

**Report to / Rapport au:**

**OTTAWA POLICE SERVICES BOARD  
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

**23 January 2023 / 23 janvier 2023**

**Submitted by / Soumis par:**

**Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa**

**Contact Person / Personne ressource:**

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**SUBJECT: CONDUCTED ENERGY WEAPON PROGRAM – LIFECYCLE  
MANAGEMENT**

**OBJET: PROGRAMME DES ARMES À IMPULSIONS – GESTION DU CYCLE  
DE VIE**

**REPORT RECOMMENDATIONS**

**That the Ottawa Police Services Board:**

- 1) Delegate authority to the Chief of Police (Chief) to purchase 275 CEWs in 2023 for lifecycle management of the operational inventory up to a limit of \$970,200 before tax.**
- 2) Delegate authority to the Chief to purchase 8,000 CEW Cartridges in 2023 to meet the operational and training needs of the CEW program, up to a limit of \$471,200.**

**RECOMMANDATIONS DU RAPPORT**

**Que la Commission de services policiers d'Ottawa :**

- 1) délègue l'autorité au chef de police (chef) pour l'achat en 2023 de 275 armes à impulsions, à des fins de gestion du cycle de vie de l'inventaire fonctionnel et à concurrence de 970 200\$, taxe en sus.**
- 2) délègue l'autorité au chef pour l'achat, en 2023, de 8000 cartouches d'armes à impulsions à des fins opérationnelles et de formation, à concurrence de 471 200\$.**

## **BACKGROUND**

In 2002, the Ottawa Police Services Board (Board) approved the purchase and deployment of Conducted Energy Weapons (CEW) by the Ottawa Police Service (OPS). The use was limited to the Tactical Unit as per the approval of the Ministry of Community and Correctional Services (Ministry).

In 2009, the Board approved the expansion of the CEW deployment model to include frontline supervisors following the Ministry's approval to have CEW more readily available to frontline response.

In 2014, the Board approved the expansion of the CEW deployment model to include select frontline first-class Constables following another Ministry-approved expansion.

In 2018, the Board approved the expansion of the OPS' CEW deployment model to include all sworn members which would require an inventory of 1,300 CEWs. This included an amendment to the Board policy to read that: The Chief will be authorized to issue a CEW to all sworn members.

In 2022, the OPS reviewed its CEW deployment model with the goal of maintaining the optimal amount of CEWs at the lowest cost, while still ensuring public and officer safety.

As a result, the OPS reduced its CEW inventory by 210 units from the previous inventory of 1,300 units to approximately 1,090 operational units in 2022. This reduction resulted in OPS not reaching compliance with the 2018 Board policy on CEW deployment (i.e. providing access to all sworn members). In 2022, the Board approved a reduced deployment model and amended the Board policy to read that: The Chief is to deploy CEWs to all sworn frontline officers and other sworn officers based on operational necessity and with the approval of the Chief or designate.

The Ministry's mandates approved CEW models and cartridges, training, instructor qualifications, threshold of use within use-of-force guidelines, and deployment reporting.

There are currently two Ministry-approved CEW models available for purchase, both are manufactured by Axon.

CEWs have a five-year useful lifespan as per the manufacturer. At the end of this five-year useful lifespan, the CEW is removed from operational service.

Due to the timing of previous purchases, 240 units reached the end of their useful lifespans in Q4 of 2022.

There are a series of units set to expire in the next two years:

- 160 units in Q1 of 2023

- 400 units in Q1 of 2024.

In 2022, the delivery of the 2022 Board-approved CEW allotment was delayed by nearly 12 months due to City procurement backlogs and supply chain issues from the manufacturer causing delays in training, and deployment to frontline officers. The additional purchase of 275 CEW units will ensure that the OPS maintains the required number of CEWs operationally required through 2023.

## **DISCUSSION**

### **Five-year useful lifespan**

A legal and liability review was completed in 2021 and reported to the Board in January 2022.

OPS Legal Services advises against the practice of using CEWs beyond the manufacturer's useful lifespan because of the associated legal and liability risks. Legal Services is prepared to provide the Board with a further briefing in camera on this matter.

In addition, the manufacturer ceases to support devices once they reach the end of their useful lifespan, which includes firmware updates. Once a model ends production, the Ministry rescinds approval on the five-year anniversary of the end of production. The manufacturer also ceases to produce the related cartridges and accessories.

CEWs are electronic devices that are carried during daily duties. They are subject to extreme heat, cold, moisture, impact, etc. The internal parts cannot be examined as they are sealed devices. They have proven durable, within reason, for the recommended lifespan, however, reliability beyond five years cannot be verified.

Experience with the OPS and other services indicate that CEWs commonly decrease in reliability within a few months beyond the useful lifespan when CEWs are transferred from operational to training use.

It was recommended that the OPS does not operationally deploy CEW units that are beyond the manufacturer's recommended useful lifespan.

### **Rationale for CEWs**

CEWs are approved for use by the Ministry without restriction. Any police officer in Ontario may deploy a CEW. CEWs are considered intermediate weapons within the provincial use-of-force guidelines, with batons and oleoresin capsicum (OC) spray.

The Ministry has, however, applied a higher threshold of use for CEWs.

A Chief of Police may permit an officer to use a CEW when: the officer believes a subject is threatening or displaying assaultive behaviour, or, taking into account the totality of the circumstances, the officer believes there is an imminent need for control of a subject.

Ministry approval and subsequent expansions were guided by Ontario Coroner's inquest recommendations made over a period of years.

There have been 12 Coroner's Inquests dating back to 2005 that recommend that CEWs be immediately available to officers responding to emergency calls involving violence. Any delay in the availability of a CEW may result in applications of force and prolonged physical exertion that are likely to result in more serious injury to officers and members of the public.

The Coroner's Office acknowledged three benefits of CEWs:

- A CEW can be considered in certain situations where the only other alternative would be lethal force;
- The mere presence of a CEW often de-escalates violent situations with no further force required; and
- CEW deployments are likely to allow police to control a violent subject more efficiently to avoid prolonged struggle, physical exertion and pain compliance techniques that are likely to result in injury.

The current Board policy is compliant with all Coroner's recommendations.

A review of the OPS' CEW deployment statistics supports the recognized benefits of CEW availability.

In 2022, there were 140 calls for service involving a CEW. Of these, 59 (42%) of those encounters, involving violent, assaultive subjects, resulted in compliance from the display of a CEW and no requirement for any application of force.

In the 140 calls, first responding officers encountered armed subjects, violent behaviour, attempted suicide-by-cop and individuals displaying signs of excited delirium. All 140 incidents were resolved with no significant injuries to officers or members of the public.

The absence of a CEW or delay in availability would likely have resulted in the types of applications of force identified by the Coroner as resulting in a higher likelihood of more serious injury.

There were no less than 34 armed subjects included in these incidents, and 47 of these incidents involved a person in crisis, who was subject to apprehension under the Mental

Health Act. Any or all may have resulted in a higher level of force had a CEW not been immediately available.

### **2023 purchase requirement**

In order to maintain the Board-approved deployment model, it is projected that 275 CEWs will have to be purchased in 2023 for lifecycle management.

Approximately 8,000 cartridges will have to be purchased for inventory to support operations, and Ministry mandated training.

All CEW products, cartridges and accessories will increase in cost as of January 1, 2023; however, the OPS has secured a 30-day quote from Axon, which will be honoured until January 31, 2023. After this, the cost of all CEWs, cartridges, holsters, etc., will increase by a yet-to-be-determined factor (previous years has been 5 percent). The manufacturer has also announced significant delivery delays due to supply chain issues for manufacturing supplies.

### **CONSULTATION**

Prior to approving the expansion of CEW deployment in Ontario, the Ministry conducted a review which took into consideration Coroner's Inquest jury recommendations, medical assessments, input from policing stakeholders, as well as community consultation. Following the review, the Minister concluded it was appropriate to allow police services boards, in partnership with chiefs of police, to expand deployment models. In late 2013, the Ministry amended Ontario's Use of Force Guidelines and CEW training standards.

Following the Ministry's approvals and amendments, the OPS conducted extensive internal and external consultation in preparation of the expansion of the OPS deployment model. The results of the consultations were presented to the Board which resulted in the 2014 expansion. A similar consultation process was completed and presented prior to the Board approval of the 2018 expansion.

The OPS Professional Development Centre (PDC) team remains fully engaged in Ministry working groups to remain up-to-date on developments on CEW training and modernization of training, reporting, and use-of-force decision-making models.

PDC instructors maintain the highest level of instructor qualifications in order to deliver the highest quality and most recent Ministry-approved training available.

### **FINANCIAL IMPLICATIONS**

The purchase of 275 CEW units would cost \$970,200 (before taxes) and will be funded partially through Specialized Asset Replacement Program 2023 and the remaining

amount through the Growth Costs Program 2023 and 2021. Additionally, the purchase of 8,000 units of CEW cartridges would cost \$471,200 (before taxes) and will be funded through operating budget base established for annual CEW cartridge purchases within the PDC.

Funding summary breakdown:

	<b>CEWS ASK:</b>	<b>Requested Qty</b>	<b>Unit Price</b>	<b>Requested Amount</b>	<b>Amount (incl. 1.76% tax)</b>
<b>Funding Source</b>	Specialized Asset Replacement Program				\$ 723,400
<b>Funding Source</b>	Growth Costs Program 2023				\$ 72,300
<b>Funding Source</b>	Growth Costs Program 2021				\$ 198,900
					\$ 994,600
<b>Board Report Ask for 2023</b>	Taser 7 Basic Bundle	275	\$ 3,528	\$ 970,200	\$ 987,300
<b>Surplus/(Pressure)</b>	<i>Total funding less budget ask</i>				<b>\$ 7,300</b>

	<b>CEWS Cartridges ASK:</b>	<b>Requested Qty</b>	<b>Unit Price</b>	<b>Requested Amount</b>	<b>Amount (incl. 1.76% tax)</b>
<b>Funding Source</b>	PDC 2023 Operating Budget				\$ 554,000
<b>Board Report Ask for 2023</b>	CEWS Cartridges 2023	8,000	\$ 58.90	\$ 471,200	\$ 479,500
<b>Surplus/(Pressure)</b>	<i>Total funding less budget ask</i>				<b>\$ 74,500</b>

## CONCLUSION

In order for the OPS to support the Board's direction for the deployment of CEWs, it is requested that the Board delegates authority to the Chief to purchase 275 CEWs in 2023 for lifecycle management of the operational inventory up to a limit of \$970,200 before tax.

It is also requested that the Board delegates authority to the Chief to purchase CEW cartridges in 2023 to meet operational needs and Ministry mandated training requirements up to a limit of \$471,200 before tax.