

Manitoba man sues RCMP over Taser use

Last Updated: Wednesday, November 21, 2007 | 2:42 PM CT

[CBC News](#)

RCMP in Manitoba are being sued by a former soldier with various mental disorders who says officers used a Taser on him while he was handcuffed.

Matthew Gray, 45, a retired soldier who lives in Portage la Prairie, Man., has post-traumatic stress, bipolar and anxiety-panic disorders, he told CBC News.

In June 2003, he wanted to be admitted to a mental-health facility, so he called a hospital psychiatric ward for help. Fearing he might be a danger to himself, the hospital called RCMP, who were dispatched to assist.

There was some confusion over whether Gray's committal to hospital would be voluntary or involuntary, and RCMP say he became violent and aggressive and a scuffle ensued.

RCMP documents indicate Gray was handcuffed at his own request and a Taser was used on him twice in the hospital. After he was given sedatives, the Taser was used again — more than once — during an ambulance ride to another hospital in Winnipeg.

An RCMP weapon-use report filed in court says Gray became "extremely aggressive" in the ambulance and freed himself from some restraints.

"Gray looked at the cuffs, flexed his legs and threw [the constable] off his legs, and then [another constable] applied the Taser in touch stun mode to Gray's back for approximately two seconds," the report says.

Officers used the Taser in the ambulance out of fear for the safety of ambulance attendants, police officers, other drivers on the road and Gray himself, RCMP said.

'No excessive use of force'

There is some dispute over how many times the Taser was used on Gray. He alleges it was used as many as eight times. The RCMP say it was four times, while hospital records indicate six.

Looking at photos of burns on his back, Gray told CBC News it's not the pain he remembers most about the incident.

"I smelled like roast beef because the burns were so long," he said.

He wonders why the Taser was used at all while he was restrained with handcuffs and, he said, as many as eight other types of restraints.

"If I'm already restrained in handcuffs, I'm no longer a threat," he said.

He filed a lawsuit in 2005 against the RCMP for violating his civil rights, seeking unspecified damages. He has also filed a complaint with the RCMP complaints commission.

In its statement of defence, the RCMP denied the allegations.

RCMP say Gray asked for the Taser to be used the first time, when other efforts to calm him didn't work. Gray doesn't dispute that, but said the Taser didn't ease his agitation, yet officers continued to use it.



Matthew Gray says Mounties used Tasers on him numerous times over several hours in June 2003. RCMP say Tasers were used several times, but deny their use was excessive. (CBC)

Manitoba man sues RCMP over Taser use

In its official response to his complaint, the RCMP defended its officers.

"It is clear that the Taser was not an excessive use of force. Verbal commands, handcuffs and — in your case — medication was not enough to control your violent outbursts," said response documents.

"When you experienced a violent outburst, two RCMP members could not control your behaviour and the Taser was used to stop you from harming yourself or others."

More training needed?

Nicole Chammartin, an advocate with the Canadian Mental Health Association, said police don't always know how to properly deal with people with mental illnesses.

"We need to ensure that all of society — and especially those entrusted to serve and protect — have a good foundation and education on what people with mental health issues are experiencing, how that may look and how to best approach them," she said.

RCMP in Manitoba won't comment on this case because it's before the courts.

But RCMP in Vancouver say it's not against their policy to use a Taser on someone who is already restrained because handcuffs don't necessarily stop someone from attacking them in other ways.

Officers have sufficient training to deal with the mentally ill, RCMP said.

Gray hopes his case will help change the way police deal with people like him.

"Train the officers to deal with this. You have gang units. Why don't you have units to help people like me, who have disorders that need help to be controlled and contained properly without no one getting hurt?" he said.

"Tasers work. Tasers are a good, non-lethal weapon. I would never say that Tasers should not be used by the police. What I am saying is that I haven't met an officer properly trained in the use of one yet."

A judge will hear a motion in Gray's case next week.



Matthew Gray's back shows marks he says are burns from RCMP Tasers used on him in June 2003.
(Matthew Gray)