 (presence, display) during CEW use 1=yes
 after CEW use 1=yes

OC/Pepper spray use: before CEW use 1=yes
 during CEW use 1=yes
 after CEW use 1=yes

Baton use: before CEW use 1=yes
 (ASP) during CEW use 1=yes
 after CEW use 1=yes

APPENDIX G

Bean bag shotgun use:	before CEW use	1=yes	<input type="checkbox"/>
	during CEW use	1=yes	<input type="checkbox"/>
	after CEW use	1=yes	<input type="checkbox"/>
ARWEN gun use: (flexible baton)	before CEW use	1=yes	<input type="checkbox"/>
	during CEW use	1=yes	<input type="checkbox"/>
	after CEW use	1=yes	<input type="checkbox"/>
Dog Warning (presence)	before CEW use	1=yes	<input type="checkbox"/>
	during CEW use	1=yes	<input type="checkbox"/>
	after CEW use	1=yes	<input type="checkbox"/>
Dogs:	before CEW use	1=yes	<input type="checkbox"/>
	during CEW use	1=yes	<input type="checkbox"/>
	after CEW use	1=yes	<input type="checkbox"/>
Firearm warning: (display; "lethal overwatch")	before CEW use	1=yes	<input type="checkbox"/>
	during CEW use	1=yes	<input type="checkbox"/>
	after CEW use	1=yes	<input type="checkbox"/>
Firearm use:	before CEW use	1=yes	<input type="checkbox"/>
	during CEW use	1=yes	<input type="checkbox"/>
	after CEW use	1=yes	<input type="checkbox"/>
Restraints: (handcuffs, zip straps, hobble, hogtie)	before CEW use	1=yes	<input type="checkbox"/>
	during CEW use	1=yes	<input type="checkbox"/>
	after CEW use (includes "taken into custody")	1=yes	<input type="checkbox"/>
Highest level of restraint applied (specify)			<input type="text"/>

INJURIES

Injuries to police	1=yes	2=no	3=unknown	<input type="checkbox"/>
If yes, note severity	1=minor	2=serious	3=unknown	<input type="checkbox"/>
If yes, specify nature of injury	<input type="text"/>			
Injuries to subject (related to CEW use)	1=yes	2=no	3=unknown	<input type="checkbox"/>
If yes, note severity	1=minor	2=serious	3=unknown	<input type="checkbox"/>
If yes, specify nature of injury	<input type="text"/>			
Injuries to subject (unrelated to CEW use)	1=yes	2=no	3=unknown	<input type="checkbox"/>
If yes, note severity	1=minor	2=serious	3=unknown	<input type="checkbox"/>
If yes, note:	1=injuries present prior to police arrival 2=injuries self-inflicted during incident 3=injuries sustained during arrest 4=unknown when injuries sustained (before or during arrest)			<input type="checkbox"/>

