

Report to / Rapport au:

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

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Submitted by / Soumis par:

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SUBJECT: CONSULTATION PLAN ON FUTURE DEPLOYMENT OF CONDUCTED ENERGY WEAPONS

OBJET: PLAN DE CONSULTATION SUR LE FUTUR DÉPLOIEMENT D'ARMES À IMPULSIONS

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board:

- 1) Approve the consultation plan on the future deployment of conducted energy weapons as outlined in this report.**
- 2) Receive this report for information.**

RECOMMANDATIONS DU RAPPORT

Que la Commission des services policiers d'Ottawa :

- 1) Approuve le plan de consultation sur le futur déploiement d'armes à impulsions, comme le précise le présent rapport.**
- 2) Prenne connaissance du présent rapport à titre d'information.**

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 (CEWs) 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 were 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.

Following a review and consultation process, Ottawa Police Services Board (Board) approved a two-year plan in April 2014 that included:

1. The purchase of 100 new CEW devices;
2. The implementation of enhanced training;
3. The introduction of increased accountability measures; and
4. The expansion of access to CEWs to frontline Patrol Officers.

By February of 2016, the OPS had purchased 100 new TASER CEWs, provided training, and issued the new devices to Patrol Officers. Enhanced training and accountability measures were implemented in 2015.

The OPS also committed to conducting a review of this two-year plan to assess its effectiveness in improving CEW access, accountability and training, while also ensuring the devices were used safely and appropriately. The effectiveness of CEWs as an intermediate weapon, and whether there was a need for further expansion of CEW access beyond the two-year plan were also to be explored.

The evaluation was conducted in 2016 by Planning, Performance and Analytics. It included a literature review, an analysis of available OPS data on CEWs, a sworn member questionnaire, and an external scan of CEW usage, policies, tracking, and reporting by other police services.

This report summarizes the findings of that evaluation and presents a consultation plan to explore further expansion of CEW access within the OPS. The OPS submitted a separate request to the Board in December 2017 to purchase 140 CEWs to gradually replace unservicable units and maintain current levels of access. The OPS believes expanding access beyond current levels and continued enhancements to de-escalation training will further enhance public and officer safety by providing officers the necessary tools and knowledge.

DISCUSSION

Conducted Energy Weapons Evaluation 2016 – Summary of Key Findings

Improved CEW Access:

- At the time of the evaluation, the number of available CEWs was 297: 30 tactical (100% of tactical team) and 267 patrol (51% of patrol team).
- The number of CEWs “on the road” at any given time ranged between 29 and 50, as compared to between 5 and 15 prior to implementation of the two-year CEW plan.
- The average estimated time for a CEW to arrive on scene dropped to 7 minutes from 18.
- Most sworn officers who responded to the survey (81%) perceived improved access to CEWs.

CEW Effectiveness as an Intermediate Weapon

- Sworn members who responded to the survey rated CEWs very highly in terms of preventing/reducing injury, preventing the need for the use of other physical force options, and in gaining immediate control of the subject. This is supported by compelling anecdotal evidence.

Safe and Appropriate CEW Use

- Analysis of the data suggests there was an 84% increase in CEW usage in 2015, following the expansion of access. There was also a decrease in the usage of other types of force – including discharge of firearms (-39%) and drawing of handguns (-29%) – in 2015. Taken together, this suggests that officers may have been using CEWs as an alternative to other use of force options, which is consistent with the intention behind the two-year plan.
- From the limited data available, it appears that very few injuries or complaints associated with CEW deployments have been reported.

- Several summaries of CEW deployment reports are contained in Document 1.

Accountability and Training

- Almost all of the sworn officers who responded to the survey perceive that current training and accountability measures are adequate; however, there have been recent calls for even more de-escalation training for police officers and a review of Ontario's Use of Force Model.
- Based on feedback from other police services in the external scan, as well as calls for more comprehensive and consistent reporting in the literature, the data collection, analysis and depth of reporting at OPS could be improved.

Perceptions Regarding Further Expansion of CEW Access

- There was almost unanimous support from sworn officers who responded to the survey for further expansion of CEW access.
- The greatest support was for improved CEW access for uniformed officers or sworn officers who deal directly with the public. There was less support for distribution based on years of experience, work performance, supervisor approval, assignment to particular teams, or deployment by particular geographic area or by shift times.

The following recommendations were proposed based on the findings of the evaluation:

That the OPS:

- Undertake consultations with key stakeholders and partners to gather perceptions regarding the impact of the expansion of access to CEWs implemented in 2015, and assess their perceptions regarding broadening of access further in the future;
- Undertake an analysis of contextual factors related to CEW deployments following the expansion of CEW access;
- Pending results of the stakeholder consultations, make a recommendation to the Board and budget for the purchase of additional CEWs and further expand access to as many frontline officers as is financially feasible;
- Refine forms, mechanisms and tracking spreadsheets that collect data relating to use of force and CEW deployments in order to facilitate better reporting and analysis; and
- Explore, with the Ministry and counterparts in other police services, the possibility of creating more consistency in reporting for use of force and CEW deployments

and monitor any developments regarding changes in training requirements or revisions to Ontario's Use of Force Model.

Based on the experience of this expansion and the evaluation, OPS is developing a phased in plan to expand the current CEW complement to all sworn officers beginning with the Frontline Directorate and the Community Relations and Frontline Special Support Services Directorate.

The consultation efforts laid out in this report are meant to support the development of that plan.

Following is a summary of current training, usage and accountability requirements around CEWs, De-escalation, and the Use of Force Model.

CEW Training with De-Escalation Component

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. While all training scenarios include de-escalation and communication components, two out of five of the scenarios used in CEW training are built specifically to apply de-escalation techniques involving an Emotionally Disturbed Person:

- One features an edge weapon (knife), and the officer is required to de-escalate the situation to a successful apprehension.
- The other involves unfavourable environmental conditions where CEW deployment would be catastrophic. The subject is to be de-escalated to the point where they voluntarily go with the officers.

As with all use of force training, communication and de-escalation are emphasized as the most important and effective tools available to officers. Officers are instructed on using a CEW only when there is an immediate need to take custody of a subject, and not to view CEWs as a "weapon of convenience."

Officers must also 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.

Some examples of recent CEW deployments are summarized in Document 1.

CEW 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; 6 times by Tactical). In 2013, CEWs were used 20 times on individuals (13 by front-line and 7 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.

Police Intervention 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 Document 2.

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. The 2016 OPS Annual Report indicates that more than 99% of the time (322,588 calls for service), OPS officers use minimal to no force when responding to calls for service. This suggests that OPS officers do an outstanding job de-escalating incidents by consistently applying the de-escalation techniques and procedures they have learned.

Increased De-escalation and Communication Training

For several years, OPS has been working to increase de-escalation and training for all officers from recruits to veterans. The de-escalation training assists officers in calming a situation using officer presence and communication. Beginning in January 2014, the OPS Professional Development Centre 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.

De-escalation is taught to OPS officers through a multi-faceted and diverse number of techniques and procedures, using a fully holistic approach. At OPS, de-escalation training is progressive, so that, as an officer gains experience, the techniques and procedures are refreshed and updated every year through annual Use of Force training.

- Recruits at OPC – OPS recruits take thirteen weeks of full-time training at the Ontario Police College (OPC) – which cover everything from officer safety and community policing to firearms and domestic violence – and notably features a de-escalation component.
- Recruit / Direct Entry Officer Initial OPS Use of Force Training – OPS requires an initial 40 hours of Use of Force Training for all officers. The British Columbia Institute of Justice (BCIJ) model of Crisis Intervention and Descalation Training is the standard adopted by OPS in 2014 and it is fully embedded within all use of force training. OPS training also includes a de-escalation workshop with live, open-scenario training involving both live actors and state-of-the-art simulation scenarios.
- Recruits / Direct Entry Officer with Coach Officers – Following OPC training, the 500 hours of on-the-job practical mentorship by a senior patrol officer provides recruit officers the opportunity to use de-escalation techniques and procedures while under the close supervision of an experienced front-line officer. Direct Entry officers are also guided by Coach officers for an on-the-job training period.
- Annual Training for all Officers - The 10-hour block of annual Use of Force training provided to OPS officers is heavily themed with de-escalation scenarios and simulations. General incident management strategies, decision-making tools are taught to all officers so as to guide them in making logical, well-thought-out decisions.

CONSULTATION

Based on the recommendations contained in the CEW Evaluation report, and in keeping with the normal practices of the OPS, consultation with key stakeholders will serve to inform our options for the further expansion of access to CEWs.

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 (particularly those representing diverse communities) and OPS members have an opportunity to provide their feedback through a variety of 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 channels.
2. Interviews, targeted outreach and focus groups: The project team will reach 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), and others representing diverse communities in Ottawa. Board members are welcome to participate in these discussions.
3. Communications: Communications including community updates, earned media, social media and web-based information will also be considered and utilized as required throughout this period.

Consultation with Internal Membership

While OPS sworn members have already provided their feedback in a survey as part of the evaluation, members will be provided with regular updates and given further opportunities to comment on CEW expansion going forward.

Timelines

The consultation phase will take place during the month of March.

FINANCIAL IMPLICATIONS

There are no financial implications to this report. The cost of a proposed expansion plan will be outlined in a future report detailing its development.

SUPPORTING DOCUMENTATION

Document 1: Examples of CEW deployment

Document 2: Use of Force Model

CONCLUSION

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. OPS members 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.

The Consultation Plan will form an important part of the OPS' efforts to ensure that it continues to respect the direction of the Ministry as well as the Board's role in authorizing any further expansion of CEW access.

Given the favourable evaluation of the initial two-year CEW expansion plan, these consultations will also allow us to consider the valuable input of stakeholders in the development of a CEW deployment plan.

Examples of successful CEW deployments

Jan 01, 2017 (Cell extraction)

Tactical officers were requested to assist in extracting a subject from cells to attend a court hearing. The male subject had been acting very violently for more than four hours: He had cut himself, smearing blood within the cell, removed all his clothing, and urinated on the floor. When the cell door was opened, the subject advanced towards the tactical officer, punching and striking at the plexi glass shield the officer held for protection. The subject continued to be violent and assaultive. Due to the confined space and the subject's behaviour, the CEW was deployed and the subject was successfully subdued without injury to himself or the officers present.

May 27, 2017 (assault with a weapon)

West-end officers responded to a call for service, where a male subject was chasing some youths with a knife. The subject was unknown to the youths. The officers located the male subject on a second-floor balcony and attempted to speak with him. The subject was extremely belligerent, cursing and swearing at police. The officers asked the subject to come down to speak with them calmly instead of causing a disturbance. Eventually, the subject came out to see the officers, at which point he stepped toward police in an aggressive manner, with his teeth clenched and a closed fist raised, as though he wanted to fight. One of the officers grabbed the subject's wrist and advised he was under arrest for assault and uttering threats. The subject attempted to pull away and tensed up. The officers advised him several times to put his hands behind his back, but the subject continued to be belligerent and threaten to fight police. A second male at the premises began to grab the subject and pull him away from police. But due to the subject's behavior and the fact that the whereabouts of the knife were unknown, the CEW was deployed. The male subject was successfully subdued, and police were able handcuff him without further incident. No injuries were sustained.

May 22, 2017 (Mental Health Act apprehension)

East-end officers responded to a call for service for a male with mental illness who was out of control. The subject male was a resident of the Family Tree Group Home. He was assaulting staff and damaging property, armed with a spiked garden hoe and a large stick. When the officers arrived, the subject was standing in the driveway holding the aforementioned items. The officers attempted to speak with the subject as they approached the residence. The subject responded by striking a nearby vehicle with the hoe and then throwing the large tree branch at the officers. He then adopted a baseball

stance with the hoe. At this time, the CEW was deployed. The subject was secured, and no injuries were sustained.

June 30, 2017 (posses weapons, traffic danger)

South-end officers responded to reports of a suspicious male, possibly intoxicated or on drugs, who was sitting in the driver's seat of his vehicle. Information received from the subject male indicated that he had knives in his vehicle for the purpose of self-defence. The officers attempted to speak with the subject, asking him to exit the vehicle, but he would not comply. The subject said he didn't trust all the officers at the scene. The officers could hear him talking to police dispatch on his phone and his conversation made it clear he was suffering from mental health issues. At this time, officers received grounds to apprehend him. The subject was advised again that he needed to exit his vehicle or police would have to break his window to remove him. At this point, the subject put down his phone and grabbed a knife, holding it over his shoulder while facing the officers and moving it in a hacking motion. The officers demanded he drop the knife and exit the vehicle, but the subject did not comply. He then put his vehicle in drive. The car moved forward, hitting the unmarked cruiser parked in front of the subject's car. The subject then reversed his car, hitting the cruiser parked behind him. At this time the officers smashed the driver's-side window of the car and deployed the CEW successfully. No injuries were sustained.