



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

District Officer
Southeast District Headquarters
2611 Norris Road
Kelowna, BC V1X 7M1

Commission for Public Complaints Against the RCMP
Attention: Mr. Paul Kennedy
Bag Service 1722 Station B
Ottawa, Ontario
K1P 0B3

Your File - Votre référence

PC-2007-1192

Our File - Notre référence

2008-2392

2008-7171 ("E" Div PSU)

Date

November 14th, 2008

Dear Mr. Kennedy:

This letter is in reference to the public complaint, dated May 9th 2008, you initiated into the conduct of the RCMP members involved in the subduing of Mr. Frank Lasser, an 82 year old man in a hospital in Kamloops, BC, on May 3rd, 2008 by using a Conducted Energy Weapon. The investigation is now complete and I am now in a position to respond to your complaint.

Background Information:

In the early morning hours of May 3rd, 2008 Mr. Frank Lasser, while a patient at the Royal Inland Hospital, was struck by a Conducted Energy Weapon deployed by a member of the Kamloops RCMP Detachment. Three Kamloops Detachment RCMP members were responding to a 911 call received from Royal Inland Hospital staff about a patient, namely Mr. Frank Lasser, preventing Royal Inland Hospital staff from examining a patient and threatening Royal Inland Hospital staff with a knife.

Because of the public concern, as to the degree and type of force used by the RCMP members in this incident, you concluded that reasonable grounds existed to support an investigation of the RCMP members' actions and an investigation into the existing RCMP policies, procedures and guidelines pertaining to these types of incidents.

Your complaint was forwarded to "E" Division Professional Standards and then assigned to an investigator from "E" Division Commercial Crime Section (Kelowna, BC). The investigation is now complete and I have reviewed the report containing the information collected during this investigation. The conclusions contained in this letter are based on this collected information.

Summary of Incident:

In the early morning hours of May 3rd, 2008 a nurse was checking a patient in room 320 at the Royal Inland Hospital. This is a two patient room with one of the patients being Mr. Frank Lasser. While about to check the second patient, the nurse noted Mr. Frank Lasser with a pocket knife that had an extended blade. The nurse attempted to pick up the knife but before she could, Mr. Frank Lasser grabbed the knife and made threatening gestures towards her. Mr. Frank Lasser is a 8two year old male.

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The nurse backed out of the room, however, prior to leaving the room, Mr. Frank Lasser commented that the other patient was dead. Mr. Frank Lasser stated this in a neutral manner not indicating that he had any involvement with that patient's situation or giving any basis for his statement. Royal Inland Hospital security was called and attended. A Royal Inland Hospital security guard tried to disarm Mr. Frank Lasser but was unsuccessful. Mr. Frank Lasser made threatening gestures and statements toward the security guard and would not allow any Royal Inland Hospital staff to enter the room. The security guard requested that the RCMP be called.

At approximately 0545 hrs. Southeast District Operational Communications Center received two 911 calls from the Royal Inland Hospital about a male patient with a knife. As a result of these calls, Constables Michaud, Prieur and Tugnum responded to the dispatch and attended at the Royal Inland Hospital. Constables Doer and McDONALD attended at Royal Inland Hospital a short time after the other constables attended, but had little or no involvement in the incident that followed.

The attending RCMP were made aware of the urgency for a nurse to check the second patient in Mr. Frank Lasser's room and Mr. Frank Lasser's reaction to the nurses and the security guard's attempts to enter Mr. Frank Lasser's room. The RCMP members at scene attempted to persuade Mr. Frank Lasser to give up or drop the knife. However, Mr. Frank Lasser refused to do so. Mr. Frank Lasser had phoned the Operational Communications Center at the time of the incident on a cell phone and the Operational Communications Center operator attempted to persuade Mr. Frank Lasser to put down the knife as well.

The RCMP discussed various options to deal with the situation and the decision was made to use a large, approximate six foot, food tray cart to ram Mr. Frank Lasser. The food tray cart would act as a shield protecting the RCMP members as they approached Mr. Frank Lasser and it was anticipated the ramming would cause Mr. Frank Lasser to drop the knife or the RCMP would be able to retrieve the knife before Mr. Frank Lasser picked up the knife.

Mr. Frank Lasser was rammed with the food tray cart but when the RCMP members came around each side of the food tray cart, Mr. Frank Lasser was still holding the knife in his hand. Mr. Frank Lasser was half sitting on his hospital bed and half standing and was twisting around and moving towards Constable Tugnum as if he was about to stab Constable Tugnum. Constable Michaud, fearing death or grievous bodily harm against Constable Tugnum, deployed the Conducted Energy Weapon once striking Mr. Frank Lasser. Mr. Frank Lasser dropped the knife and the RCMP were able to take control of the situation and hand the matter over to the Royal Inland Hospital nursing and security staff.

Summary of Investigation:

Allegation #1: whether the RCMP members involved in the events on May 3rd, 2008 in Kamloops, BC, where 82 year old Frank Mr. Frank Lasser was allegedly subdued with the use of a conducted energy weapon, complied with all appropriate policies, procedures, guidelines and statutory requirements;

The investigation of the first allegation involved interviewing all employees of Royal Inland Hospital that witnessed parts or all of the incident and interviewing all RCMP members that witnessed all or part of the incident; including the three identified subject members and interviewing Mr. Frank Lasser. The investigation included reviewing the audio recordings of the 911 calls received by the

Southeast District Operational Communications Center as a result of this incident and reviewing the audio recordings of RCMP members being dispatched to Royal Inland Hospital and reviewing the audio recordings between Operational Communications Center and Mr. Frank Lasser. The investigator also obtained the downloaded information from the Conducted Energy Weapon. Photos of room 320 and Mr. Frank Lasser's knife were taken.

Summaries of interviews with the Royal Inland Hospital staff

This incident started when Ms. Bowers, a nurse, entered Mr. Frank Lasser's hospital room.

Ms. Bowers stated that she was scared of Mr. Frank Lasser's actions and is of the opinion, that had she tried grabbing the knife from Mr. Frank Lasser, he would have harmed her with the knife. Because of his age, she was concerned about Mr. Frank Lasser being a target of a Conducted Energy Weapon, however, she was also concerned about the safety of the other patient, the staff and the RCMP. Therefore she believes that the RCMP were correct in using the Conducted Energy Weapon against Mr. Frank Lasser. Ms. Bowers believes that had some other technique been used by the RCMP it was very possible it could have resulted in Mr. Frank Lasser having a broken hip or some other broken bone. She does not understand how Mr. Frank Lasser came to possess the knife but believes that it was part of his personal effects when he was admitted into Royal Inland Hospital.

Mr. Larocque was the Royal Inland Hospital security guard who attended at room 320. Mr. Larocque has worked for 10 years as Royal Inland Hospital security. At approximately 0530 hrs. on May 3rd 2008 Mr. Larocque received an urgent call from Royal Inland Hospital switchboard to call the nursing station on 3 west in Royal Inland Hospital. Mr. Larocque called the nursing station on 3 west and the nurse reported to him that a patient in a room had a knife and was refusing to give up the knife and the patient was threatening a nurse with the knife.

Mr. Larocque stated the RCMP discussed different options to deal with the situation. The RCMP discussed using pepper spray but the concern was raised that the pepper spray would be distributed throughout parts of the Royal Inland Hospital through the ventilation system. This would be a danger to other patients in Royal Inland Hospital. Mr. Larocque stated the RCMP discussed using garbage can lids or food trays as shields, however, they settled on using a large metal food tray cart as a shield to rush Mr. Frank Lasser. Mr. Larocque stated the RCMP warned Mr. Frank Lasser that they would use the Conducted Energy Weapon if he did not relinquish the knife. Mr. Larocque stated the RCMP pointed the Conducted Energy Weapon at Mr. Frank Lasser and even when Mr. Frank Lasser saw the red dot on his chest he refused to hand over the knife.

Mr. Larocque stated that if Mr. Frank Lasser had the opportunity Mr. Frank Lasser would have harmed him, the nursing staff or the RCMP. It is his opinion that the RCMP acted properly and if the RCMP had not deployed the Conducted Energy Weapon someone might have been injured. Mr. Frank Lasser stated that the RCMP acted calmly throughout the incident. Mr. Larocque had no dealings with Mr. Frank Lasser prior to this incident, however, on the following night he was involved in another incident with Mr. Frank Lasser when Mr. Frank Lasser grabbed a nurse and bent her glasses, however, the RCMP were not contacted. Following this latter incident, the Royal Inland Hospital staff placed Mr. Frank Lasser in restraints.

Ms. Wilson was one of the nurses working with Ms. Bowers when this incident happened. Ms. Wilson has been employed by Royal Inland Hospital since 1996. Ms. Wilson was in the staff room when Ms. Bowers came in to advise the staff what had happened and that she (Ms. Wilson) may

be needed. Ms. Bowers told Ms. Wilson that one of her patients had a knife and that security was present and had tried to retrieve the knife from the patient but was unsuccessful.

Ms. Wilson stated that under the circumstance she did not know what else the RCMP could have done to get Mr. Frank Lasser to back off and that under the circumstances security did not have any choice but to call the RCMP.

Based on her experience and training, Ms. Wilson concludes that generally persons suffering from a lack of oxygen would sometimes become agitated and confused, however, Ms. Wilson is not convinced that Mr. Frank Lasser's actions were as a result of a shortage of oxygen. Her reasoning for this is that this incident on May 3rd wasn't the first nor last time Mr. Frank Lasser was violent in a hospital setting. Furthermore Mr. Frank Lasser's oxygen saturation came up very quickly.

Ms. Gri believed that the actions taken by the RCMP with Mr. Frank Lasser were appropriate. As previously stated, Ms. Gri was concerned about the patient in the bed next to Mr. Frank Lasser. Mr. Frank Lasser would not allow the RCMP or anyone into the room to check this other patient and there was no way of getting around Mr. Frank Lasser as he was threatening the RCMP with the knife. Ms. Gri doesn't believe that there was much else that there RCMP could have done.

Ms. Tremblay was one of the nurses working with Ms. Wilson at the time of the incident. Ms. Tremblay was in the staff room with some other nurses when around 0530 hrs. Ms. Bowers came into the staff room and advised the nurses that she was dealing with a situation and that she may be needing their help. Ms. Tremblay and some of the others got up and went to room 320 that was near the nursing station.

Ms. Tremblay is of the opinion that the RCMP acted with the best interest of the nurses, of the patient and of the other patient in the room and of themselves. Ms. Tremblay initially thought why hadn't the RCMP talked to Mr. Frank Lasser more to de-escalate the situation or why the RCMP hadn't tried some other non violent means. However, upon reflection, Ms. Tremblay stated, that because of the seriousness of the situation, she believes the RCMP did what they had to do, especially considering the situation with the other patient in Mr. Frank Lasser's room.

Ms. Romaniuk was a nurse working with Ms. Wilson at the time of the incident. Ms. Romaniuk was sitting in the nursing station near room 320 when Ms. Bowers and a couple other nurses walked up quickly to the nursing station requesting someone call security. Ms. Romaniuk stated the nurses said that Mr. Frank Lasser was in his room and he had a knife and Mr. Frank Lasser said Paul was dead or words to that effect. Paul being the second patient in Mr. Frank Lasser's room.

Ms. Romaniuk was involved in an incident with Mr. Frank Lasser the day prior to this incident where she stated Mr. Frank Lasser kept taking off the oxygen and getting hypoxic. During that incident, Mr. Frank Lasser was belligerent and uncooperative. Ms. Romaniuk was assisting another nurse who was trying to administer medicine to Mr. Frank Lasser using a needle. Ms. Romaniuk was holding Mr. Frank Lasser down while the other nurse was giving Mr. Frank Lasser the needle. Mr. Frank Lasser grabbed Ms. Romaniuk's arms and wrenched her thumb back and, according to Ms. Romaniuk, was "winning the battle." Ms. Romaniuk stated that with the assistance of the other large male nurse she was able to free herself from Mr. Frank Lasser.

Ms. Romaniuk also referred to another incident that she witnessed where Mr. Frank Lasser, for no apparent reason, flung a thermos full of coffee across the room against the wall. Ms. Romaniuk stated that Mr. Frank Lasser was not aiming the thermos at anyone.

Ms. Romaniuk believes that the RCMP acted appropriately. She stated that, taking into account the safety risk of the other patient in Mr. Frank Lasser's room, things needed to happen quickly and therefore she believes the RCMP acted appropriately and that they did not over react.

Ms. Cuzzetto was a nurse working with Ms. Wilson at the time of the incident. Ms. Cuzzetto was at the nursing station charting when she saw and heard Ms. Alison Bowers go to the phone and call for Royal Inland Hospital security. Ms. Cuzzetto and other Royal Inland Hospital staff asked Ms. Bowers what was going on. Ms. Bowers told them that Mr. Frank Lasser had a knife on him and was threatening. Ms. Bowers stated that she had tried to pick up the knife when she saw the knife sitting on the bedside table but Mr. Frank Lasser grabbed it first and sort of waved it at her. Ms. Cuzzetto stated that Ms. Bowers told them that she backed out of the room.

Ms. Cuzzetto stated that during the time of this incident she was concerned about her safety and the safety of other nurses and for the safety of the other patient in Mr. Frank Lasser's room. Ms. Cuzzetto stated that she doesn't know what other options were available to the RCMP under these circumstances and therefore believes that the RCMP acted appropriately in this instance.

Mr. Lutz was the second Royal Inland Hospital security guard that attended during the incident. Mr. Lutz was called by Mr. Larocque to attend at ward 3 west to assist Mr. Larocque. The request for assistance stated that there was a man with a knife. Mr. Lutz was not aware that it involved Mr. Frank Lasser.

On his way over to ward 3 west Mr. Lutz met the three RCMP officers responding to the call from Royal Inland Hospital and they all went over to ward 3 west where they met Mr. Larocque and some nurses. Mr. Lutz stated later on two other RCMP arrived at the scene but did not really involve themselves in the situation. Mr. Lutz stated due to the size of Mr. Frank Lasser's room not everyone could fit into the room.

Mr. Lutz stated that the two younger members were trying to grab the knife but Mr. Frank Lasser was very quick and was trying to cut them as they reached for the knife. Mr. Lutz stated that at this point the older RCMP member told the two others to stand back and he tasered Mr. Frank Lasser.

Mr. Lutz stated that Mr. Frank Lasser "...was moving like a teenager more than an old man." Mr. Lutz stated that the Conducted Energy Weapon was not activated for a full five seconds. As soon as Mr. Frank Lasser let go of the knife, the Conducted Energy Weapon was shut off. Mr. Lutz stated that the RCMP took control of the knife. The RCMP gave Mr. Frank Lasser fair warning prior to the deployment of the Conducted Energy Weapon. They told Mr. Frank Lasser to drop the knife or they would have to use the taser. After Mr. Frank Lasser was struck by the Conducted Energy Weapon, he believes that three RCMP members were around Mr. Frank Lasser's bed talking to him; although Mr. Lutz does not recall what the conversations were. Mr. Lutz stated that he believes that the actions of the RCMP were appropriate. Mr. Lutz left the ward prior to the RCMP leaving the ward.

Mr. Lutz stated that Mr. Frank Lasser is very quick and strong for his age. Mr. Lutz had an incident with Mr. Frank Lasser the next day where Mr. Frank Lasser displayed aggression but a knife was not involved. Mr. Lutz stated that he was assisting the nursing staff in putting Mr. Frank Lasser into restraints. Mr. Lutz stated that he was pinning Mr. Frank Lasser's arms against Mr. Frank Lasser's chest while several nurses were holding Mr. Frank Lasser's feet. Mr. Lutz stated that he weighs approximately 245 pounds and that Mr. Frank Lasser was almost picking him off the ground. Mr. Lutz stated that Mr. Frank Lasser is incredibly strong when he is in this particular state.

Summaries of the interviews of the three RCMP subject members:

Constable Tugnum is a member of the RCMP with approximately three years of service and that he was posted directly out of Depot to Kamloops, BC and he was working general duty on the night in question. Constable Tugnum was one of the three members that entered Mr. Frank Lasser's room when Mr. Frank Lasser was shot by the Conducted Energy Weapon.

Constable Tugnum stated that he did not make any notes of the incident immediately after the incident. On May 9th 2008 he made notes about this incident when he completed an occurrence report on this incident on PRIME. Constable Tugnum stated that one of the things he learned from this incident was the need to make notes. Constable Tugnum stated that since this incident, S/Sgt. GOUGHNOUR and he, addressed the need for him making detailed notes. .

Constable Michaud has approximately seven years of service with the RCMP. Constable Michaud was one of the three RCMP members that entered Mr. Frank Lasser's room and it was Constable Michaud who fired the Conducted Energy Weapon. Constable Michaud was in uniform which included wearing his Sam Browne that contained his service pistol, pepper spray, baton, handcuffs and Conducted Energy Weapon. Constable Michaud stated that he was certified to use the Conducted Energy Weapon at Quesnel, BC on November 6th 2003 and was re-certified in Kamloops, BC on September 26th 2007. Constable Michaud stated that he signed out the Conducted Energy Weapon in the Kamloops Detachment control log when he took out the Conducted Energy Weapon on May 2nd 2008.

Constable Michaud was working an 11 hour shift from 1900hrs to 0600hrs starting on May 2nd 2008 as a general duty member at Kamloops Detachment. Constable Michaud was driving back to Kamloops Detachment with Constable Prieur when a call came from dispatch stating that there was a male with a knife at Royal Inland Hospital. Constable Michaud was the only member on duty at the time that had training to use the Conducted Energy Weapon. Constable Michaud stated that Constable Tugnum also attended at Royal Inland Hospital. Constable Michaud stated that because Constable Prieur was still a recruit and because he had more service than Constable Tugnum, he took charge of the situation.

Constable Michaud feared for the safety of Constable Tugnum and therefore he shot Mr. Frank Lasser with the Conducted Energy Weapon. Constable Michaud stated while he and Constable Tugnum had gone around the right side of Mr. Frank Lasser's bed, either Constable Prieur or Constable MacDonald, went around the left side of Mr. Frank Lasser's bed. Based on his training Constable Michaud stated that they were all in the kill zone which is within 21 feet with someone with an edged weapon. Constable Michaud stated that he fired the Conducted Energy Weapon only once.

Constable Michaud stated that neither he nor the other members present at this incident were under time pressure to deal with this matter quickly. Constable Michaud stated that this happened near the end of his shift and there were no other calls to deal with before he went off shift. Throughout the whole incident, Constable Michaud tried to administer the least amount of force that was necessary to gain control of the situation but that it was necessary to disarm Mr. Frank Lasser so that they could make sure that the second patient in the room was all right. Constable Michaud called Cpl. Jones the Acting Watch Commander and informed him as to what had transpired.

Constable Prieur was working General Duty in uniform at Kamloops Detachment and was working the 1900hrs. to 0600hrs. shift when he was dispatched to the Royal Inland Hospital to deal with

a male who was armed with a knife in a room on the 3rd floor of Royal Inland Hospital. Constable Prieur stated the dispatch came in as a tone alert priority one call. Constable Prieur was one of the three RCMP members that entered Mr. Frank Lasser's room. Constable Prieur stated that Constables Tugnum, Michaud and himself were the first RCMP members to arrive on the scene. Constable Prieur was working with his trainer Constable Michaud and they were traveling in the same police vehicle. Constable Prieur has approximately 3 ½ months police experience.

Constable Prieur stated that Mr. Frank Lasser gained control of the knife and did not drop it after he was rammed. Constable Tugnum left the cover of the cart and went around the right side of the cart to the right side of Mr. Frank Lasser. Mr. Frank Lasser was sitting on his bed with his feet on the floor and twisting his upper torso as he followed Constable Tugnum around with the knife in his hand and with his elbow raised and the blade pointed downward in a stabbing motion. Constable Prieur stated that Constable Tugnum and Mr. Frank Lasser were approximately 5 feet apart when Constable Michaud used the Conducted Energy Weapon.

Constable Prieur stated that work throughout the shift had been steady and when the matter involving Mr. Frank Lasser was over he was off shift. Constable Prieur did not make any notes in his police note book about this incident. He stated his notes of the event were made some time after and they were contained in a PRIME occurrence report. Constable Prieur stated that as a result of this incident he was given a learning plan on making notes.

Summaries of the interviews with the two RCMP witnesses:

Constable Doer was working General Duty in uniform at Kamloops Detachment and was working the 1900hrs. to 0600 hrs. shift on May 3rd 2008 when she was dispatched to the Royal Inland Hospital to deal with a male who was armed with a knife and threatening staff. Constable Doer was working general duty and had her Sam Brown that contained her service pistol, handcuffs and pepper spray. Constable Doer was in Kamloops Detachment with her trainer, Constable MacDonald, when she heard the dispatch. Constables Prieur, Tugnum, and Michaud arrived at Royal Inland Hospital prior to her arrival. Constable Doer had 5 months of police service.

Constable Doer stated she and Constable MacDonald entered Royal Inland Hospital and they were directed to ward 3 west and when she arrived at this ward she saw Constables Michaud, Prieur and Tugnum in front of Mr. Frank Lasser's door and the door was open and that there were probably about five Royal Inland Hospital staff in the area behind the RCMP members. Furthermore, there were a couple Royal Inland Hospital staff in the nursing station which was about five to seven feet from where the other members and staff were standing.

Constable Doer stated that after this Constables Tugnum, Michaud, and Prieur quickly entered the room behind the food cart, using the food cart as a shield. Constable Doer saw Constables Tugnum and Michaud go around the right side of the cart while Constable Prieur went around the left side of the cart. At that point, Constable Doer heard the Conducted Energy Weapon being activated by Constable Michaud and she believes that it was on for probably two seconds striking Mr. Frank Lasser. Mr. Frank Lasser dropped the knife and the cell phone. Mr. Frank Lasser fell back onto his bed. Constable Doer stated that the Conducted Energy Weapon was only activated once.

Constable Doer stated that Constable Tugnum stood around Mr. Frank Lasser's shoulder area while Constable Michaud was at the foot of the bed and Constable Prieur was looking for the knife on the ground. Constable Doer stated that Mr. Frank Lasser calmed down and heard him say

something to the effect "that was a good buzz."

Constable Doer stated that Mr. Frank Lasser was a little confused and did not seem to understand why the police were present. At that point Constable MacDonald started asking Mr. Frank Lasser some questions, such as, "How's your breathing?" Mr. Frank Lasser requested his oxygen so one of the RCMP members requested a nurse to come in the room and connect Mr. Frank Lasser to the oxygen.

Constable Doer stated that after the nurse entered the room she was followed by one of the Royal Inland Hospital security carrying restraints. At this point Mr. Frank Lasser became upset and started yelling "Get that fat fuck away from me." Constable Doer stated that Constable MacDonald is an ex-paramedic and he assured Mr. Frank Lasser that the restraints would not be used and the Royal Inland Hospital security person left the room. At this point Constable Doer left the room and waited in the hallway for Constable MacDonald and then both left the hospital.

Constable Doer stated that from the time she arrived until the Conducted Energy Weapon was activated approximately one to three minutes elapsed. Constable Doer stated that the threat level was high and that she was concerned about the safety of the members and Mr. Frank Lasser and the other patient in the room.

Constable MacDonald was working general duty in uniform at Kamloops Detachment on the 1900 hrs. to 0600hrs. shift when at approximately 0545hrs when he and Constable Doer received a dispatch that there was a male at Royal Inland Hospital with a knife. Constables MacDonald and Doer were in the Detachment when they received the dispatch. They immediately drove to Royal Inland Hospital. Constable MacDonald was Constable Doer's trainer as Constable Doer was still a recruit at that time. Constable MacDonald stated that because it involved a man with a knife it was a high priority call. Constable MacDonald has little more than two years service in the RCMP.

Constable MacDonald stated that Constables Michaud, Tugnum and Prieur arrived at Royal Inland Hospital prior to him and Constable Doer arrival at Royal Inland Hospital. When Constable MacDonald arrived on ward 3 west he saw Constables Michaud, Tugnum, Prieur and a number of Royal Inland Hospital staff standing together. Constables Michaud and Tugnum were at Mr. Frank Lasser's door and Constable MacDonald believes that Constable Prieur was standing behind them. There was a large metal food cart in front of the RCMP members in the door. Constable MacDonald cannot remember if Constable Michaud had the Conducted Energy Weapon out of the holster or not.

It looked to Constable MacDonald that Mr. Frank Lasser grabbed the knife as they were moving in with the cart. The cart struck Mr. Frank Lasser but Mr. Frank Lasser did not drop the knife. Constable MacDonald stated that Constable Tugnum went around one side of the cart but that Mr. Frank Lasser still had the knife and that is when Constable Michaud shot the Conducted Energy Weapon striking Mr. Frank Lasser. Mr. Frank Lasser dropped the knife.

Constable MacDonald then entered the room going to the left side of Mr. Frank Lasser and holding Mr. Frank Lasser's left arm and shoulder. Constable MacDonald saw the knife on the floor and it was secured by another member. Constable MacDonald stated he and Constable Prieur assisted Mr. Frank Lasser by moving him up in his bed. Constable MacDonald stated that a nurse came in the room and re-connected Mr. Frank Lasser to the oxygen.

Constable MacDonald stated that within a very short period of time Mr. Frank Lasser became

calmer and cooperative. Constable MacDonald was a paramedic before he was a member of the RCMP and he used the knowledge gained as a paramedic in this situation. Constable MacDonald spoke with Mr. Frank Lasser so he could assess him to make sure he was not in any pain. Constable MacDonald asked Mr. Frank Lasser if he had any chest pains or how his breathing was and he spoke to Mr. Frank Lasser about what Mr. Frank Lasser used to do. Constable MacDonald stated that a Royal Inland Hospital security guard entered the room with some restraints which caused Mr. Frank Lasser to become really agitated and aggravated; saying "Get that fat fuck outta here."

Constable MacDonald stated that as soon as the security guard left the room Mr. Frank Lasser calmed down again. Mr. Frank Lasser asked Constable MacDonald if he had been tasered and Constable MacDonald stated that he had. Constable MacDonald cannot remember all the statements that Mr. Frank Lasser made but he made statements to the effect "I'm surprised, I'd be better off dead or I'm surprised I'm not dead or that I didn't get shot or you should of shot me." Constable MacDonald did not check the other patient in the room but he was told that this patient was fine and had slept through the whole incident. There were many people in Mr. Frank Lasser's room so he and Constable Doer left the room.

Summary of interview with Mr. Frank Lasser:

Frank Mr. Frank Lasser stated he was admitted to Royal Inland Hospital and was in the hospital for approximately ten days. Mr. Frank Lasser stated that prior to being admitted into the hospital and after he was released from the hospital, he knew exactly what he was doing and everything else, but his recollection of his stay in the hospital was vague. Mr. Frank Lasser stated that he had been admitted into the hospital quite a few times and that he has never had any problems with any staff or with anybody in the hospital. Mr. Frank Lasser stated the incident on May 3rd 2008 was the first time there was a problem. Mr. Frank Lasser stated that the problem started off when he was given a drug and after he was given this drug "everything went haywire."

Mr. Frank Lasser stated that there was another patient in his hospital room with him on the night of this incident. Mr. Frank Lasser he recalls trying to talk to this patient but he does not remember whether this patient responded to him. Mr. Frank Lasser does not recall if this patient said anything during this incident. Nor does Mr. Frank Lasser recall telling the nurse that this patient was dead.

Mr. Frank Lasser had his knife out and he thinks that one blade was extended. Mr. Frank Lasser stated that at one point he had the knife out to cut something but on another occasion he stated that he does not remember why he had the knife out. Mr. Frank Lasser recalled two hospital security guards standing by the door to his room but does not remember if he made any gestures towards the security guards with the knife. Nor does Mr. Frank Lasser recall the hospital security guard using any kind of apparatus to try to remove the knife.

Mr. Frank Lasser does not remember any conversation he had with hospital security but stated that hospital security wanted the knife from him. Mr. Frank Lasser stated that when he was dealing with the security guard he was either sitting on the bed or laying on the bed. Mr. Frank Lasser thinks he had his clothes on at this time. Mr. Frank Lasser does not know whether he had a cell phone in the room with him nor does he remember talking to a 911 operator.

Mr. Frank Lasser stated that three or four RCMP officers arrived at his hospital room wearing their flack jackets. Mr. Frank Lasser is not certain whether the RCMP member was a corporal or a sergeant but he was in charge and stated "We can't be bothered with this sort of thing. Let's get

out, we gotta get out on the street." This RCMP member nodded to another RCMP member and said "Do it" and that was when he was tasered. Mr. Frank Lasser stated that he thinks he was standing and then he sat on his bed and then laid down on his bed and that he was laying down in his bed when he was tasered. Mr. Frank Lasser stated he was not given any warning before the taser was shot.

Mr. Frank Lasser does not remember having any conversation with the RCMP. Mr. Frank Lasser stated that the RCMP came into his room and they were there from two to four minutes. Mr. Frank Lasser thinks that the knife was in his hand or laying down on the bed beside him when the RCMP came into his room but they did not ask him to put the knife down. Mr. Frank Lasser stated that he was not given any warning by the RCMP before he was shot with the Conducted Energy Weapon. Mr. Frank Lasser stated that he does not remember anyone pushing a six foot tall food tray cart towards him. Mr. Frank Lasser stated that as far as he knows he was tasered three times because of the three bruises on his abdomen. Mr. Frank Lasser stated it was only a couple minutes after the RCMP entered the room that he was tasered. Mr. Frank Lasser does not remember how long the RCMP were present after he was tasered as he believes he was passed out. Mr. Frank Lasser cannot remember anything until he awoke and then he realized he was being held down with restraints.

Mr. Frank Lasser stated that he was to have oxygen administered to him all the while he was at the hospital, however, when he was dealing with hospital security and the RCMP he was not receiving any oxygen. Mr. Frank Lasser stated he was given Moxifloxacin at the hospital which was a new prescription for him. Mr. Frank Lasser stated that this drug "knocked him out" causing him to use language that he would not usually use. Mr. Frank Lasser requested that he not be given Moxifloxacin and instead be given his original drug. Mr. Frank Lasser stated that as a result of returning to his original prescription everything has returned to normal. Mr. Frank Lasser attributes his actions at the hospital to the side effect of taking Moxifloxacin.

Summary of information of data from Conducted Energy Weapon:

S/Sgt. Wade from Langley RCMP Detachment conducted the data download on the Conducted Energy Weapon used by Constable Michaud. S/Sgt. WADE's report states that the Conducted Energy Weapon was working correctly and the current looked and sounded normal and the internal clock in the Conducted Energy Weapon was accurate. The download report shows that the Conducted Energy Weapon was activated for 5 seconds on May 3rd 2008 at 0537 hrs. This would have been the time it was shot at Mr. Frank Lasser. The download data shows that this Conducted Energy Weapon was previously activated for 1 second on May 2nd 2008 at 1831hrs. and was subsequently activated for 1 second on May 3rd 2008 at 1827hrs.

S/Sgt. Wade stated that this particular model of Conducted Energy Weapon is capable of being shut off when activated and it may have been shut off but that it was activated only once and that was for five seconds as shown on the download. S/Sgt. Wade's explanation of why Mr. Frank Lasser stated he was struck three times by the Conducted Energy Weapon (when the record shows it was only activated once) is that the Conducted Energy Weapon probes may have been caught in Mr. Frank Lasser's clothing and, if Mr. Frank Lasser was moving around, the movement could have caused the probes to come in contact with Mr. Frank Lasser's body on three occasions. Thus giving the feeling of being struck three times.

The investigator reviewed the Southeast District 911 calls from Ms. Bowers, Ms. Romaniuk and Mr. Frank Lasser. These 911 calls are consistent with the interviews conducted of the witnesses.

The Data logs from the Mobile Terminals in the involved RCMP Members Police Cars were reviewed and are consistent with the details stated by the members and witnesses. These show times dispatched and times of arrival to the hospital.

Other Incidents and Complaints:

Mr. Lasser was involved in other incidents at Royal Inland Hospital during this time. Although not directly related to the incident with the Conducted Energy Weapon, they do provide insight into Lasser's behavior at that time.

On May 4th 2008 Royal Inland Hospital security were called to assist the nursing staff with Mr. Frank Lasser. A nurse was assisting Mr. Frank Lasser to urinate when he became agitated and swung the urinal at the nurse and came out of his room. Royal Inland Hospital Security wrapped Mr. Frank Lasser in a blanket and escorted him back to his room where he was put into bed with PINEL restraints.

On May 5th 2008 Mr. Frank Lasser called the Operational Communications Center from Royal Inland Hospital to complain that he had been kidnaped by the church and he was being beaten so he would not testify. Subsequent investigation confirmed that Mr. Frank Lasser was a patient at Royal Inland Hospital at the time and the complaint was unfounded

Mr. Frank Lasser does not have any recollection of either of these two events. Mr. Frank Lasser states that for the month of May 2008 he does not have much recollection of what happened and he attributes this to the new drugs he was prescribed at that time. Mr. Frank Lasser states that since he has returned to his original prescription he has not had any problems with recollection.

Findings from the investigation for Allegation #1:

There is no disagreement amongst witnesses that Mr. Frank Lasser was shot by a Conducted Energy Weapon fired by Constable Michaud while Mr. Frank Lasser was a patient at Royal Inland Hospital on May 3rd 2008. The question is, were the appropriate policies, procedures, guidelines and statutory requirements complied with at the time Mr. Frank Lasser was subdued by the Conducted Energy Weapon? Before I can answer this question, I want address some of the differences as to what Mr. Frank Lasser stated happened with what other witnesses stated happened. I am not going to refer to each difference but only those that are more relevant to the issues.

There are numerous witnesses that state that Mr. Frank Lasser had a knife with an extended blade and that Mr. Frank Lasser used this knife to threaten Royal Inland Hospital staff and to prevented Royal Inland Hospital staff from entering his room to check on the medical status of the second patient in Mr. Frank Lasser's room. There are numerous witnesses that state Mr. Frank Lasser used this knife to threaten the RCMP when they responded to the 911 call. There are also witnesses that state that Mr. Frank Lasser was told to put down the knife by the RCMP and that he was warned by the RCMP that if he did not put down the knife he would be shot with the Conducted Energy Weapon. The audio recordings of the Operational Communications Center dispatching the RCMP to Royal Inland Hospital and the audio recordings of the 911 calls received by the Operational Communications Center support the information put forward by these witnesses. Furthermore, the data from the Conducted Energy Weapon support the information that Mr. Frank Lasser was only shot once by the Conducted Energy Weapon.

This is not to conclude that Mr. Frank Lasser was being deceitful in the information he gave to the investigator nor that Mr. Frank Lasser was being evasive when he could not answer all the questions put forward by the investigator. It is the opinion of the investigator that Mr. Frank Lasser was not being deceitful or evasive. To the contrary, it is the investigator's opinion that Mr. Frank Lasser was being truthful and was answering questions to the best of his ability but that Mr. Frank Lasser's recollection of what happened may have been affected by other circumstances. Furthermore, it is very possible that these other circumstances may also offer an explanation as to Mr. Frank Lasser's behavior.

The investigator is the first to admit that he is not a medical doctor. However, many of the nurses that dealt with Mr. Frank Lasser during this incident state that Mr. Frank Lasser was not receiving the appropriate oxygen supply as the oxygen tube supplying Mr. Frank Lasser with oxygen was disconnected causing him to be hypoxic. The investigator was told by some of the nursing staff that this condition could affect Mr. Frank Lasser's ability to recollect what happened. Furthermore, the investigator was told that this condition could also explain Mr. Frank Lasser's aggressive actions.

Mr. Frank Lasser, by his own admission, stated to the investigator that he believes that, not only that he was affected by the lack of oxygen but that the new medication that he was prescribed also affected his ability to remember and affected his behavior. Because of these adverse affects, Mr. Frank Lasser requested that his new medication be replaced by his original medication. When the investigator asked Mr. Frank Lasser about other incidents where the Royal Inland Hospital staff stated Mr. Frank Lasser had been violent, he had no recollection of these incidents. Mr. Frank Lasser told the investigator that he has little recollection of what happened during the month of May. Mr. Frank Lasser told the investigator that when he returned to his original medication he know longer had any problems.

This explanation from Mr. Frank Lasser and the nursing staff provides an explanation for Mr. Frank Lasser's behavior and also provides an explanation for the difference of what Mr. Frank Lasser claims happened as compared to what the other witnesses state happened. This is also consistent with the investigator's observations of Mr. Frank Lasser. During the investigation, the investigator met Mr. Frank Lasser in person and he had several telephone conversations with Mr. Frank Lasser and in all these dealings the investigator noted Mr. Frank Lasser was a civil, non-aggressive and intelligent man who was aware of his surroundings.

I agree with the investigator's opinion of Mr. Frank Lasser's truthfulness and ability to answer questions. Thus where there is disagreement between what Mr. Frank Lasser stated happened and what the other witnesses stated happened, I give more weight to the information of the other witnesses.

From the review of the information, I find that Mr. Frank Lasser threatened the Royal Inland Hospital staff verbally and with a knife and that he prevented Royal Inland Hospital staff from examining the second patient in Mr. Frank Lasser's room. I find that when the RCMP arrived at the scene they also were threatened by Mr. Frank Lasser with a knife and that he prevented the RCMP from entering the room to examine the second patient. Although it turned out that the second patient slept through the whole incident and was not harmed, I find that there was urgency to have the second patient examined because of the statement that Mr. Frank Lasser made to Ms. Bower. Furthermore, because of this urgency, the RCMP had to deal with this matter immediately. I find that anyone entering Mr. Frank Lasser's room and not leaving, as requested, faced grievous bodily harm or death.

Because of Mr. Frank Lasser's actions, the RCMP had to deal with Mr. Frank Lasser and because Mr. Frank Lasser would not allow anyone to examine the second patient and because of what he had told Ms. Bowers, there was urgency that the RCMP act in a timely manner, I find that the RCMP members at the scene explored different courses of action to deal with these circumstances prior to the deployment of the Conducted Energy Weapon. I conclude that Mr. Frank Lasser was told to put the knife down and that he was warned that if he failed to do so he faced being shot with the Conducted Energy Weapon. I agree with the decision of Constable Michaud to use the large food tray cart in an attempt to disarm him. I conclude that had Constable Michaud not shot Mr. Frank Lasser with the Conducted Energy Weapon after the failed attempt to disarm Mr. Frank Lasser that Constable Tugnum faced grievous bodily harm or death. Thus I agree with Constable Michaud's decision to shot Mr. Frank Lasser with the Conducted Energy Weapon. I find that Mr. Frank Lasser was only shot once with the Conducted Energy Weapon. I conclude that after Mr. Frank Lasser was shot by the Conducted Energy Weapon he received the appropriate medical care. I conclude that Constable Michaud was qualified to use the Conducted Energy Weapon as he had successfully completed the Conducted Energy Weapon User Course.

I find that the RCMP members involved in this incident did comply with the appropriate policies, procedures, guidelines and statutory requirements when Mr. Mr. Frank Lasser was subdued by the Conducted Energy Weapon.

Findings from the investigation for Allegation #two:

Allegation #2: whether existing RCMP policies, procedures and guidelines applicable to such an incident are adequate.

The investigation involved in this second allegation involved the investigator completing a comprehensive report of his investigation into the first allegation and forwarding it to C/Superintendent Woods. It was C/Superintendent Woods' responsibility to deal with this allegation based on the information contained in the report.

C/Superintendents Woods determined that the existing RCMP policies, procedures and guidelines were indeed adequate and were followed by the RCMP members attending the 911 call to Royal Inland Hospital.

Conclusion:

The deployment of a Conducted Energy Weapon, in any circumstance, is not something that an RCMP member finds any satisfaction in doing and the circumstances of this case makes it an even more so as they were dealing with an 82 year old person. The RCMP members involved faced a difficult situation which required a decision made in an accelerated time frame. The use of the Conducted Energy Weapon in these specific circumstances was the appropriate available use of force option. The RCMP members involved chose the right course of action after quickly assessing the situation and were able to maintain a professional and calm demeanor while in a demanding position.

As applicable the RCMP members involved in this incident were provided with operational guidance regarding the use of notebooks and the importance of making contemporaneous notes regarding any investigation they are involved in. This shortfall has been addressed at Detachment Briefings in order that all members at Kamloops are reminded and adhere to policy, procedure and guidelines related to notebooks.

Please be advised that, pursuant to Section 45.4 of the RCMP Act, I am notifying you that the investigation into your complaint has now been concluded. If you require anything further please do not hesitate to contact my office or Inspector Paul Darbyshire, Officer in Charge of "E" Division Professional Standards Unit.

Yours truly,



Don Harrison, Chief Superintendent
District Commander
South East District

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Received Date/ NOV 25 '08 8:25
At CPC OTTAWA/

