



Use of Force Advisory Committee 2015 Annual Report

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Introduction

The CACP Use of Force Advisory Committee (UFAC, the 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

In 2015 the Committee met August 15 at the CACP 2015 annual conference in Quebec City QC.

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 2014 membership changed because of reassignment and separations. The committee wants to thank the selfless work of our former members on behalf of the CACP.

Accomplishments

In 2015, the Committee focused on reviewing the developments and progress of its members' agencies: the following extract of the August meeting details the information exchanged:

The work of Force Science Institute:

Members were informed of a New York Times article (Matt Apuzzo, August 8, 2015) discussing Dr. William Lewinski a psychologist who is associated to the *Force Science Institute* a company that conducts research and trains police officers in police use of force. Dr. Lewinski often provides defense testimony in support of police officers charged with offences related to police use of lethal force. The article explores the controversy surrounding the credibility of Dr. Lewinski's work, suggesting that it lacks evidence and is not peer reviewed. The article can be found at:

http://www.nytimes.com/2015/08/02/us/training-officers-to-shoot-first-and-he-will-answer-questions-later.html?_r=0

Many police services in Canada reference Dr. Lewinski and his company in their training; however, as police services increasingly emphasize judgement, tactics and de-escalation in resolving incidents, the committee discussed the importance of confirming the credentials and credibility of sources of information that might be incorporated into police training. Committee member Mr. Chris Lawrence informed the committee that Dr. Lewinski is an academically and professionally acknowledged expert in the field of psychology and policing with the appropriate credentials, and his work has been peer reviewed. Committee members were provided with a sample list of Dr. Lewinski's peer reviewed articles.

Members agreed that the article was a reminder of the public's scrutiny of police services and agreed that chiefs of police need to be fully aware of the source of material used in their service's training, especially use of force training. One suggestion was that the CACP hold a meeting of police trainers and chiefs of police to explore police training more fully.

Use of Force Model and Training for Correctional Services - Explore an alignment with police use of force models - Director General Nick Fabiano CSC

Members received a presentation from DG Nick Fabiano discussing Correctional Services of Canada's (CSC) approach to the use of force when controlling inmates including the development and use of equipment and weapons, training and supervision, and a use of force model. Members noted the similarities in issues concerning use of force facing CSC and policing such as the intersection of use of force incidents involving a population with mental health issues. Members also noted the similarity in CSC's use of force model and the police model. A copy of his presentation was shared with the committee.

In light of the common aspects of use of force by correctional officers and police officers, the committee considered a proposal from the DG that CSC become a member of the committee. It was agreed to ask the CACP Board of Directors for approval.

C-8 carbine deployment and training within the RCMP - Insp. Rhonda Blackmore

Members received a presentation and discussed the RCMP's introduction of the C-8 carbine to front line patrol. The RCMP plans to deploy the weapon to front line officers based on the results of a risk assessment of all detachments. By April, 2016, the RCMP expects to have 25% of their front line members trained on the carbine.

The training for serving members is 5 days and covers the spectrum of police use of force issues. All recruits receive C-8 training as part of their basic training. The committee noted the emphasis on judgement and tactics along with technical proficiency that the RCMP has placed on the training.

National Use of Force Model – Time for change?

D/Chief M. Federico

Committee members noted that discussions have arisen in policing circles about whether the current police use of force model might predispose officers to use force in public encounters. There is, in some jurisdictions (e.g. Ontario), an opinion that the model should be amended to specifically emphasize that de-escalation is a necessary step in any use of force situation. This opinion reflects the perception held by some that police culture emphasizes forceful interventions over negotiated outcomes.

In response to a review of police use of force in Toronto by retired Supreme Court of Canada Justice Frank Iacobucci, the Ontario Association of Chiefs of Police (OACP) had this to say about the police use of force model:

The Ontario Use of Force Model is based on the National Use of Force Framework. It is a graphic representation of the various elements involved in the thought process a police officer uses to assess a situation and act in a reasonable manner to ensure public and officer safety. It is approved by the Ministry of Community Safety and Correctional Services.

The Model was developed as a guide to help police officers make informed decisions about using force and the choice of force options, and to help officers explain their decisions. The model is not an authority to use force or to justify officers' actions, instead, it is simply a way to represent the use-of-force decision-making process whereby the police officer assesses the situation and decides on the most reasonable response.

The assessment process begins in the centre of the model with the "situation" facing the officer. From there, the assessment moves away from the centre of the model to consider the subject's behaviour, the officer's perceptions, and tactical considerations. Based on their assessment, officers select the most reasonable force option that can address the situation and that presents the lowest level of risk to the subject, the public and the officer. Options can range from officer presence, direct communication with the subject, the use of intermediate force options such as Conductive Energy Weapons, up to the use of lethal force.

However, it is important to note that force decisions and options are not necessarily used or intended to be used incrementally or sequentially. Events that officers encounter can unfold rapidly and are often very dynamic. Officers are trained to use a variety of strategies to successfully de-escalate volatile situations and there is no single communication method, tool, device, or weapon that will resolve every scenario. All use of force situations are considered dynamic and constantly evolving until the situation is brought under control. Officers are trained to continue to “assess – plan – act” to determine if their actions are appropriate and effective. Furthermore, the model is not unidirectional – it is depicted in the form of circle so that officers know that they may move clockwise or counter clockwise or even laterally, depending on the situation, to discourage rigid linear, escalation type thinking.

There is, however, an opinion that the model should be amended to specify that de-escalation be specifically listed to emphasize that it is a necessary step in any use of force situation. The OACP points out, though, that communication, essential to achieve de-escalation, encircles the model as a reminder to officers that de-escalation is the goal of crisis management.

As a result, the OACP contends that revisions to the Use of Force Model are not necessary at this time. However, while the OACP continues to have faith in the Model and the training that supports it, it encourages increased emphasis on de-escalation through effective communication, and such techniques as containment and even disengagement or withdrawal if appropriate.

The committee, however, recognized that language and terminology around police use of force used by police officers including police trainers can affect public perception of police culture. For example, the notion held by some police officers that they are warriors in a constant war against crime has left some to wonder if police increasingly interpret contact with the public as potential combat, especially in light of the fact that much of police work consists of community support - not fighting crime. The Police Executive Research Forum (PERF) in the United States recently held a symposium on police use of force and discussed police culture: *warrior vs guardian* (Critical Issues in Policing Series: Re-Engineering Training, August 2015). Many chiefs of police acknowledged that inadvertently, a warrior culture exists among some police officers that is reinforced through training that emphasizes command and control and officer safety over negotiated outcomes and community safety.

Committee members reiterated their interest in hosting a meeting of police trainers and chiefs of police to ensure training emphasizes a police culture of public service as a peace officer.

Use of Force Reporting: Collecting and Analyzing Data on Use of Force in Encounters between Police and Members of the Public: Implications for Policy and Practice in Canada. Federal Research Project – Kiedrowski et al (copy emailed).

The committee recalled that in 2014, as a result of growing interest among a number of stakeholders in police use of force, Public Safety Canada initiated a research project to help better understand the use of force in encounters between police and members of the public. The research looked to:

- develop a list of the most frequently asked and significant research questions regarding the use of force by, and against, police;
- identify what data need to be collected to enable valid and reliable analysis at an aggregate level across agencies and jurisdictions, and
- discuss a methodology to reliably and systematically analyze data on interactions between officers and subjects in use of force encounters and present such data in a manner that can be used by trainers and operational policy makers.

The committee contributed to the research by participating in focus groups and individual interviews, and by offering comments when the draft report was circulated. Members noted that a number of the questions identified as potentially relevant or helpful to police use of force reporting might be difficult to answer because police would not have access to the information sought (e.g detailed subject characteristics, personal and medical background). Another challenge concerned the ability to analyze the data given the two distinct types of analytical methods discussed (maximum use of force scale vs force factor analysis) and the conceptual differences between the National Use of Force Framework versus the Use of Force Continuum. Other concerns included the potential cost and resource implications given that any use of force report is to be completed by front line officers before they complete their shift.

The report has now been completed (copies were shared). According to Public Safety Canada the report is intended to advanced policy discussions, help identify the most important type of data that should be collected and analyzed, and promote discussion on potential future research. Public Safety Canada emphasized that:

- This report is a discussion paper; it is not a policy document nor is it intended to be prescriptive.
- It was developed by academic researchers with subject matter expertise and represents their views.
- While stakeholders were consulted (PTs, police associations), it does not represent consensus.
- A key objective of the research was to see how the data that is already collected by police services could be used to identify the combination of factors and circumstances that expose officers to the greatest risk.
- The aim was to introduce comparability (i.e., consistency) into the data being collected by police services so that some general conclusions could be drawn from it (one way to do this is to apply quantitative methods to data analysis to be able to compare otherwise complex and unique transactions in order to see patterns, trends or emerging issues).
- The quantitative analytical methodologies discussed in the report serve as illustrations for discussion purposes only. The report does not endorse one methodology over another – it simply discusses two options that have been used and their merits and limitations.

Public Safety Canada reiterated that it is interested in working with police to see how the data could be made more consistent across services (through their use of force reports) to be able to conduct analysis at the national level with a view to helping to prevent injuries to both officers and subjects.

Public Safety Canada would welcome the committee's views on:

- what are the most frequently asked questions regarding use of force encounters
- are they consistent with questions in the Annex of report
- do the police have the data needed, and if not what is missing and how could it be collected
- are there examples of methods being used to produce valid and reliable use of force data that can be used effectively by trainers and operational policy makers
- are there examples of police use of force reports that are publicly available for analysis purposes

And finally, Public Safety Canada would welcome suggestions on future research that might be undertaken. Members noted that they had previously agreed that in order to help the CACP develop consistent police use of force reporting the committee 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.

New Business and round table

Saskatchewan: Use of force training is being closely monitored to ensure it meets its mandate and like other services carbines are being deployed to general patrol officers.

RCMP: One training innovation to help officers accurately and fully complete use of force reports includes having them view a video of a use of force incident and then complete a use of force report. The RCMP is also reviewing the deployment of part time vs full time tactical units to respond to the types of threats they have recently experienced.

Ontario Police College: To help officers appreciate some of the obstacles that they might face in establishing effective communication with emotionally disturbed persons and to adjust their approach accordingly, training at the Ontario Police College has moved away from simply listing symptoms of mental disorders to exposing officers to the sensations that emotionally disturbed persons might experience. Officers are exposed to these sensations through simulations.

Chris Lawrence has completed a review of police use of force incidents in Ontario from 2002-2013 where serious injury or death occurred (Special Investigation Unit [SIU] cases). One of his conclusions is that there is no evidence to support the theory of "contagious fire" by police officers. His study will help develop training in Ontario.

Ontario Ministry of Community Safety and Correctional Services: The Ministry along with policing partners has been working on amendments to the use of force regulations under the Ontario Police Act. The amendments include incorporating references to new weapons and equipment (e.g. improved TASERS, firearms and ammunition, long range acoustical devices) and acquisition and deployment authority, and reporting requirements. A new provincial use of force report for police has been drafted. It includes more information about the subject's condition (e.g. emotionally disturbed) along with more detailed information about the circumstances, the decision to use force, and the weapon chosen. The report will be available on line and the amendments will require police services to forward the reports to the Ministry annually for analysis for training purposes.

Committee Next Steps in 2016

Mandate:

The Use of Force Advisory Committee supports the CACP by performing an advisory function on matters related to use of force options. Therefore, its mandate is broader than the consideration of use of force technology and includes use of force modalities (e.g. techniques, policies, procedures and practices). UFAC is not a decision making or advocacy body on behalf of CACP.

To support the CACP, UFAC receives submissions for review from police services or from the CACP Executive. Generally then, UFAC responds to issues or anticipate issues that are likely to be of interest to Canadian chiefs of police.

UFAC's membership consists of members of CACP and includes non-member technical advisors who are knowledgeable about training, tactics, weapons, medicine, research, testing, supervision, policy, and governance in the context of police use of force. It may also invite guests and outside resources from time to time to help review particular subjects.

Priorities:

- 1) Effective communication strategies that reflect the realities of operational police use of force – in particular highlighting what we do well.**
- 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.**

- 4) **Studying the organizational impacts of the introduction of new training/techniques/technologies, particularly on police operations, budgets and infrastructure.**
- 5) **Police encounters with persons who are emotionally disturbed or suffering from mental illness.**
- 6) **Threat analysis related to officer/public safety on emerging or existing technology (e.g. lasers used against the public, and other new unlawful weapons).**

The committee will focus on its established priorities but for 2016 it will emphasize:

- Police encounters with persons who are emotionally disturbed or suffering from mental illness and its intersection with police use of force and use of force training.
- Use of Force reporting: the Committee acknowledges that police training, policy, and tactics benefit from accurate and comprehensive data.
- Use of force training - in particular the emphasis on de-escalation training In this regard the Committee is exploring the benefit of holding a symposium for chiefs of police to assess the latest training approaches to police use of force, especially de-escalation training.

Submitted by:

Co-Chairs

Superintendent Susan Decock and Deputy Chief Mike Federico