

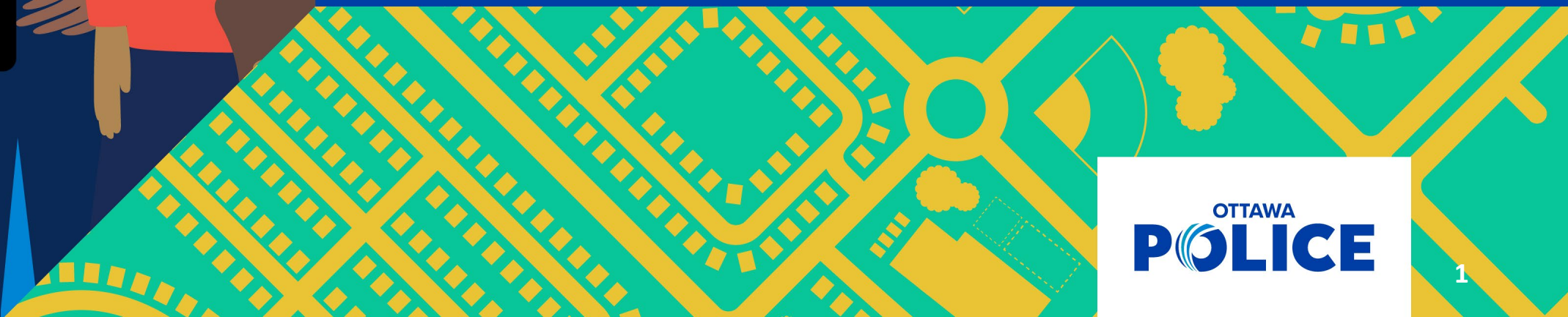


# Use of Force Briefing

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Ottawa Police Services Board – Policy & Governance Committee

August 1, 2023



# Agenda

1. Purpose and Board Motion
2. Legislative and Regulatory Requirements
3. Use of Force Training
4. Use of Force Model
5. De-escalation
6. Conducted Energy Weapons (CEW)
7. Tactical Deployment Strategies – Dynamic Entries
8. Transparency & Accountability



# Purpose: Board Motion M-20-04



**WHEREAS** previous members of the Ottawa Police Services Board had intended to conduct a review of Board policies applicable to de-escalation, use of force and non-force options, and/or other tactical deployment strategies, including but not limited to dynamic entries by way of a motion (M-20-04);

**AND WHEAREAS** this review did not take place;

**AND WHEREAS** the topic of use of force by police continues to be a relevant and contentious issue facing police services, particularly as it relates to the disproportionate use of force on racialized individuals, as well as individuals with real or perceived mental health disabilities;

**AND WHEREAS** there have been some developments since the original motion in 2020 tabled by the previous Board, including but not limited to, a completed review of dynamic entries by the Service; the development of a draft Race Data Strategy and action plan; and amendments to the Use of Force reporting requirements in the Equipment and Use of Force Regulation (O. Reg 532/22) under the Police Services Act;

**THEREFORE BE IT RESOLVED** that the Chief of Police be directed to arrange a briefing to the Board's Policy and Governance Committee on use of force, including information on member training, de-escalation, use of force and non-force options, and/or other tactical deployment strategies (such as dynamic entries) and any developments occurring at the provincial and/or federal level to modernize use of force applications by police services.



# Legislative and Regulatory Requirements

# Federal and Provincial Oversight



Legislative & Regulatory Body	Provision
<b>Criminal Code of Canada &amp; the Ontario Provincial Offences Act</b>	<p>These address the use of force by police and other authorized persons.</p> <p>Section 25: Authority to use force when justified</p> <p>Section 26: Limitation, excessive force</p> <ul style="list-style-type: none"><li>• Police may use force that is reasonable, necessary and proportionate, given the situation, with reasonable grounds in the lawful execution of their duties.</li></ul>
<b>Equipment and Use of Force Regulation 926 – Police Services Act (PSA).</b>	<p>These set out the requirements in relation to the use of force, including approved weapons, training, reporting and use/technical specifications for equipment.</p>
<b>Ministry of Solicitor General</b>	<p>Is responsible for the use of force policy and police training mandate.</p> <p>The Ontario Policing Standards Manual is the provincial adequacy standard that outlines the content of the Ontario Police College Basic (OPC) Constable Training (BCT) Program and the content of in-service training and re-qualifications for all police services in Ontario in relation to Use of Force, as well as training and certification prescribed by the Ministry.</p>

# Municipal & Internal Oversight



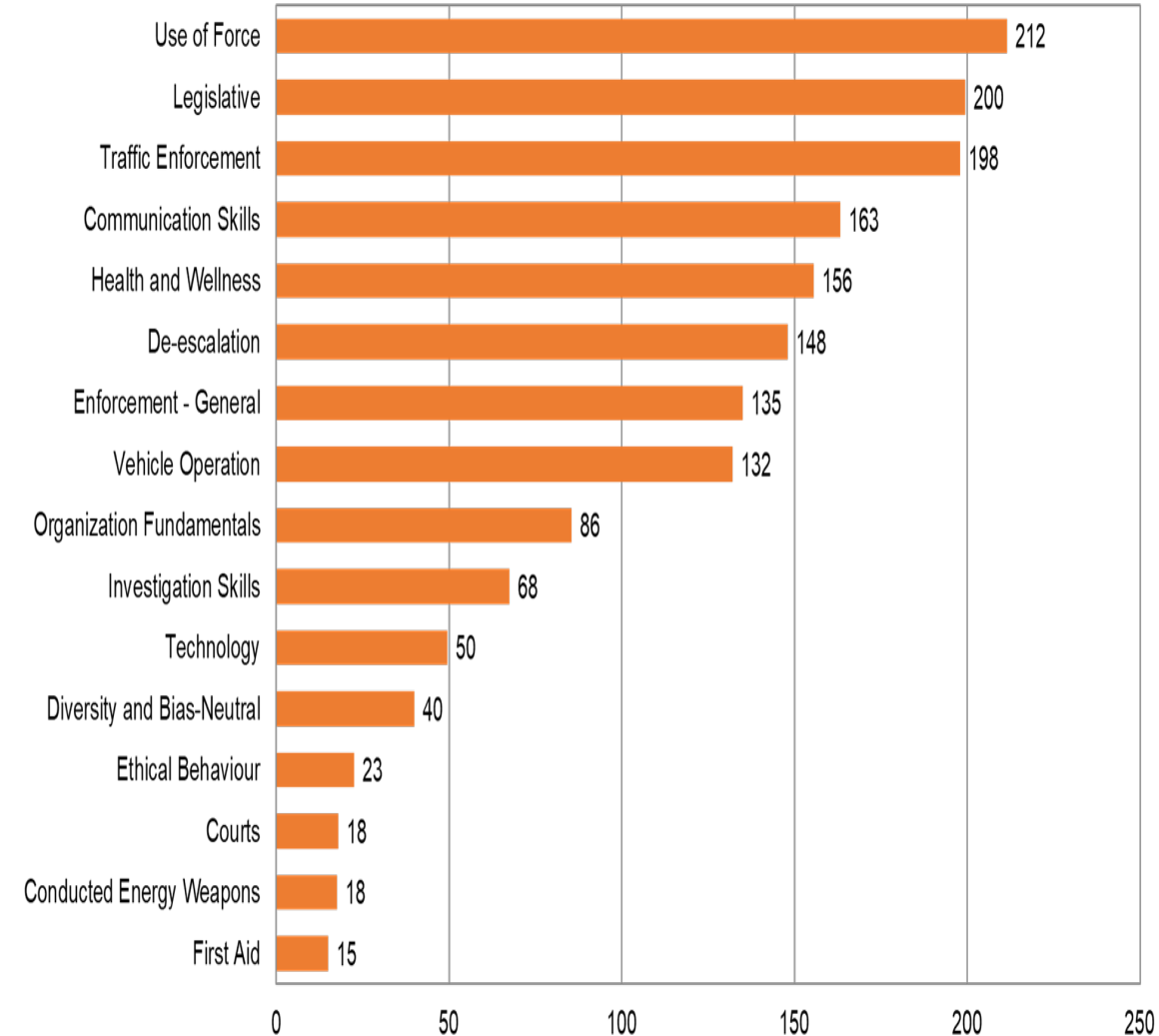
Legislative & Regulatory Body	Oversight Provision
<b>Ottawa Police Services Board</b>	<p>PSB Use of Force governance is in compliance with Ministry Policing Standards and Regulations.</p> <p>Use of Force regulations are outlined in Board Policy AI-012 Use of Force.</p> <p>Additional Board policies that address specialized units will be discussed later in this presentation</p>
<b>Ottawa Police Service</b>	<p>The OPS Use of Force Policy 6.07 has been written in compliance with the legislative framework in relation to use of force, including use of approved weapons, training and reporting and use/technical specifications for handguns as set out by the Ontario Ministry of the Solicitor General.</p>



# OPS Use of Force Training

# Recruit Training

- The OPS training standards for all sworn officers exceeds the minimum training standards as set out in the Ontario Policing Standards Manual.
- OPS Recruits receive nearly **1700** hours of training in their first year of service
- **600** hours are dedicated to communication, de-escalation, bias awareness, ethics and use of force
- A Recruit's skills and competencies are monitored closely by qualified Field Training Officers (FTO) for a minimum of 50 shifts.
- FTO's are required to complete bi-weekly performance reviews of their Recruit trainee to ensure that their performance meets the mandated ministry standards.





# Annual Use of Force Training

- Sworn members are mandated by the Provincial Adequacy Standards to complete annual in-service use of force requalification training.
- OPS use of force instructors have all completed training at the Ontario Police College which certifies them as a qualified instructor.
- This requalification is comprised of the following components:
  - 8-hours of training
  - Firearm, De-escalation scenarios & simulations
  - General incident management strategies
  - Physical exercises
  - EDI, ethics and human rights training



# Equity, Diversity & Inclusion Training

- Significant human rights and EDI learning modules and workshops have been introduced to OPS members in recent years including:
  - Fair and Impartial Policing
  - Anti-Indigenous racism and Indigenous cultural awareness with a five-part learning series;
  - Call it Out! Understanding Systemic Racism training module from the Human Rights Commission;
  - Trauma informed awareness training;
  - Anti-Black Racism learning sessions; and
  - Bystander training.
- Components of these trainings, including police legitimacy and procedural justice, have been woven into annual use of force training. These training components are co-created by PDC and subject matter experts from the Police Service and from the community.



# De-escalation

# De-escalation Overview

- De-escalation is defined as being:

**The use of verbal and non-verbal strategies intended to prevent conflict or reduce the intensity of a situation without the application of force and, if force is necessary, reducing the amount of force if viable.**

- De-escalation serves as the foundation for all OPS training programs.
- Since 2014, the OPS has been at the forefront of de-escalation training with its members when PDC implemented the first formalized de-escalation training program.
  - The Crisis Intervention and De-escalation (CID) program was developed by the Justice Institute of British Columbia and was designed based on lessons learned from the Braidwood Inquiry following death of Robert Dziekanski at the Vancouver Airport.
  - This program provides officers with an enhanced awareness training on how to effectively respond to individuals in crisis or those living with mental health illnesses.

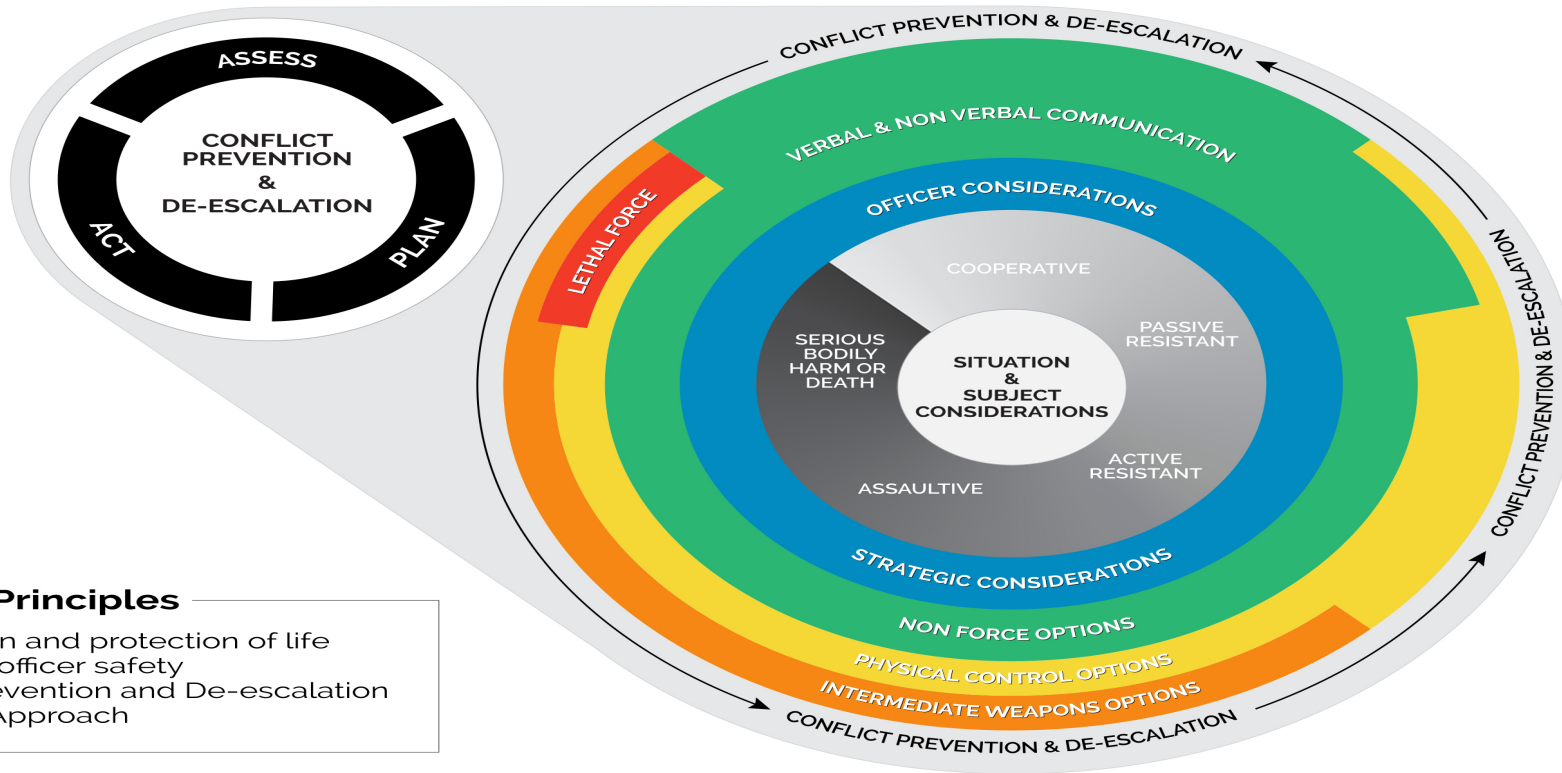
- The De-escalation model includes these phases:
  1. Make first contact, build rapport to begin de-escalating the crisis
  2. Assess crisis while maintain the rapport
  3. Collaborate to build solutions
  4. Resolve and follow up, follow through with solutions identified in phase three.



# Use of Force Model



## Ontario Public-Police Interactions Training Aid



The officer continuously assesses the interactions and selects the most reasonable option(s) relative to the subject and circumstances given available resources and time.





# Conducted Energy Weapons (CEW)

# Board Direction – CEW

## Board Policy AI-012

Directs that OPS be authorized to issue a conducted energy weapon to police officers who are:

- front line supervisors
- members of tactical/hostage rescue teams
- members of preliminary perimeter control and containment teams
- first class constables who are coach officers or who meet all of the following criteria:
  1. Are recommended by their Platoon NCO
  2. Have good overall work performance
  3. Are assigned to areas or functions where front line ready access can be improved.
- an experienced officer on patrol with previous experience carrying a CEW and who meets criteria 1 through 3 above.

**May 28,  
2018**

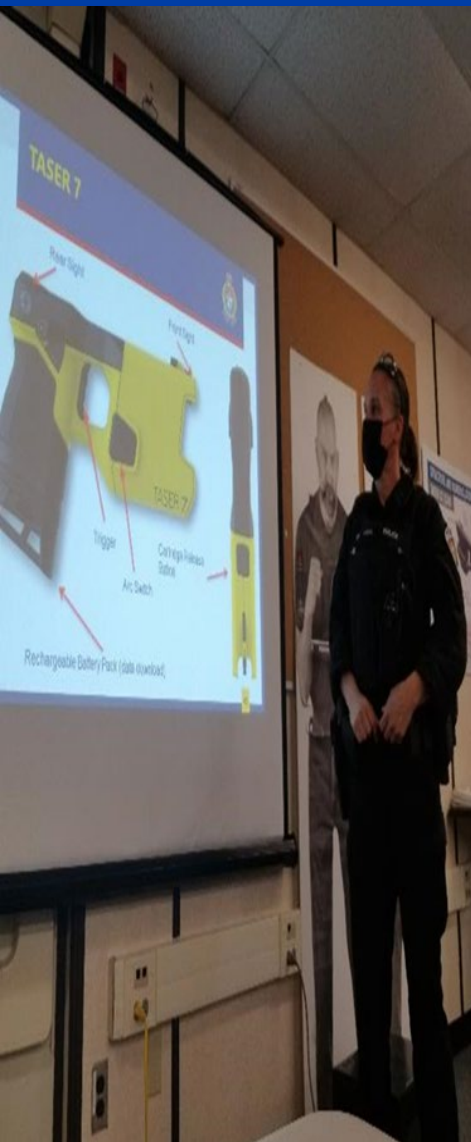
An amendment to the Board's Use of Force Policy AL-012 to replace the language in section iii as follows;

The Chief of Police will be authorized to: Issue a conducted energy weapon (CEW) to all Sworn police officers.

**January  
24, 2022**

Direct the Chief to adjust the Use of Force policy to:

The Chief is authorized to deploy Conducted Energy Weapons (CEWs) to all sworn frontline officers and other sworn officers based on operational necessity and with the approval of the Chief or designate.



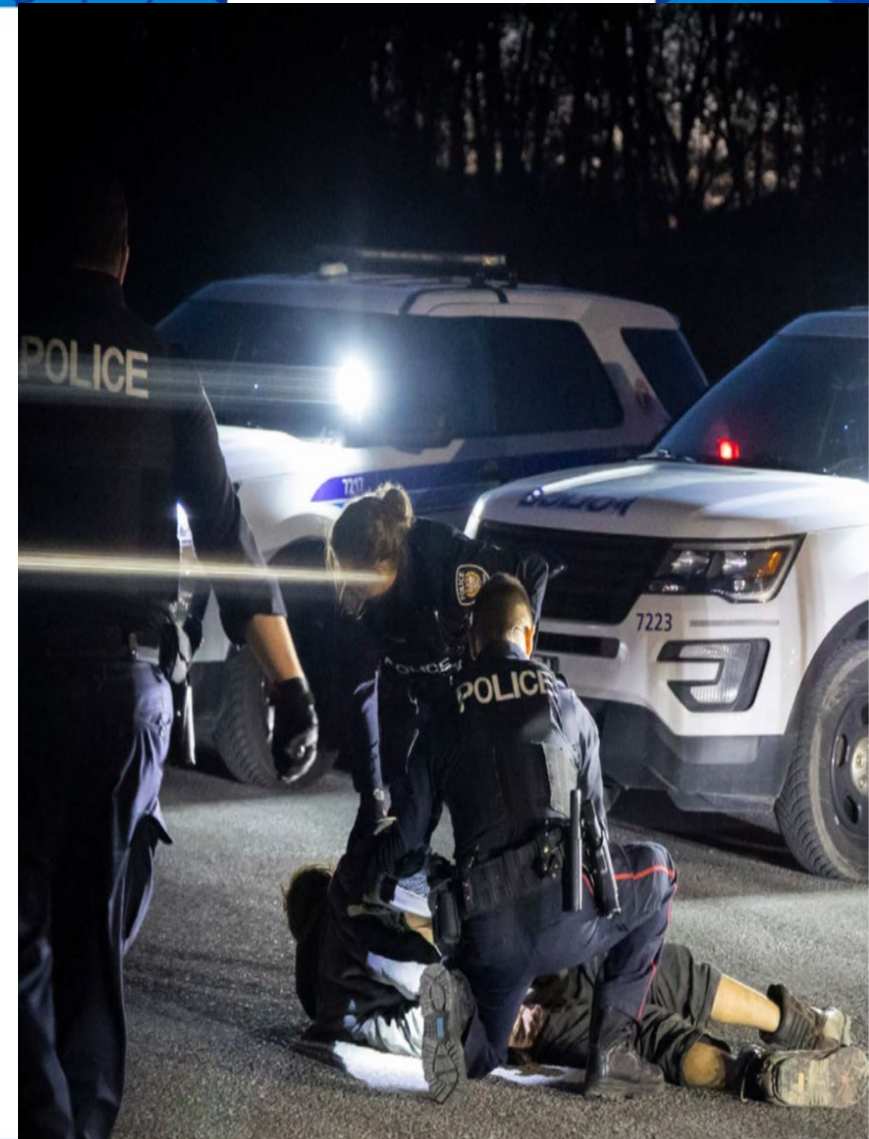
# CEW Training Continued

- CEWs are a ministry approved use of force option
- CEW training is provincially mandated and consists of **12** hours of study and scenario-based exercises. Training is provided by ministry qualified training instructors.
- OPS members complete **4** hours of additional training which focusing on:
  - Scenario- based learning exposing officers to multiple situations requiring communication and de-escalation tactics including a focus on mental health.
- Officers are required to complete a **5-hour** recertification training annually.



# Use of Force Reporting Requirements

- The police must complete Use of Force Reports, as per the Police Services Act.
- Examples of when a report is required include when a police officer:
  - points a firearm at someone
  - discharges a firearm
  - uses a weapon on another person
  - points a conducted energy weapon at a person
  - discharges a conducted energy weapon
  - Use of force on another person that results in an injury requiring the services of a physician, nurse or paramedic.
- Police must include their perception of the person's race, age and gender in the report.
- Designated staff in the police service review the reports and submit information from the report to the ministry as mandated.



# Race Based Data Collection

- In 2020, the Ministry added the category of perceived race to the Use of Force form.
- When involved in an incident where a Use of Force Report is submitted, members of a police service are required to report on their perception of the subject's race.
- It should be noted that subjects included on the report do not necessarily reflect only those directly present in the application of force, but all subjects present in the incident.
- The information is monitored by the Ministry (Ontario's Anti-Racism Data Standards) to ensure consistent and effective practices are in place.
- The data allows for evidence-based decision making and helps ensure public accountability. The goal is to use the data to help address systemic racism and promote fair and equitable police service delivery.



- OPSB Board Policy ER-003 Hostage Rescue Teams and ER-002 Tactical Units outlines directives to the OPS that:
- Use of Force options for specialty units must comply with the following:
  - (1) A member of a police force shall not use a weapon other than a firearm on another person unless,
    - (a) that type of weapon has been approved for use by the Solicitor General;
    - (b) the weapon conforms to technical standards established by the Solicitor General; and
    - (c) the weapon is used in accordance with standards established by the Solicitor General. O. Reg. 552/92, s. 9.
- Any specialty use of force equipment complies with the ministry standards and the Board's policy



# Tactical Deployment Strategies – Dynamic Entries

# Dynamic Entry Definition

- The “dynamic entry” is a systematic and methodical approach of moving through a structure whereby tactical members can physically clear each room and secure occupants found inside. This is initiated by a forced entry, announcement of search warrant and “police don’t move”. “Police don’t move” will be repeated while changing levels and when someone is located.
- All members will be readily identified as police officers during entry and the main objective is to secure a structure in a timely manner, limiting the movement of the subjects and reducing their ability to formulate a plan of defense or limit their ability to destroy evidence.



- Dynamic Entries are a tactic used by Canadian Police Services where a lawful entry is required. The Ontario Ministry of the Solicitor General is responsible for creating Ministry Accredited Standards and audits on Tactical Teams including training and standard operating procedures (SOPs).
- The use of Dynamic Entries have been previously accepted by the courts, however limitations have been applied to their use.
- The OPS regularly reviews policies, procedures and training related to tactical operations in compliance with the Provincial Adequacy Standards.
- Public and officer safety are paramount and are a fundamental consideration when executing all search warrants. Every warrant is reviewed with the objective of using the least possible amount of force.



# Transparency and Accountability

- OPS' compliance with legislative and regulatory requirements with respect to use of force is not only reviewed internally but is also subject to external oversight through the following oversight bodies:
- Special Investigations Unit (SIU)
- Office of the Independent Police Review Director (OIPRD)
- Operational reviews
- Professional Standards Unit
- Judicial review through the court process
- Ministry of the Solicitor General

# 2020 External Review: Race Data in Use of Force

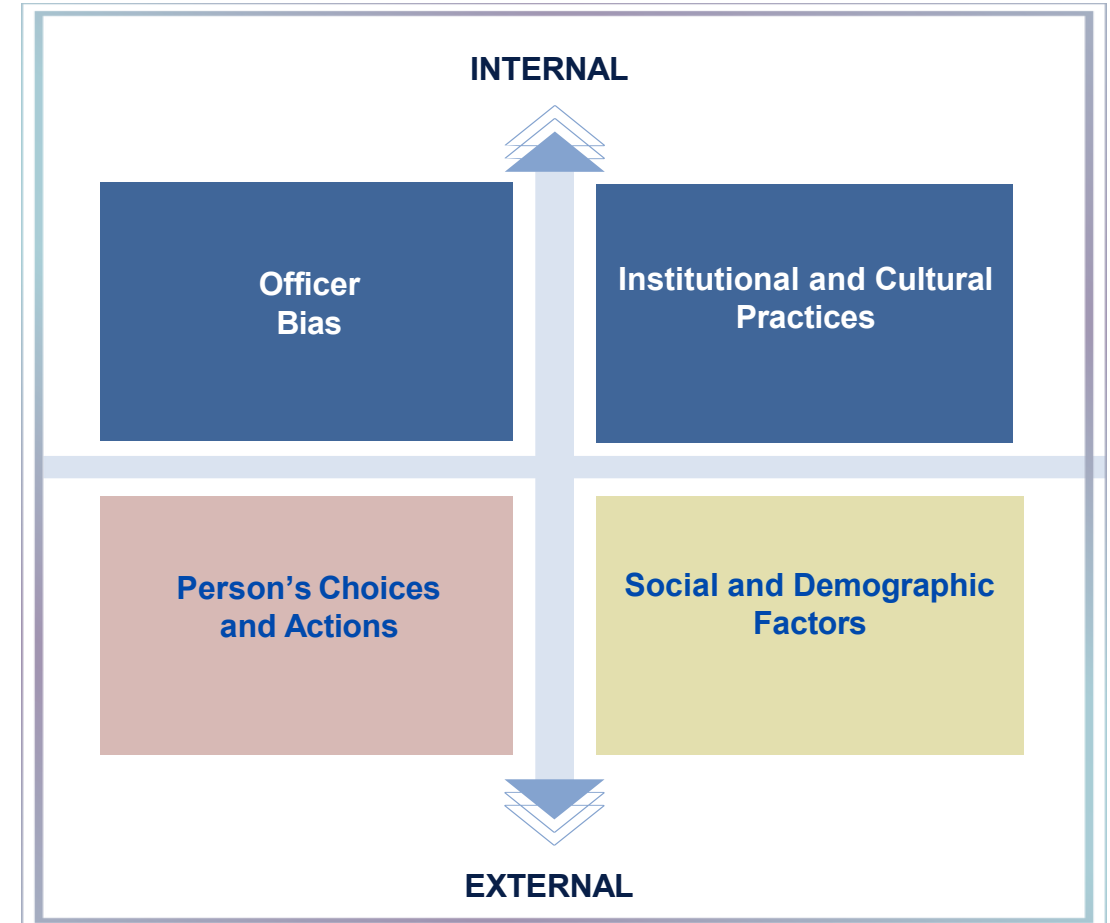
- In 2020, an external review was completed, by subject matter experts for the OPS.
- Over a 12-month period, race data was collected through use of force reports producing several key findings
- 348 use of force incidents were reported involving 427 subjects.
- Data demonstrated a disproportionately high incidence in use of force involving Black, Middle Eastern, and Indigenous subjects.
- Use of Force involving White subjects was lower than you would expect based on their population.

# 2020 External Review 2022 Report and Recommendations

- 1) Develop, in partnership with the community,
  - a) Race Data and Identity Strategy which includes: policy directives for a user-friendly, integrated approach that supports the collection of analysis, reporting, and action planning of race and identity based data for the full range of OPS-community member interactions.
  - b) Prompt and transparent public reporting by the OPS of race-related findings.
  - c) Collaborative analysis and problem solving to respond to areas needing improvement.
  - d) Performance targets to reduce racial disparities in OPS service responses.
- 2) Increase data type/sources beyond what is required by the Ministry of the Solicitor General to deepen our understanding of Use of Force incidents.
- 3) Improve the links between Use of Force data and other OPS databases for reporting and analysis.
- 4) Leverage Use of Force race data analysis findings to promote equitable and value decision making, policies and practices.

- Developing a multi-year race and social identity data strategy
- Builds on recommendations from past work/ Community Equity Council (CEC)
- **Our Goal:**
  - Identify drivers of disparity
  - Co-create solutions with the community and membership (including reporting)
  - Improve community safety
  - Build transparency and increase trust

## Drivers of Disparity



- OPS is working in partnership with the CEC in response to recommendations from the 2020 External Review.
- Terms of Reference have been created and reviewed by the CEC to create a new community review panel who will examine Use of Force reports to make recommendations for Use of Force procedures and training.
- OPS will be the first Police Service in Canada to engage in such community reviews.
- Recruitment and orientation for the panel is set to occur in fall 2023.



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OTTAWA POLICE SERVICE**

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A Trusted Partner in Community Safety*