



Use of Force Advisory Committee 2013 Annual Report

Co-Chairs: Michael Federico, Deputy Chief, Toronto Police Service
Hugh Stevenson, Superintendent, Ontario Provincial Police

Members: Nathalie Barbeau, Capitaine, Surete de Quebec
Christine Hall, MD, Canadian Police Research Centre
Jay Judin, Staff Sergeant, Force Review Officer, Calgary Police
John Kelsall, Staff Sergeant, Use of Force Trainer, Ontario Provincial Police
Chris Lawrence, Ontario Police College
Steve Palmer, Executive Director, Canadian Police Research Centre
Lisa Sabourin, Standards Development Officer, Ontario Ministry of Community Safety and Correctional Services
Pierre Savard, Commandant, Montreal Police
Bruce Stuart, Sergeant, Royal Canadian Mounted Police
Mike Tillotson, Staff Sergeant, Calgary Police Service
Dave Walsh, Superintendent, Royal Canadian Mounted Police

Advisors: Ron Hoffman, Instructor, Ontario Police College
Vesna Knezevic, Manager, Public Safety Canada
Donna Wood, Project Manager Defence Research and Development Canada

Introduction

The CACP Use of Force Advisory Committee focuses on providing advice and counsel to the CACP on matters related to police use of force. Its mandate includes the consideration of use of force technology and use of force modalities (i.e. policies, procedures, practices, training, and techniques).

Meetings

The Committee meets twice a year. In 2013 it met in April in Toronto and October, in Montreal.

Membership

The members of the committee consist of members of the CACP and technical advisors. They represent police services and agencies that support policing such as police trainers,

use of force specialists, and federal and provincial government departments. During 2013 membership changed because of reassignment and separations. The committee thanks Steve Palmer now a Director with the Collaborative Centre for Justice and Safety University of Regina, Bruce Stuart, promoted to Inspector and detachment commander with the Royal Canadian Mounted Police, Joel Johnston, retired and operating Joel Johnston Consulting, and Dr. Christine Hall whose commission with the Canadian Police Research Centre expired, for their selfless efforts in supporting the work of the committee,.

Accomplishments

Use-of-Force Reporting

Since its establishment, the committee has acknowledged the benefits of comprehensive police use of force reporting on a provincial and national basis. This subject remains topical across Canada. In Ontario, the start of a coroner's inquest in October, into three shooting deaths of emotionally disturbed persons by the Toronto Police Service (known as the JKE Inquest) and the shooting death of youth by Toronto Police in November (S. Yatim) have raised the likelihood that police use of force reporting will be further scrutinized. The committee anticipated that recommendations to record more information about encounters with the public when police use force will be made.

The committee was also informed that Public Safety Canada was considering supporting a research project that would help to inform discussions related to the collection and analysis of police use of force data. The research which would start in 2014 would look to:

- a) develop a list of the most frequently asked and significant research questions regarding the use of force by, and against, police;
- b) identify what kinds of data (e.g. most important variables) need to be collected on officer and citizen encounters to enable valid and reliable analysis at an aggregate level across agencies and jurisdictions, and
- c) discuss data collection and analysis methods to produce valid and reliable information that can be used effectively by trainers and operational policy makers.

The committee agreed that it would participate in the research in the appropriate manner. Members noted that they had previously agreed that in order to help the CACP develop consistent use-of-force reporting the committee would review and identify common traits or distinguishing features that are present in police use of force reports across Canada. To do so the Committee has made this subject a standing agenda item. Work that has been done by the RCMP in developing their Subject Behaviour and Officer Response reports, and work being done in Ontario by Use of Force working groups will help form the basis of further discussions. This item remains ongoing.

Training

The committee also acknowledged that police training and skills retention will continue to be a priority for police services. Once again, mindful that training will likely be reviewed by the inquests in Ontario, the committee is monitoring police use of force training generally but particularly as it relates to police encounters with emotionally disturbed persons. The committee will seek to participate in any work that arises from such reviews in 2014.

National Approach for Selecting Police Use-of-Force Technology

As was noted in the 2011 annual report, Canadian police services continue to work with the Federal, Provincial, and Territorial Working Group to develop a common, defensible approval processes for the introduction of new use-of-force technologies (particularly less lethal technologies) into police inventory. During 2012 and 2013 the committee continued to help refine the proposals developed by the Canadian Police Research Centre and Defence Research and Development Canada (DRDC).

In 2012, Ms. Vesna Knezevic, Manager Firearms and Operational Policing Policy Division, Public Safety Canada, Ms. Donna Wood, Project Manager, Conducted Energy Weapons Strategic Initiative, DRDC Centre for Security Science, and committee co-chair, Deputy Chief Mike Federico, Toronto Police Service, participated in a conference call with the CACP Executive.

The call

- provided an overview of the work Public Safety Canada has been leading, in collaboration with Federal, Provincial, and Territorial Governments, to address how less lethal weapons (LLW) are approved for use by law enforcement in Canada, the context for that work, and the benefits to stakeholders;
- updated CACP on the status of a collaborative research project between Public Safety Canada and DRDC to develop a LLW approval process that could be applied to emerging less lethal technologies; and
- received feedback on the approach recommended by DRDC, the role proposed for police services and the role that could be played by CACP in supporting implementation.

In 2013, the report was submitted to Public Safety Canada by DRDC with input and feedback from the committee and is now under consideration.

The DRDC report served as advice to policy makers when drafting national guidelines for the Approval of Less Lethal Weapons. The draft guidelines were shared with the CACP and other key stakeholders by Public Safety Canada with a request for feedback by August 22, 2014.

Testing and Evaluations of Police Use of Force Options

Since its inception, the committee has been discussing with Public Safety Canada the testing and evaluations of CEWs as safe and effective less lethal force options. The Conducted Energy Weapons Strategic Initiative (CEWSI) project was created to address questions related to the testing of conducted energy weapons and to clearly identify the medical and technical knowledge areas requiring additional research. The project was intended to provide technical expertise needed to ensure valid scientific advice can be provided to both CEW users and the policy makers regarding the use of these weapons by Canadian police.

In 2013, the committee received two reports detailing the results of tests performed on the current issued CEWs (M26 and X26).

- *Conducted Energy Weapon Test Report Revision 2 (March 2013)* Quality Engineering Test Establishment (QETE)

and

- *Testing of Conducted Energy Weapons Recommended Practices to Ensure Consistent and Quality Results (September 2013)* Defense Research and Development Canada

The first report by QETE concluded that the weapons generally perform to manufacture's specifications. The exceptions were that in some tests the weapons' batteries did not produce full power after exposure to temperatures below -30 degrees centigrade. In other tests the discharge of static electricity caused some cartridges, not installed in the weapon, to spontaneously fire when the electrodes were touched. The recommended remedy for these potential problems included replacing the batteries when their power reading was near 20 percent, and avoiding touching the electrodes on the cartridges when installing or removing them from the weapon.

The committee confirmed that this information has been shared with police services using the weapons.

The second report (DRDC) discussed the need to regularly test issued CEWs against manufacturer specifications, particularly for electrical output, and suggested testing methodologies for police services and laboratories to follow when conducting the tests.

While not commenting on the testing methodologies directly, the chair of the committee remarked that:

... based on operational experience, there is no proven need to test the weapons, particularly for output (although there is certainly an interest in testing). The interest in testing the weapon's electrical output was motivated, largely, by a public safety concern that persons might be at higher risk of harm from any

variance in current that might be associated with any particular weapon; however, even if variances are detected the results are, at most, inconclusive and variances themselves are, arguably, so small as to have negligible impact on public safety. To me, the report overstates the case for testing.

Committee Next Steps

The committee continues to focus on its established agenda, specifically it anticipated that in 2014 because of lethal police use of force events, police and public attention will focus on:

- 1) Police use of force encounters with persons who are emotionally disturbed or suffering from mental illness.
- 2) Developing a national use of force reporting guideline. This item is considered a high priority because the development of consistent reporting criteria and methodology will help police officers articulate and justify their use of force; and a greater degree of national consistency around the relevant data collection can benefit research, training, policy, accountability, supervision, governance, and public trust.
- 3) Use of force training - in particular issues of knowledge and skills perishability, and the development of evidence based curriculum especially as they relate to de-escalation training.

Submitted by:

Co-Chairs

Superintendent Hugh Stevenson and Deputy Chief Mike Federico