

February 3, 2009

*Office of the Provincial  
Advocate for Children and  
Youth*



*Bureau de l'intervenant  
provincial en faveur des  
enfants et des jeunes*

## **USE OF CONDUCTED ENERGY WEAPONS (TASERS) on CHILDREN AND YOUTH**

In the summer of 2008, a young person contacted the Office of the Provincial Advocate for Children and Youth (the "Advocate's Office") to raise a concern that she had been "tasered" while in a police holding cell. Her father filed a complaint about this incident according to the complaints procedure of the **Police Services Act**. The Professional Standards Bureau of the Police Service in question investigated the father's complaint that his daughter had been "tasered without justification", and the complaint was deemed "unsubstantiated". After listening to the young person and thoroughly reviewing the facts, the Advocate's Office has decided to raise public concern about the use of conducted energy weapons (CEW's) on young people.

The Advocate's Office believes the use of CEW's may be appropriate in situations where there is a risk of death or grievous bodily harm but not as a tool to be used in order to gain compliance. Furthermore, it is the contention of the Advocate's Office that it is on this basis - as an alternative to the use of deadly force - that Canadian authorities initially accepted and approved of this device. That the CEW is often being employed in other situations has been referred to as "usage creep" in public debates and writings about this issue. A 2005 report by the Canadian Police Research Centre, which can be found on the website of TASER INTERNATIONAL, explicitly acknowledges that the use of CEW's has been expanded beyond what was initially intended:

*"Originally, the [CEW's] were developed in an effort to provide "less lethal" use of force option to police when faced with incidents that might otherwise require a lethal use of force option. At the time, this is how the devices were marketed to the public, the media, civilian oversight bodies and "watch dog" groups-as replacements for lethal force...however, it is a common misconception that [CEW's] are only used when an incident would require lethal force..."*

Our first concern in this incident relates to the 'proportionality' of the response by police. This is a situation in which a young person was securely contained in a court holding cell. Although she was lying on a cot sporadically peeling paint off the wall with her fingernails, there is nothing to suggest she posed any danger to herself or others at the time police chose to enter the cell.

Secondly, there are also serious questions about the safety of CEW's. By mid September 2008, media reports indicated there had been 22 deaths in Canada proximal to CEW use. In May 2008 an editorial in the Canadian Medical Association Journal called for "new and independent research, both epidemiologic and biological, into whether tasers can kill".

Given the issues of “usage creep” and the potential safety risks associated with the use of CEW’s, the Advocate’s Office is very concerned about the use of CEW’s on young people. The case being referred to today is not an isolated occurrence and there have been reports in the media that CEW’s have been deployed on people under the age of 18 in Ontario, Alberta, Nova Scotia, Winnipeg and Manitoba. According to the *Final Report of the Commission for Public Complaints Against the Royal Canadian Mounted Police* with respect to the Use of Conducted Energy Weapons (2008), there were 90 reports of CEW deployment by the RCMP on people under the age of 16 between December 2001 and January 2008.

Finally, the Advocate’s Office is concerned about oversight. In Ontario, there is little transparency around the use of CEW’s. We do not know how often they are used on young people or under what circumstances.

The use of CEW’s in Ontario is a matter for public concern. They are being used on children and young people in situations where there is little risk of death or grievous bodily harm. Respected medical authorities have recommended further study into the safety risks of these devices. A number of people have died in Canada after incidents in which a CEW has been used.

As the result of these concerns, the Ontario Provincial Advocate for Children and Youth has written to the Minister of Community Safety and Correctional Services to request **a moratorium on the use of Conducted Energy Weapons (“Tasers”) on children and youth until independent and sufficient research into the safety of these devices has been completed, except for situations in which lives are in danger and the only alternative is the use of deadly force or a gun.**

***For more information contact the  
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