

# Video of police Taser-ing man raises serious questions

By Jennifer Pritchett, Associate Editor



A cellphone video that captures Toronto police Taser-ing a man while he was restrained and face down on the ground raises some “unsettling” questions about police conduct, says Toronto civil litigator [Sarah O'Connor](#).

O'Connor, principal of [O'Connor Richardson Professional Corporation](#), comments on the video that was posted on the [CBC](#) website after it was recorded by a bystander.

It shows police Taser-ing the man as he lay on the road near Dundas Street East and Church Street, reports the broadcaster.

The video, which is a little more than a minute long, also shows an officer kicking the man while he is on the ground and surrounded by officers. Another male officer, who is wearing a tuque, is heard saying to bystanders, “He’s going to spit in your face and you’re going to get AIDS.” The officer appears to be talking about the man being arrested.

The man is accused of assaulting a female officer while he was restrained and on the ground, says CBC.

Toronto police have since said they are reviewing the incident, says the article.

“I can tell you we will look at this,” said Mark Pugash, spokesman for the Toronto Police Service. “We look at all of our uses of force and we will look at this. We will take whatever steps are necessary based on what we come across.”

The article explains the man was not injured or taken to hospital, but the female officer received minor injuries.

“Pugash said the first Taser-ing, which a witness said happened inside a police cruiser, was an attempt that didn’t work because the man was wearing thick clothing,” says the article.

The spokesman alleged to the media that the accused was violent before the video was taken; he says the man punched a female officer, knocking her to the ground and also kicked out the window of a police cruiser. Pugash said officers are entitled to use “reasonable force” when facing violence. He explained the man was removed from the police cruiser because there was broken glass.

“He was down on the ground but he continued to bite a police officer. He had a police officer’s hand in his mouth and he was continuing to be aggressive,” Pugash said.

“The job of the officers is to use the minimum force necessary. In this case, the man displayed a continued high level of violence. Ninety per cent of what happened isn’t in that video.”

But O'Connor says this is just the latest incident in Toronto in which questions are being asked about police conduct.

She says the comment made by the officer to the bystanders is puzzling and inappropriate.

“It is potentially slander — you can’t go around accusing someone of having HIV or AIDS,” she says. “It seems as if this is a homeless man who was at a shelter when police were called and there is such a stigma around that. It’s shocking that in 2017 those types of comments are still being made by police.”

O'Connor also points to an officer in the video who threatened to seize the cellphone from the bystander who was filming the incident.

“Police aren’t permitted to take your wallet and a cellphone is no different,” she says.

The police spokesman also addressed that issue in the CBC story. Pugash said the officer who threatened to seize the cellphone will be spoken to by senior officers.

“From what I can tell, the man is far enough away,” Pugash said of the bystander.

“We’ve reminded officers many times that if someone is filming you but they are neither obstructing nor impeding you in any way, then they are entitled to keep filming. As the video goes on, the officers threaten to seize the man’s phone. They don’t have that authority. We’ve told our people, life in 2017 is people will be filming you.”

O'Connor says this incident highlights the fact “that officers just aren’t getting that message.

“Unless there is a deterrent for them, officers aren’t going to stop doing things like this,” she says.

O'Connor notes that while the video doesn’t show everything that happened while the man was in police custody, serious issues are raised from what is captured in it.

It makes a case for all officers to wear a body camera, she says. That way, the entire arrest would be on video, she adds.