



THE CITY OF KAWARTHA LAKES POLICE SERVICE REPORT

Report No.:	To:	Prepared by:
PSB2013-14	MEMBERS OF THE CITY OF KAWARTHA LAKES POLICE SERVICES BOARD	John Hagarty, Chief of Police
File No.:	Subject: Expanded deployment of Conducted Energy Weapons (CEWs)	Date: November 13, 2013

Background:

On August 27, 2013, the Ministry of Community Safety and Correctional Services (MCSCS) announced the authorization for the expanded deployment of conducted energy weapons (CEW) in Ontario. The Ministry explained that:

Conducted Energy Weapons (CEWs) have been in use by police in Ontario since 2002. Until now, only frontline supervisors and officers who are members of tactical units, hostage rescue teams and containment teams have been permitted to carry CEWs.

The Ministry of Community Safety and Correctional Services (MCSCS) initiated a review to explore the advisability of expanding deployment of CEWs. The review included an examination of current medical literature, a jurisdictional scan and consultation with stakeholders, including police and civil liberties advocates.

Following the conclusion of this review, the Minister has decided to lift the existing restriction and to allow police services to determine which officers should be permitted to carry CEWs, based on their local needs and circumstances.

The government is committed to openness and accountability in policing. After consulting with policing and community groups, the government is introducing changes that:

- Provide direction and guidance as to when a CEW would be deemed to be appropriate;
- Increase reporting provisions (i.e., CEW use will be reported in an open and transparent manner, including when a CEW is displayed with the intention to achieve behaviour compliance);
- Enhance training, including scenario-based training and training for interactions with people with mental health issues, to assist in ensuring the safe, appropriate and effective use of CEWs; and
- Expect that police services should engage local communities prior to deciding to expand CEW deployment in their jurisdiction.

The Ministry of Community Safety and Correctional Services will continue to monitor and review the use of CEWs and will assess the impact of expanded use going forward. In addition, the Ministry will continue to working with our community partners to review de-escalation and review use-of-force training, including

best practices for police officers interacting with people in crisis (mcscs.jus.gov.on.ca).

MCSCS is now finalizing the amended *Use of Force Guidelines* and training standards for trainers and users. The Ministry does not contemplate amending the threshold when the device can be used.

The Ontario Association of Chiefs of Police (OACP) has maintained that CEWs have an important role to play in protecting the public and police officers from violent individuals, as well as protecting violent individuals from injuring themselves. Organizations that use CEWs must have the proper policies and procedures, as well as the training and the supervision to ensure they are used in the right circumstances, for the right reasons. Within those policies and procedures, there must be clear accountability and transparency. With clear policies and procedures, a well-trained officer with a CEW, properly supervised and fully accountable for all use-of-force decisions, can save lives.

Furthermore, the OACP believes that, based on the experience of its members, an expanded deployment of the device to uniform primary (first) response constables is warranted. Restricting the devices to supervisors limits the ability of police services to respond safely and promptly to situations where the potential for confrontation and injury often escalates quickly. This is especially relevant for smaller police services that might not have supervisors regularly on the road as well as for regional police services and the Ontario Provincial Police. These services patrol vast territories and, therefore, find it difficult to ensure a supervisor, equipped with a CEW, is available to provide timely assistance to first responders. This can deprive first responders of access to a Ministry approved, less- than-lethal force option that has been used time and again to safely end dangerous situations. As a result, the risk to public and office safety can increase. The OACP has historically supported broader deployment of CEWs to primary response officers.

Thus, the Ministry's announcement and the OACP's position are fully aligned. However, the Ministry has not *directed* police services to expand current deployment of CEWs. Instead, it has left the decision to the local Chief and police services board. In fact, the Ministry goes further and "expect[s] that police services should engage local communities prior to deciding to expand CEW deployment in their jurisdiction".

With its announcement, MCSCS has introduced a higher level of participation by police services boards than before. This is deliberate. While, historically, weapons deployment has been largely an operational decision, it is clearly the Ministry's view that the deployment of CEWs will be subject to board input in the form of policy development. Given the public interest and sometime controversy surrounding the weapon, the Ministry believes it deserves special consideration. Thus, the Ministry will likely advise that,

Police Services Boards may now take the necessary steps, in partnership with their Chiefs of Police, to develop a policy on CEW authorization. That policy should reflect and preserve any current CEW deployment model that has been implemented by the Chief of Police with respect to members of tactical units/hostage rescue teams, preliminary perimeter control and containment teams and front line supervisors or their designates. Further, that policy should identify any further classes of police officers that are authorized to carry CEWs.

Summary:

Consultation and research:

1. After much consultation and research, the Ministry of Community Safety and Correctional Services has approved the expansion of deployment of CEWs to front-line police constables. This approval took into consideration inquest jury recommendations (12 in total), medical assessments, input from policing stakeholders, and community input including the Canadian Civil Liberties Association.
2. Since February 2006, our Service has deployed a CEW to front-line supervisors (as permitted by current Ministry guidelines) allowing for a CEW to be available, although limited for emergency response.
3. The CEW is only used in full deployment or drive stun mode (direct application) when the subject is assaultive as defined by the Criminal Code. This includes threatening behaviour if the officer believes that the subject intends and has the ability to carry out the threat, or where the subject presents an imminent threat of serious bodily harm or death which includes suicide threats or attempts. Therefore, direct application of the device is only utilized to gain control of a subject who is at risk of causing harm, not to secure compliance of a subject who is merely resistant. Locally, about 50% of incidents involving the CEW are safely resolved by displaying the device only. Since 2006, a total of 21 Use of Force reports were submitted for the use or display of a CEW in operations (Displayed only in 11 incidents and Deployed in 10 incidents).
4. Each year, the Service reports to the Board on the use of CEWs. The Service's record consistently demonstrates that officers are using good judgement under difficult circumstances. Furthermore, the record also demonstrates that officers are making appropriate decisions to use only the force reasonably necessary to resolve tense and dangerous situations. Moreover, the CEW has proven to be an effective tool that has helped avoid injuries to the public and police officers. Consequently, the Service believes that through proper policy, procedures, training, and accountability, the CEW is an appropriate use of force option that can help maintain public and officer safety.

Training:

8. Each officer will be issued a CEW only after they have completed the Ministry approved user training. The Service expects that this training will consist of 12 hours of study and scenario based exercises – four (4) hours longer than is currently the case. The training will include practical and written examinations. The officers will need to 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. The four additional hours are dedicated to judgement training and the practical scenario training to continue to emphasize that officers must use sound judgement along with effective communication and de-escalation techniques when deciding whether to use force and what force options to use.

Conclusion:

12. Since February 2006, the CEW has been deployed with the Service. During this time, the Service's record consistently demonstrates that officers are using good judgement under difficult circumstances and that they are making appropriate decisions to use force only when reasonably necessary to resolve tense and dangerous situations.

13. The Service is confident that the CEW is an effective tool and believes that through proper policy, procedures, training, and accountability, the CEW is an appropriate use of force option that can help maintain public and officer safety.

14. The Service is requesting Board support for expanded deployment across the Service.

Recommendation:

The Ministry has an expectation that police services should engage local communities prior to deciding to expand CEW deployment in their jurisdiction. I would suggest that the board advertise that this report is available for pick up at the Police Service, available on our web page and that the board will receive deputations at your January meeting.

Financial Implications:

Funds are available in the Service's 2014 capital budget to purchase an additional 45 CEWs as well as the cost for training and other requirements.

Deputations

When a person or persons, not being a member of the Board or the Chief of Police, or Senior Officer desires to be present at a meeting to address the Board, that person or persons shall be permitted to do so at the discretion of the Chair of the Board, subject to the following guidelines:

- (a) Upon receipt of such a request, the Secretary shall confirm with the delegation the time and the place at which the delegation will address the Board, and shall also inform the delegation of the rules and procedures relating to delegations;
- (b) A delegation may address the Board through one speaker for a period not exceeding ten (10) minutes during any Board meeting, except that any delegation consisting of more than five (5) persons, shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes;
- (c) Delegations initiating an application to the Board shall be heard in the order of their receipt. In each case, after any delegations in opposition are heard, the Chair, at his/her discretion, may grant the right to reply to the original petitioner. The time for reply shall be limited to five (5) minutes and may be made by the original speaker or by another speaker then chosen by the delegation;
- (d) Whenever possible, delegations shall file a written submission with the Secretary for prior distribution to the members of the Board. Submissions must be filed with the Secretary of the Board seven (7) days prior to the next scheduled meeting of the Board to be included in the agenda;
- (e) No item or delegation not included in the agenda can be introduced at the meeting of the Board without the unanimous consent of the Board members present;
- (f) A majority of the members of the Board who are present, may make an exception to these guidelines where such is deemed advisable. The exception provision should not be used should the matter be of such a nature that it could be properly placed on the agenda before the next scheduled meeting of the Board.