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**OTTAWA POLICE SERVICE  
SERVICE DE POLICE D'OTTAWA**

*Working together for a safer community  
La sécurité de notre communauté, un travail d'équipe*

**REPORT  
RAPPORT**

DATE: 27 January 2014

TO/DEST: Executive Director, Ottawa Police Services Board

FROM/EXP: Chief of Police, Ottawa Police Service

SUBJECT/OBJET: **CONSULTATION PLAN ON FUTURE DEPLOYMENT OF CONDUCTED ENERGY WEAPONS**

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**RECOMMENDATION**

**That the Ottawa Police Services Board approve a consultation plan on the future deployment of Conducted Energy Weapons as outlined in this report.**

**BACKGROUND**

On August 27, 2013, the Ontario Ministry of Community and Correctional Services (Ministry) announced that it would change the guidelines associated with the use of Conducted Energy Weapons (CEW) by police to allow for the expanded deployment of the devices. On November 25, 2013, the revised guidelines entitled "*Revised Use of Force Guideline and Training Standards to Support Expanded Conducted Energy Weapon Use*" were issued.

The main points of the Revised Guidelines are as follows:

1. Police Services Boards in partnership with Chiefs of Police may now develop a policy on CEW authorization that:
  - Preserves any current deployment
  - Authorizes additional "officer classes" to carry CEWs.
  - Police Service Boards are encouraged to invite community input regarding any plans to expand the use of CEWs
2. Operator training must be increased from 8 hours to 12 hours, with the additional time being devoted to *judgement-based training*, including de-escalation techniques.
3. The decision on future deployment rests with police services boards.

In accordance with the guidelines, the Chief will bring forward a report in the spring of 2014 with recommendations to the Ottawa Police Services Board (Board) for its consideration. That report will be informed by a variety of inputs including research of best practices, a needs analysis, and public consultation.

All deployment options considered as part of the report must:

- Respect current budgets and be fiscally prudent;
- Consider expanded use of CEWs within the Patrol Directorate first;
- Ensure that front-line members have access to CEWs when appropriate and required;
- Consider the need for strong accountability and governance; and
- Provide for the best maintenance of the weapons to minimize costs.

The consultation plan outlined in this report is designed to gain a better understanding of the questions, concerns, and dialogue in the community related to CEW expansion so they may be addressed and taken into account as part of future deployment strategies.

Along with providing the ability to comment for all members of the public, the consultation plan will specifically focus on key identified stakeholder groups like the mental health and medical community, legal community, academics, social justice groups, civil liberties organizations, community partners, and internal membership.

## DISCUSSION

### *History of CEWs*

CEWs were first used in the United States to combat hijackings in the 1970s. In 2013, there were 9,174 CEW operators across Canada.

Ontario's history with CEWs began in 2000 with successful field trials in Ottawa and Toronto. In 2002, police tactical/hostage-containment team members were authorized to carry CEWs. By 2004, usage was expanded to include front-line supervisors. Over the next few years, the Ontario Ministry of Community Safety and Correctional Services determined that restricting these devices to just supervisors and tactical/hostage-containment team members was limiting the ability of police services to respond safely and promptly to situations where the potential for confrontation and injury often escalates quickly.

A formal government review was therefore conducted. This review took into consideration inquest jury recommendations (12 in total), medical assessments, input from policing stakeholders, as well as community consultation that included the Canadian Civil Liberties Association. Following this review, the Minister concluded it was appropriate to allow police services boards to decide whether to expand deployment models. In late 2013, the Ministry amended Ontario's *Use of Force Guidelines* and CEW

training standards accordingly. It is the position of the Ministry that a well-trained officer with a CEW, properly supervised and fully accountable for all use of force decisions, can save lives.

At the OPS, as per previous Ministry guidelines, only Tactical Unit members and Front Line Supervisors who are fully trained by a Ministry certified use of force instructor, can carry CEWs.

Depending on a number of factors (for example time of day, overlapping platoons, leave, shifts of Tactical, non Patrol supervisors in the field) the number of CEWs available “on the road” averages 15 but can be as low as 5.

## *Training*

Provincially-mandated CEW training consists of 12 hours of study and scenario based exercises and includes both practical and written examinations. In the interest of increased training, OPS added an additional four hours of training in November of 2013, consistent with the revised Ministry guidelines. The additional training is mainly scenario-based, exposing officers to multiple situations requiring communication and de-escalation tactics, as well as judgment on appropriate and inappropriate use of force options with live role players. As with all use of force training, communication is emphasized as the most important and effective tool available to officers.

Officers must demonstrate knowledge and proficiency on the legislation and regulatory framework, the community context surrounding the weapon's development and introduction, and the structure and function of the weapon and its effects.

Recertification training is five hours and occurs every 12 months.

All training is conducted by Ministry certified use of force instructors at a 2:1 student to instructor ratio. The OPS has consistently exceeded the training for CEWs required by the provincial government.

## *Usage and Accountability*

CEWs are one of several less-than-lethal options available to police officers in Ontario. A CEW is not designed to cause permanent damage, but instead to achieve control over a subject through neuromuscular incapacitation. In accordance with Ministry standards and the Use of Force Model, a CEW can only be used to gain control when a subject is assaultive as defined by the *Criminal Code*, and/or based on the totality of the situation. This includes an imminent threat of serious bodily harm or death as well as suicide threats or attempts.

CEWs have strong accountability measures associated with their deployment and use. When a CEW is deployed, both a Use of Force report and a Deployment Report are required. In addition, every time a CEW is deployed, it automatically records and stores information on the date and time of the deployment as well as the amount of firings and duration of firings. This data is immediately downloaded to corroborate information provided in the accompanying Use of Force and Deployment Report.

Regular downloads of CEW data are completed by a Master Trainer to corroborate reporting and explore patterns/trends. Consistent with policy, the OPS reports to the Police Services Board on the use of CEWs as part of the annual use of force report.

The OPS is in the process of revising its policy around CEWs to require the submission of a Use of Force Report every time the CEW is drawn or deployed during a call.

No one is permitted to use a CEW without first being fully trained by a Ministry certified use of force instructor.

Currently, every CEW is individually issued to, and signed for, by an officer. Each CEW is secured and carried as per Ministry and Ottawa Police policy. As per the manufacturer, CEWs are usable for five years.

OPS records consistently demonstrate that members are using good judgment under difficult circumstances. In 2012, OPS deployed this weapon 16 times (10 times by front-line supervisors; six times by Tactical). In 2013, CEWs were used 20 times on individuals (13 by front-line and seven times by Tactical). The Ottawa Police yearly average is 18 deployments. To date, no serious injuries resulting from CEW deployment have been reported to the OPS.

Data on instances where the presence of a CEW contributed to the resolution of a call does not currently exist as those calls are not documented.

### *Use of Force Model and Training*

Police officers are provided with a Provincial Use of Force Model and Guideline to assist them in assessing a situation and acting in an appropriate manner to ensure public safety, as well as officer safety. A diagram of the model is included as Annex A.

Options include officer presence, communication, physical control (including soft and hard techniques), other intermediate weapons such as impact weapons (e.g. baton) and aerosol weapons (e.g. Oleoresin Capsicum [OC] spray, also known as pepper spray), CEWs and as a last resort, lethal force consisting of a firearm. Use of intermediate weapons, such as a CEW, is only one intervention option.

In every call, officers must use their knowledge, skills, abilities and experience. Based on the situation they make a number of assessments on how to plan and act accordingly. For example, is the subject threatening serious bodily harm or death? Are they assaultive? Is there an imminent need to gain control of the subject?

Communication and de-escalation is always the preferred response option and remains so until the situation is resolved.

### *Increased communication and de-escalation training*

Beginning this January, the OPS Professional Development Centre has added three and half hours of communication and de-escalation training to the Use of Force requalification training. While communication and de-escalation has always been a component in yearly training, the additional, focused training is intended to act as a refresher on dealing with people in crisis, including cases involving mental health issues, as well as introduce a model to assist officers in articulating why and how they dealt with an individual in crisis. The de-escalation training assists officers in calming a situation using officer presence and communication. A presentation on this training module will be made at a future Board meeting.

### *CEW Review Team*

Following the Ministry announcement in August 2013, a Working Group was developed to start a review on current CEW deployment practices within OPS and partner agencies. In December 2013, following the release of the actual Ministry guidelines, Supt. Uday Jaswal was tasked with leading a Team, reporting to Deputy Chief Ed Keeley, to continue the ongoing review and examine potential CEW deployment models. This Team includes CEW experts, front-line officers and training staff and has access to other subject matter experts both within the OPS and externally.

### Consultation Plan

Based on the direction contained in the Ministry Guidelines and adhering with the normal practices of the OPS, consultation will form an important part of this review and serve to inform the deployment options considered.

The Consultation Plan has been designed to raise awareness about the revised guidelines, provide some education on CEWs and their use within the OPS and ensure that both the public and OPS members have an opportunity to provide their feedback through a variety of consultative approaches.

### *External Consultation*

The Consultation Plan will utilise a broad mix of tools and techniques to ensure that key stakeholders and the public more generally have the opportunity to submit their feedback. It is anticipated that the following components will form part of the overall consultation strategy.

1. Online questionnaire for community members: To ensure accessibility, a web-based questionnaire soliciting feedback and opinions will be offered. A special section of the website would provide key data on the project such as updates, frequently asked questions and important background documents. This information would be shared through social media and other mediums.
2. Interviews, targeted outreach and focus groups: Consultation meetings and interviews have been initiated and will be on-going with community members and groups for the duration of the project. The project team has reached out to a variety of groups including agencies serving the mental health community, academics, civil liberties groups, social justice groups, the Community Police Action Committee (COMPAC). Board members will also participate in these discussions.
3. Community ride-alongs with front-line officers: Stakeholders will be given the option to participate in ride-alongs with front-line officers to help increase awareness about the challenges facing front-line officers and to provide a forum for discussion around training, accountability standards and experiences with CEWs. This will support understanding and dialogue with the community. Ride-along opportunities will continue for the life of the project. Specifically, the project team is encouraging interested community members, media and other stakeholders to participate. This approach was also taken during the discussion of the Traffic Stop Race Data Collection project and was successful in building understanding and providing context to interested stakeholders.

4. Discussions and updates to community partners: A number of presentations and regular updates will be provided to community groups and partners. COMPAC members will also be offered ride-alongs.

5. Communications: Communications including earned media, paid advertising, a community paper outreach plan, social media and web-based information will also be considered and utilized as required throughout this period.

#### *Consultation with Internal Membership*

The OPS is also concentrating efforts on ensuring its members are aware of this work and are able to provide input. Essentially, the external consultation strategy will be mirrored internally and involve key internal stakeholders, the Senior Officers' Association and the Ottawa Police Association.

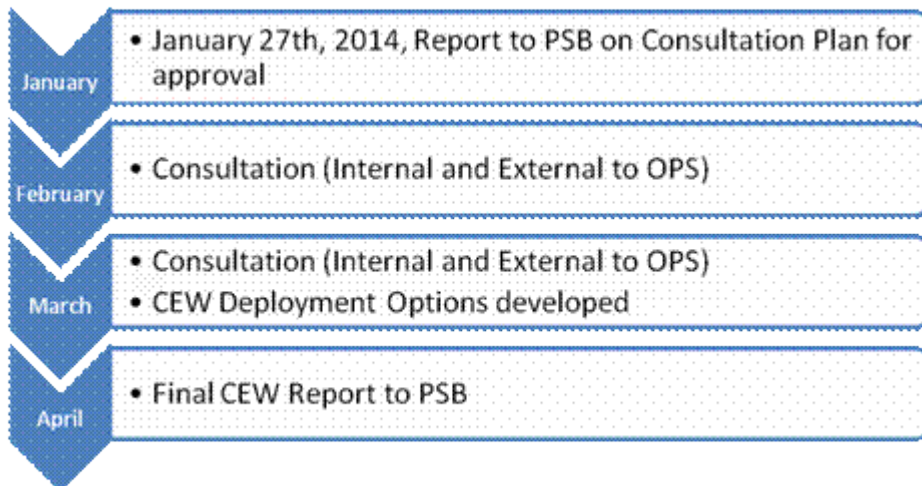
· Meetings, presentations and focus groups: Briefings and consultation meetings will be held throughout the project to ensure an understanding and awareness of the project. It is important to ensure that officers are kept informed of developments in the project and that decisions on its implementation are consistent with operational needs.

· Intranet Questionnaire: A questionnaire will be posted on the internal intranet to allow members to provide comment and feedback on the project.

· Regular updates and communication: Email and intranet updates will continue throughout the project to ensure members are kept up to date on developments.

The OPS will be working to evaluate this consultation plan to ensure its effectiveness and to make adjustments in the coming months to ensure community and internal awareness has been achieved.

#### *Timelines*





## FINANCIAL STATEMENT

The costs of the Consultation Plan will be minimal as they will leverage existing infrastructure within the OPS. The costing associated with any changed deployment options will be provided in detail in a report this spring.

## CONCLUSION

This Consultation Plan will form an important part of the OPS' efforts to ensure that it respects the direction of the Ministry, the Board's role in authorizing the expansion of any expanded deployment of CEWs and has the ability to consider the valuable input of stakeholders in the development of CEW deployment options.

As part of the community policing philosophy, the OPS strives to include the community as an active partner in safety and prevention.

The OPS is committed to developing and maintaining the trust of the community it serves by providing responsive, effective, equitable and accountable policing services to all residents.

The Members of the OPS must be well-trained and equipped to meet the challenges of serving the community in a manner that better ensures their own safety and the safety of others.

*(Original signed by)*

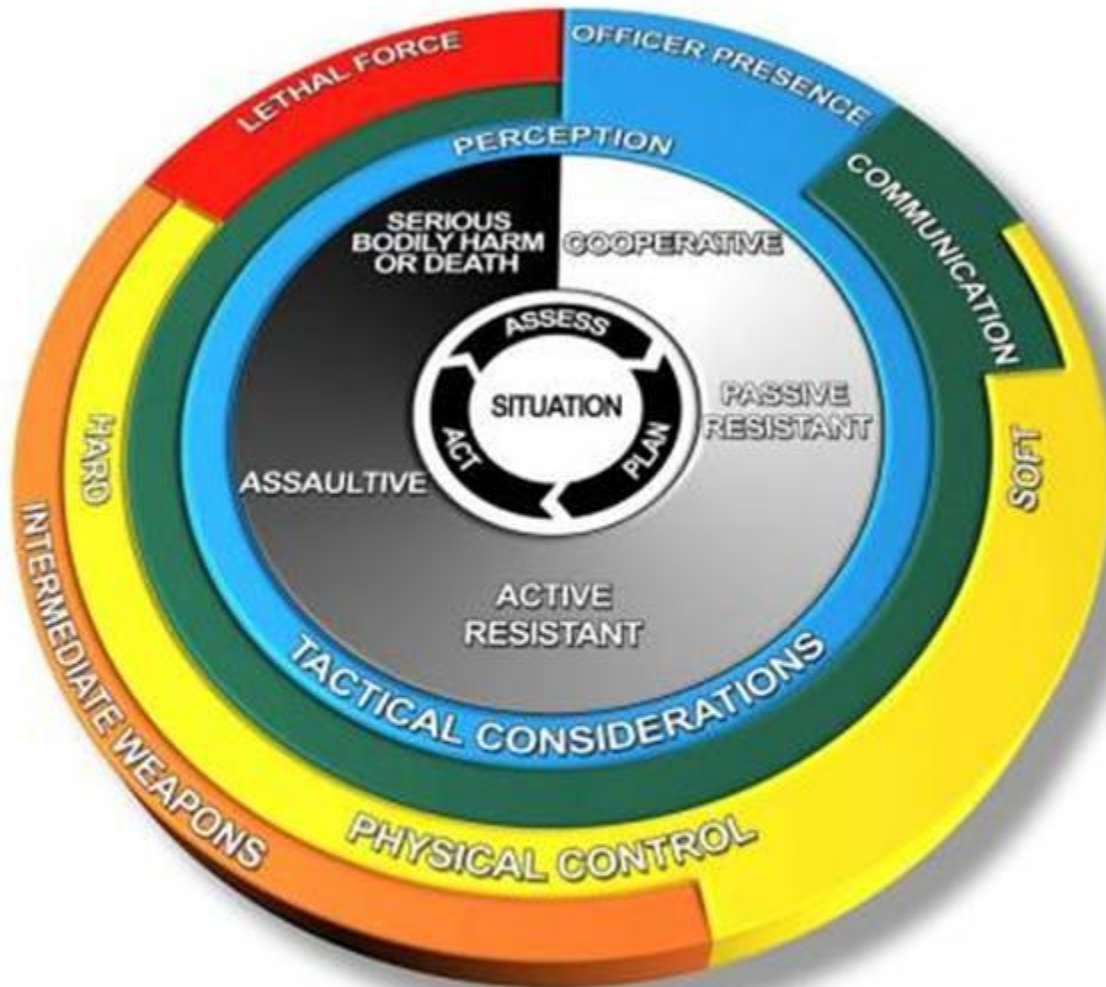
Charles Bordeleau

Chief of Police

Responsible for the report: Deputy Chief Ed Keeley

## Annexes

Annex A: Ontario Use of Force Model



The officer continuously assesses the situation and selects the most reasonable option relative to those circumstances as perceived at that point in time.