

**Report to / Rapport au:**

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

**28 May 2018 / 28 mai 2018**

**Submitted by / Soumis par:**

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

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**SUBJECT: EXPANDED DEPLOYMENT OF CONDUCTED ENERGY WEAPONS**

**OBJET: DÉPLOIEMENT ÉLARGI DES PISTOLETS ÉLECTRIQUES**

**REPORT RECOMMENDATIONS**

**That the Board approve:**

- 1. 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.**

- 2. The purchase of 400 CEWs from M.D. Charlton Co. Ltd. for \$1,177,776 (exclusive of taxes) for Phase 1 of the expansion plan.**
- 3. That the purchase be funded from the operating budget (\$640,000) and the remainder from the fleet reserve at \$537,776.**

**RECOMMANDATIONS DU RAPPORT**

**Que la Commission approuve:**

- 1. Une modification à la politique AL-012 de la Commission sur le recours à la force afin de remplacer le texte de l'article iii comme suit: Le chef de police sera autorisé à: Doter d'une arme à impulsions chaque agent de police assermenté.**

2. **L'achat de 400 armes à impulsion auprès de *M.D. Charlton Co. Ltd.*, pour 1 177 776\$ (taxes en sus), dans le cadre de la première phase du plan de croissance.**
3. **Que l'achat soit financé à partir du budget d'exploitation, soit la somme de (640 000\$), et le reste, soit 537 776\$, à partir du fonds de réserve du parc automobile.**

## **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 first class constables who are coach officers or who meet all the following criteria:
  - are recommended by their Platoon NCO;

- have good overall work performance;
- are assigned to areas or functions where front line ready access can be improved;and
- An experienced officer on patrol with previous experience carrying

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 the Planning, Performance and Analytics Unit. 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 along with the results of public consultations around further expansion of CEW access within the OPS. It also lays out a two year phased-in deployment plan for expansion of CEW access that includes the creation of a CEW section within the OPS to support training, analysis, reporting and equipment maintenance. 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 to carry out their duties.

The OPS submitted a separate request to the Board in December 2017 to purchase 140 CEWs to replace unservicable units and maintain current levels of access. A further 130 of the existing units are due for replacement, in accordance with their lifecycle. The report includes a recommendation to replace them at this time.

#### Continued Focus on De-escalation

De-escalation for all officers continues to be a priority for the OPS. This report discusses the ways in which OPS officers are trained in de-escalation. The service will continue to refine and expand its de-escalation training. This is supported by the work of the Ministry of Community Safety and Correctional Services in its evidenced based

review of the use of force model, which will include an emphasis on de-escalation training.

## DISCUSSION

### OPS 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 submitted by OPS officers 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;
- 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.
- 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

#### Need for a Further CEW Expansion Plan

Based on the experience of this initial expansion and the accompanying evaluation, OPS has developed a three year phase-in plan to expand the use of CEWs to all sworn officers from the rank of Constable (all classes) to the Chief. Under this approach the CEW becomes part of the basic kit and equipment issued to each sworn officer.

The goal of this plan is to significantly reduce the average time for the arrival of an officer equipped with a CEWs from dispatch to on-scene. This measure has dropped from 15 minutes in 2014 to 5.7 minutes in 2017 owing to the pilot expansion of 100 units. Further expansion will help to reduce that performance metric to well under 5 minutes, as a CEW will arrive with the first officer on-scene.

The immediate availability of CEWs as a use-of-force option will not change how OPS officers handle themselves on-duty. They are trained to respond to an incident by first engaging in communication with the individual and using de-escalation techniques. The data from the evaluation supports this conclusion and shows that CEW usage is declining, despite there being more CEWs on the road. For example in 2016, when the additional 100 CEWs were deployed, there were 89 calls for service in which a CEW was involved. In 2017, that number dropped to 66 calls.

The expansion plan is based on personal issue to all sworn members. This approach is consistent with that taken by many other services (York – moving to personal issue, Peel, Durham, Barrie, Vancouver). It promotes accountability for the CEW, supports the transfer process with ease (70% of members change roles annually) and ensures that all members are equipped at all times for any duty assignment.

The sequencing of the roll out of the additional CEWs will ensure that the Directorates with the most involvement with emergency calls for service receive them first. The consultation results laid out in this report (in a subsequent section) support the development of this plan. The Roll-out Plan is laid out in detail in a section which follows.

Throughout the work on the expanded role for CEW's at Ottawa Police, participants often raised questions about officer training on police intervention, de-escalation and the CEW in particular. What follows is a summary of current training, usage and accountability requirements in these areas.

### *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). This covers 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 Desescalation 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.

- Recruit / 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.

#### *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.

#### Roll-out Plan: Three Year Phase-in

Taking into account the success of the program to date, the input from the consultations and the operational need for this option, staff has developed a three year phase-in to deploy CEWs to all sworn members.

At a high level, the plan will equip and train roughly 400 members each year for the next two years, dropping to 250 members in the third year, at which point all existing staff will be qualified. In the years that follow the focus will be on new recruits. Training for new recruits and direct entry officers will be built into on boarding and recruit training programs at PDC.

The sequence for phase-in will prioritize the Directorates which deal most with emergency calls for service as shown below.

Timeframe	Number	Directorate
Phase 1 2018	400 CEWs	Frontline Directorate (FLD)
		Community Response and Frontline Support Services (CRFSS)
		Support Services Directorate (SSD)
Phase 2 2019	400 CEWs	Training and Development Directorate (TDD)
		Criminal Investigations Directorate (CID)
		30 Additional positions requested for 2019
Phase 3 2020	250 CEWs	Corporate Services Directorate
		Executive Services Directorate (ESD)
		30 Additional positions requested for 2020
On-going 2021+	30 CEWs	30 Additional positions requested for 2021

## Board Policy Change

In order to implement the Plan a change to Board policy AI-012 is required as suggested below.

“The Chief of Police will deploy CEWs to all sworn officers.”

## Other Support Required

In order to provide the training and support needed for the CEW Roll-out Plan, the OPS Professional Development Centre will require four additional sworn staff. In 2018 this can be accomplished by adding four full-time temporary instructors to the program. These positions will be requested on a permanent basis as part of the additional 30 sworn officers planned for 2019.

Additional facility space will also be required for a training area, office space and storage. The Facilities group will also be assessing the fit-up required for widespread CEW deployment, including power and cradling needs. These requirements are currently being assessed.

## CONSULTATION

The Consultation Plan was 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 had an opportunity to provide their feedback through a variety of approaches.

### Phase 1: Questionnaire

#### *Methodology*

A questionnaire building on a similar consultation in 2014 was developed and distributed to the public via social media and the OPS website in March and the beginning of April 2018. Open-ended questions were transferred to an Excel file and coded using pre-set codes from previous research on CEWs and new codes that emerged from the data on subjects such as transparency.

Note that only 208 people responded to the 2018 questionnaire, compared with more than 1,000 in 2014.

#### *Results*

Support for the proposed expansion of CEW access is mixed. Some respondents indicated they are in full support of the proposed expansion, citing that CEWs are a great alternative to lethal force and an additional tool for officers. Others are categorically opposed to it, suggesting that adding more weapons is not the solution and that more

effort should be invested elsewhere. Still others support the deployment as long as appropriate training and accountability measures are in place.

Overall, the concerns raised by respondents include the use of CEWs on vulnerable populations, the overuse of CEWs, the general safety of CEWs, training, awareness of CEWs, transparency, a lack of accountability, and trust and confidence. (Similar concerns were raised in 2014 around the use of CEWs on vulnerable populations, the overuse of CEWs, and the need for more/better officer training.)

- A total of 208 responses were received, 117 from male respondents and 91 from female respondents.
- Consistent with the 2014 questionnaire, the majority (59%) of respondents in 2018 were between the ages of 25 and 44, and 51% indicated they had moderate knowledge of CEWs.
- When asked to comment about the proposed expansion of CEWs, the top comments were:
  - More training is needed (on de-escalation and communication techniques);
  - CEW overuse and safety concerns;
  - Concerned about the use of CEWs on vulnerable populations; and
  - It's a positive, less-lethal option for officers.
- When asked what concerns or questions respondents had in regard to the expanded deployment of CEWs at the OPS, only 14% (29 respondents) indicated having no questions or concerns. The top concerns identified were:
  - The adequacy of training (62%: 129 respondents);
  - Overuse of CEWs (62%: 129);
  - Risks associated with vulnerable populations (62%: 129);
  - Accountability related to CEWs (58%: 122); and
  - Safety of CEWs (43%: 89).
- When provided with information regarding current accountability measures in place for CEW deployments, 51% of respondents (108) indicated that they aren't sufficient, 42% (89) indicated they are enough, and 6% (13) did not know.
- When asked what measures should be implemented should CEWs be expanded to more officers, the top four concerns identified by respondents were:

- More de-escalation training (73%: 154);
- More communication training related to people in crisis or vulnerable populations (72%: 151);
- More training on Use of Force (50%: 105); and
- More training on CEWs (49%: 103).

Key findings:

- **Training:** The main concern repeated throughout the three open-ended questions was the need for better training, particularly the need for more de-escalation and communication training to avoid the use of weapons altogether. Some answers suggest a lack of understanding of the Use of Force Model employed by police as respondents seem to believe the use of CEWs will become a primary technique.
- **Use of CEWs on vulnerable populations:** Another concern raised in response to the open-ended questions was the use of CEWs on vulnerable populations, in particular individuals suffering from mental health issues. It is also a concern that was raised in 2014.
- **Safety of CEWs:** 89 respondents raised concerns regarding the general safety of CEWs. Some worry about the use of CEWs on individuals with health conditions. Consequently, these respondents do not consider CEWs to be a less lethal weapon.
- **Enhanced accountability measures:** The perceived lack of concrete accountability measures and insufficient levels of accountability were cited by 122 respondents as being a major concern in relation to the use of CEWs. Body worn cameras or CEW cameras were cited as a potential solution to this problem.
- **Transparency:** A lack of transparency with respect to use of CEWs and the Use of Force in general was also cited as a concern. The perceived lack of transparency and accountability measures appears to have a negative impact on respondents' opinions about the CEW expansion. Some respondents suggest that more information on the use of CEWs and accountability measures are needed.
- **Trust and confidence:** Some respondents who raised concerns about a lack of transparency with respect to the use of CEWs also raised concerns about trust and confidence in police. The perceived lack of transparency and accountability seems to have a negative impact on public trust and confidence in police.

- **Concerns about overuse or unwarranted use of CEWs:** Respondents also raised concerns about the risk of overuse or the unwarranted use of CEWs. The primary concern raised is that officers will use CEWs before attempting to use communication or de-escalation techniques rather than as a last resort. Similar concerns were raised in 2014.

#### Phase 2: Face-to-Face Consultations

The OPS also conducted a series of in-person consultations with various community experts and stakeholders representing vulnerable populations, including people with mental health issues.

These discussions suggest there is broad support for expansion of the CEW program as a viable option that reduces the risk of death or injury in situations where an individual is out of control and/or in danger of harming themselves or others. Other comments to emerge from these consultations included the following:

- The OPS should consider specialized de-escalation training for officers in dealing with people suffering from different mental health issues so that they can approach each situation with a better understanding of what might be wrong (ie., an individual with schizophrenia vs. someone who is depressed). The OPS currently offers a 2-day course twice a year for officers on dealing with mental health issues, but the course load could be increased.
- With an increasing number of interactions between officers and individuals who suffer from mental illness and substance abuse-related issues, both the impact on the subject and the impact on the officer should be taken into consideration. One respondent would like to see better tracking (in general) of the types of subjects officers are dealing with, using suggested categories such as mental illness, substance abuse-related, medical illness (i.e., excited delirium), anger, criminal, and developmental delayed.
- Another respondent stressed the importance of accountability and reporting.

The feedback received both externally and internally will help to continue to guide our training and deployment of CEWs.

#### **FINANCIAL IMPLICATIONS**

The 2018 budget includes the funding necessary to provide CEWs to all sworn members through the 3 Year Roll-Out Plan described above. The 2018 Chief's Initiative Fund includes \$640,000 of on-going base budget funding to support the acquisition of additional CEWs and related supplies and equipment.

Police services in Ontario employing CEWs are required to purchase models sanctioned by the Ontario Ministry of Public Safety and Correctional Services. Currently, only models manufactured by TASER International are approved. The X2 and X26P models were authorized for use by the Ministry in later 2014.

M.D. Charlton Co. Ltd. is the only authorised distributor of TASER in Canada and transactions with this company should be considered sole source ones. Quotes were obtained from them for the supply of the first 400 CEWs in the Roll-Out Plan.

Staff are recommending the purchase of 400 CEWs from M.D. Charlton Co. Ltd. This purchase supports Phase 1 of the expansion plan. The total cost of this purchase is \$1,177,776 (exclusive of taxes) or close to \$3,000 per unit. Funding for the purchase will be a combination of the \$640,000 provision in the operating budget and a draw of \$537,776 from the Fleet Reserve Fund.

## **CONCLUSION**

OPS officers will continue to manage their interactions with the community using de-escalation as the primary approach. The 100 CEW expansion pilot has shown the value of adding this option to the range of responses and officer can draw on, depending on the situation faced. Staff are recommending that over the next three years that CEWs be deployed to all sworn members starting first with those groups that have the most interaction with emergency calls for service. Safety, accountability, organizational flexibility and business continuity can be maximized in this way.