

The Expansion of Conducted Energy Weapon Use in Ontario: Pacification and Policy Development

by

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Abstract

This thesis examines the Ontario government's decision to allow for the expansion of Conducted Energy Weapons (CEWs) to all front-line police officers. I utilize a framework of pacification strategies that illustrate the way in which police services, particularly the Ottawa Police Service, should implement a CEW policy for the deployment of the weapon in order to achieve effective police-community partnerships. The decision to expand CEWs demonstrates an abdication of responsibility on the part of the province to local police agencies and the new policy provides little guidance. It is important that local agencies develop strong and effective CEW policies for the purpose of enhancing public and police safety as well as ensuring meaningful accountability in Ontario. I analyze several provincial and agency CEW guidelines in order to facilitate the development of effective CEW guidelines at the agency level and, importantly, to ensure accountability for when these weapons are deployed.

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Acronyms found in Thesis

ACLU	American Civil Liberties Union
AHS	Autonomic Hyperarousal State
ATF	Bureau of Alcohol, Tobacco, Firearms, and Explosives
BC	British Columbia
CAHS	Canadian Academy of Health Sciences
CEW[s]	Conducted Energy Weapon[s]
CIA	Central Intelligence Agency
CORDS	Civil Operations, Revolutionary Development Support
CPS	Calgary Police Service
EHS	Emergency Health Services
FBI	Federal Bureau of Investigation
FIPPA	Freedom of Information and Protection of Privacy Act
GVN	South Vietnamese Government
HRP	Halifax Regional Police
IACP	International Association of Chiefs of Police
MACV	Military Action Command, Vietnam
MCSCS	Ministry of Community Safety and Correctional Services
NASA	National Aeronautics and Space Administration
NYPD	New York Police Department
OAPSB	Ontario Association of Police Services Boards
OC	Oleoresin Capsicum
OPP	Ontario Provincial Police
OPS	Ottawa Police Service
PMI	Persons with Mental Illness
PSB	Police Services Board
RAND	Research and Development
RCMP	Royal Canadian Mounted Police
REA	Rural Electrification Administration
TVA	Tennessee Valley Authority
U.S.	United States of America
VC	Viet Cong
VicPD	Victoria Police Department

Chapter 1

Introduction

On August 27, 2013, then Community Safety Minister Madeleine Meilleur announced that all front-line police officers in Ontario would be permitted to carry Conducted Energy Weapons (CEWs) [also known by their popular brand name ‘Tasers’].¹ Prior to this announcement, CEWs were only available to officers in specialized and supervisory positions. This decision was accepted and embraced by many, including the Canadian Association of Chiefs of Police; however, it was also met with criticism because it has been argued that the weapon has been a contributing factor in many deaths throughout the world since police began carrying CEWs (Amnesty International, 2013; Canadian Civil Liberties Association, 2013). Bittner (1970) argues that the ability to use force is arguably one of the most defining characteristics of police work. The availability of CEWs for police officers provides more options when facing a critical situation where some force is warranted. However, having more officers carrying CEWs also creates the potential for indiscriminate use of the weapon because of its “nonlethal” label, as well as its perceived safety (Williams, 2012).

The purpose of this thesis is not to analyze the arguments over whether the decision is good or bad although the arguments will be addressed briefly. Instead, the purpose of this research is to analyze the decision to allow for the expansion of CEWs to all front-line officers from a policy and accountability perspective. Creating and developing an effective and meaningful policy around the use of CEWs is a challenge and is fundamental for public and police safety, as well as police accountability. This thesis is divided into five chapters (including this introduction). The second chapter is a detailed overview of the evolution of police use of

¹ ‘CEWs’ will be the term most often used; however, when ‘Taser’ is used, it is synonymous with CEW.

force research and the issues that dominate this area. In particular, a critical issue in use of force research is the failure to effectively conceptualize and consistently measure use of force, and this is analyzed here for the purpose of illustrating why the expansion of CEWs to all officers may further complicate this issue. This chapter also describes the history of CEWs and how they operate and function. Further, the current issues and debates around CEW deployment are analyzed. Lastly, a comparative analysis between CEWs and Oleoresin Capsicum (known as OC or Pepper Spray) is given for the purpose of emphasizing the evident similarities both use of force methods have had from their introduction into police agencies' to the criticism offered by opponents.

The third chapter is the theoretical framework that analyzes the provincial government's decision to expand CEW use. The theoretical perspective I employed is a pacification approach for the purpose of establishing and fostering police and community relations through effective CEW policies. The chapter analyzes the discourse of pacification by providing the main ideas and themes prominent in this theory. Most recently, pacification has been interpreted as being a repressive security measure that is used as an instrument against the population by state agencies (Neocleous & Rigakos, 2011). However, I develop an alternative interpretation and examine the positive elements of pacification through specific strategies and techniques that the police can apply to achieve a strong CEW policy. Also, I create a framework that illustrates what an effective policy of pacification should look like for police services when implementing CEW policies.

The fourth chapter is the analysis of various provincial and agency CEW guidelines. I discuss the methods and procedures of how I obtained the necessary documents and survey data that is analyzed in this section. I critically examine the Ontario government's revised CEW

guidelines and I explore several questions relating to the decision to allow for the expansion of CEW use. I then analyze selective provincial and agency CEW guidelines for the purpose of examining the significant differences as well as important features. The analyses of these CEW guidelines are used to determine how [in]effective the Ontario guidelines are as well as to facilitate the development of a new CEW policy for the Ottawa Police Service (OPS).

The OPS conducted a questionnaire survey in early 2014 in which the agency asked members of the public and the police a series of questions regarding the possible deployment of CEWs in the community. The resulting data is analyzed in order to determine the significant issues and concerns raised by the public and the police around CEW deployment in Ottawa. Lastly, I consider if the development of the OPS CEW policy follows my framework of pacification. Also, the provinces and agencies CEW guidelines are analyzed within this framework.

The fifth chapter is my conclusion which discusses the implications of the Ontario government's decision to allow for the expansion of CEW use. I also give recommendations to enhance the Ontario CEW guidelines. In addition, I provide recommendations to the OPS as to what their new CEW policy should comprise in order for it to be strong, effective, and meaningful. Finally, this chapter discusses the limitations to my research; as well it indicates areas for future research.

This decision by the Ontario government is significant because it affects a large number of individual police agencies in their decision as to whether and how to deploy CEWs within their communities. It is therefore important that local agencies develop strong and effective CEW policies for the purpose of enhancing public and police safety as well as ensuring meaningful accountability in Ontario. My research is important in light of many recent high-profile incidents

involving police use of force in Canada and the United States. The use of force by police is a critical area of concern, and the Ontario government's decision to expand this use of force option to all police officers in the province necessitates focused, deliberate, and thoughtful planning. Thus, it is critically important to examine the expansion of CEW use in Ontario with the goal of providing more effective and informed advice on the development and implementation of policies for such an expansion.

Chapter 2

Police Use of Force and a Backgrounder to CEWs

Early Research and Persistent Problems

The topic and study of police use of force are extensive; however, the research history is not a long one. Klahm, Frank and Liederbach (2014) explain that police use of force research began during the 1950s and was strictly focused on acts of physical force that were violent, excessive, and/or lethal. The scholar who is recognized as undertaking the first study into police use of force is William Westley in 1953. Westley's study focused on police violence within a municipal police force in the United States and involved the interviewing of 73 officers on their views and opinions of using violence. The study provided many insightful results around police use of force during this time. For example, Westley found that "most policemen would apply no sanctions against a colleague who took the more extreme view of the right to use violence and would openly support some milder form of illegal coercion" (p. 37). Further, officers would limit violence only to the extent to which they thought they could get away with it (Westley, 1953).

One of the most interesting findings from Wesley's study is that thirty-seven percent of officers who were interviewed believed that it was legitimate to use violence to gain respect (Westley, 1953). Westley claims that "policemen use the resource of violence to persuade their audience [the public] to respect their occupational status" (p. 39). Further, it is important to note that the weapons officers carried on them during this time included a firearm and a club. The conclusion of Westley's study is that "[t]he policeman uses violence illegally because such usage is seen as just, acceptable, and, at times, expected by his colleague group and because it constitutes an effective means for solving problems in obtaining status and self-esteem which policemen as policemen have in common" (p. 40). Westley's research into police use of force

during the 1950s is viewed as a pioneering study by many scholars (see Kania & Mackey, 1977; Klahm et al., 2014; Terrill & Mastrofski, 2002) and set the stage for further research around the nature of police use of force.

One significant issue that has plagued police use of force research since Westley's study has been the failure by researchers and law enforcement agencies to effectively conceptualize what use of force means and consistently measure its occurrence (Klahm et al., 2014; Klahm & Tillyer, 2010; Klinger, 2008). After Westley's pioneering study, police use of force research continued to be focused on the physical violence aspect through the 1960s. It was not until Bittner's (1970) contribution to this area that research around police use of force started to shift to other forms of coercion. Bittner was one of the first scholars to argue that there was a large inconsistency in clearly stating and conceptualizing what we mean by use of force. Bittner provided the first firm conceptualizing of a police officer's role in and when force may present itself. Bittner's conception was that the police address all sorts of human problems and "this lends homogeneity to such diverse procedures as catching a criminal, driving the mayor to the airport, evicting a drunken person from a bar, directing traffic, crowd control, taking care of lost children, administering medical first aid, and separating fighting relatives" (p. 44). This broader conceptualization allowed researchers to begin studying other forms of coercion such as verbal and nonlethal methods, and to start moving away from the research on excessive or deadly force. Bittner's conceptualization provided more focus to what the police officer's role was and this allowed researchers to draw an understanding that police may use coercion in many situations but the type of coercion they use is a distribution of non-negotiable coercive force rather than physical force (Bittner, 1970).

Throughout the 1970s Bittner's broader conception of force slowly gained recognition, however, many researchers continued to focus only on excessive and/or deadly force. Reiss (1980) called out scholars who only focused on deadly force. Reiss criticized research that focused exclusively on deadly force on the grounds that the measure ignored "all decisions where force gave way to alternative ways of coping with situations" (p. 12). Echoing Reiss' argument about the narrow focus on deadly force, Klahm and Tillyer (2010) argued that police use of "normal" and nonlethal force only received scant attention in the 1970s and early 1980s, and it was not until the mid-1980s that nonlethal force became a popular research area for scholars. Further, Sherman (1980) indicates that the police viewed the community differently in the late 1970s compared to the 1950s. He argues that the change in police violence/force occurred because of policy, reform, and professionalism (Sherman, 1980). This can be supported by the fact that the first recognized use of force policy appeared in the New York Police Department (NYPD) in the mid-1970s.² Although use of force research broadened to include other forms of police coercion in the 1970s and 1980s, there were still issues around effectively conceptualizing and measuring use of force.

By the mid-1990s, Klahm et al. (2014) explain that use of force research expanded because of Garner, Schade, Hepburn and Buchanan's (1995) strong and formal conceptualization of use of force. In Garner et al.'s (1995) research, they found that there was no similarly explicit definition of the meaning of "force" in the police literature. Therefore, they set out to expand this conceptualization that would provide more consistent studies for scholars and for practitioners. Garner et al. (1995) state that,

[t]he National Academy of Sciences definition of violence, which incorporates threats, attempts, and actual physical force, does a good job of capturing what the research

² This policy was strictly around the use of deadly force.

literature on police use of force typically means by ‘force.’ For this reason, the academy's definition of violence is accepted in the present research as synonymous with the usual understanding of force. (p. 152)

This broader and more formal conceptualization of force was quickly accepted by use of force researchers. In addition to providing a better conceptualization of force, Garner et al. (1995) created a use-of-force continuum that incorporated categories of police responses that progressively intensified to match corresponding increases in the level of suspect resistance, and police agencies could adopt this continuum. Garner et al.’s operationalization included five response codes that captured the essence of police-suspect resistance which included categories of voice, motion, restraints, tactics, and weapons. Klahm et al. (2014) indicate that Garner et al.’s operationalization approach improved upon previous methodologies because the scheme included a more complete range of police responses and recognized the progression from nonviolent acts of coercion to violent acts of force. Even though Garner et al.’s conceptualization of force became a benchmark for use of force research and studies, there were still many issues with it.

Klahm et al. (2014) explain that Garner et al.’s (1995) contributions created a conundrum for policing scholars. The claim by Garner and colleagues that the National Academy of Sciences definition of violence is synonymous with what is usually meant by police use of force was correct based on a historical perspective, however, several of the categories captured in their operationalization of police use of force were not consistent with their conceptual definition of the construct (Klahm et al., 2014). Klahm et al. (2014) further argue that “although conceptual clarity might have been addressed by Garner and colleagues, the discrepancy between their conceptualization and operationalization of police use of force led to confusion” (p. 560).

Therefore, even though Garner et al.'s conceptualization of force filled a major gap in the literature and provided scholars with a benchmark for measuring police behaviours that are forceful in nature, there were still many issues around measuring force consistently and what is meant by force.

Working off Garner et al.'s (1995) conceptualization, Terrill and Mastrofski (2002) attempted to expand the concept by defining force as "acts that threaten or inflict physical harm on citizens" (p. 228). There remained an issue with Terrill and Mastrofski's conception because they measured police behaviours that were inconsistent with their conceptual definition. For example, they operationalized verbal commands as force, and claimed, "wait right here" and "leave that now" reflect police behaviours that threaten or inflict physical harm on citizens (Terrill & Mastrofski, 2002, p. 230). Klahm et al. (2014) argue that these verbal commands do not threaten or inflict physical harm upon suspects and that the disjuncture between conceptual definitions and operationalizations like that has blurred the meaning of findings in regard to the correlates of police use of force. This issue of conceptualizing use of force has been fully noted by researchers; however, scholars have yet to engage in frequent debate (Klinger, 2008). Klinger (2008) explains that many of the most recent studies of police use of force have acknowledged the wide disparity in how use of force is measured and, due to those differences in the conceptualization and measurement of force, it is nearly impossible to interpret the differences in findings reported across studies.

The most recent comprehensive review of use of force studies was conducted by Klahm et al. (2014). These researchers reviewed 53 use of force studies between 1996 and 2011 and one of the main conclusions was that use of force continues to be a conceptually ambiguous construct. Less than one-third (28 percent) of the studies analyzed by Klahm et al. cite a

conceptual definition of police use of force and that the degree of specificity, as it related to conceptualizations of force, varies considerably across studies. Because there is such a difficulty in effectively conceptualizing use of force and measuring it consistently, the introduction of new forms of weapons (such as CEWs) into police agencies could further complicate the conceptualization and operationalization issue because of how these weapons or actions may be portrayed, threatened, displayed, and/or used. The evolution of police use of force research indicates that research into this area is not very old, and significant and specific problems continue relating to what use of force means. Although it is fundamental to provide solutions to this problem, this is outside of the scope of this thesis. It is important, though, to recognize this underlying issue, and to place it within the context of expanding CEWs to all officers in Ontario.

A Brief History of CEWs [Tasers]

The use of CEWs by police is a relatively recent phenomenon; however, the deployment of CEWs by law enforcement agencies has gone through an interesting developmental process. I noted previously that “CEWs” are the technical term given to electro-shock energy weapons. Essentially, a CEW refers to any device used to subdue and control an individual by delivering electrical energy to the subject (Vilke & Chan, 2007). The most well-known CEW is the Taser because of its superior technology and practically universal use by law enforcement agencies. Therefore, this section will mainly focus on the history and development of the Taser and will use CEW and Taser synonymously throughout.

The device was developed by John “Jack” Cover, then a National Aeronautics and Space Administration (NASA) researcher, in the late 1960s (DeLone & Thompson, 2009). At the time of Cover’s invention, he named his creation the Tom A. Swift Electronic Rifle,³ which has since

³ Tom Swift is the central character in a series of books of American juvenile science fiction and adventure novels that emphasize science, invention and technology, and was admired by John Cover.

used the acronym ‘Taser’ and is now exclusively trademarked by TASER International (Seals, 2007). Angelosanto (2003) explains that this weapon was developed primarily in response to a government report authorized by President Lyndon B. Johnson that indicated the police should be looking for new nonlethal methods for controlling violent suspects. Therefore, Cover realized that there was a great opportunity to create an effective weapon without requiring officers to resort to firearms. By 1970, Cover was able to build the first prototype of a CEW (Angelosanto, 2003). Angelosanto describes that this early prototype did not receive a significant amount of attention because the devices were widely seen as unreliable and not very accurate; also, the distance when deployed was relatively short at about six feet. Nonetheless, Cover patented his creation in 1974 and the initial patent was described as “a weapon that delivers short-duration, high-voltage, electrical pulses” (DeLone & Thompson, 2009, p. 416).

McStravick (2011) explains that Cover’s original CEW device had one primary drawback: for it to be deployed, it was propelled by gunpowder. Because of this, the weapon was subjected to regulation by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Since the ATF had control over the device, law enforcement agencies required special permits to carry CEWs that were expensive and difficult to obtain, thus limiting their use in police departments (McStravick, 2011). In addition to the strong ATF regulations, law enforcement agencies were also hesitant to implement the technology due to ineffective demonstrations on participants who were able to fight through the shock, and because of criticism from police leaders (McStravick, 2011; Sussman, 2012). In 1974, the Los Angeles Police Department became one of the first police agencies to use Cover’s invention (Kedir, 2007). However, Kedir (2007) explains that the device was used sparingly by police forces due to the weapon’s ineffectiveness against physically overpowering individuals. Further, Sussman

(2012) indicates that in 1975 the New York City police commissioner classified CEWs as dangerous weapons. Because the police commissioner from one of the most recognized agencies in the world opposed CEW use, other agencies were hesitant to adopt the device and this resulted in an extended period of unpopularity for the weapon's implementation by law enforcement agencies. It was not until the mid-late 1980s that this weapon started to receive more attention from law enforcement agencies, for the primary reason that there were widespread fatalities due to firearm use by police (Sussman, 2012).

The fate of CEWs changed substantially in 1993 when the weapon's inventor, John Cover, teamed up with brothers Rick and Tom Smith for the purpose of further developing the weapon in order for it to be effective enough for extensive law enforcement use (Seals, 2007). The brothers' initial goal was to use modern technology to develop a self-defence device for the civilian market, after two of Rick's friends were shot and killed in a road rage incident in Scottsdale, Arizona (Braidwood, 2009; Rappert, 2004). In 1991, the Smith brothers created the company AIR TASER Inc., to accomplish their goal. However, with little progress being seen by 1993, they purchased Cover's rights to the TASER name and teamed up with him with the objective of making the device more advanced and effective, as well as highly marketable to law enforcement agencies and civilians throughout the United States (Seals, 2007). During the initial stages of further developing the device, Sussman (2012) explains that the newly formed company made substantial progress on the weapon by powering the device's deployment through compressed nitrogen. Because of this, the device no longer needed to be deployed by gunpowder, thus removing the weapon from the firearms classification under ATF regulations, and essentially out of government oversight (McStravick, 2011; Seals, 2007; Sussman, 2012). As a result of this technology breakthrough, AIR TASER began to market the weapon to law

enforcement agencies in 1998, and at the same time changed its name to TASER International, Inc., (Seals, 2007).

Sussman (2012) notes that “[t]he demand for tasers by police agencies began to grow dramatically in 1999 because of TASER International’s new neuromuscular incapacitation technology, which paralyzes the body’s nervous system, inhibiting coordinated movement” (p. 1348). However, the high demand for the weapon produced consequences for the company, most importantly, its inability to adequately test and understand the devices’ constantly evolving technology (Sussman, 2012). Despite the problems TASER International has faced regarding the consequences from this high demand, their sales have skyrocketed. Sussman (2012) claims that between 2002 and 2005 the number of police agencies providing CEWs to each of their officers increased from 159 to 1,735. Further, Adams and Jennison (2007), and DeLone and Thompson (2009) indicate that in 2007, 40 percent of law enforcement agencies in the U.S. (over 7,000 agencies out of 18,000) were using an estimated 140,000 CEW units.

By 2010, it was reported that more than 11,500 police agencies in the U.S. provided CEWs to their officers (Sussman, 2012; Wolf & De Angelis, 2011). And in 2012, Sussman states that a cofounder of TASER international claimed that CEWs were used by 17,000 of the 18,000 law enforcement agencies in the U.S. If those reports are accurate, then over 94 percent of American law enforcement agencies carry and use CEWs. Therefore, over a five-year period from 2007 to 2012, CEW expansion in U.S. police forces increased from 40 percent (used by 7,000 agencies) to over 90 percent (used by 17,000 agencies). This expansion is indicative of what police agencies perceive to be an effective use of force tool that promotes better outcomes and less reliance on the need to use firearms when dealing with [potentially] violent individuals (Kedir, 2007; Terrill & Paoline, 2012).

CEW Use in Canada

The use of CEWs in Canadian police agencies did not begin until the late 1990s when they were introduced as one of several less-lethal use-of-force options (Canadian Academy of Health Sciences [CAHS], 2013). The Braidwood Commission (2009) states that in 1999, following operational reviews and field trials carried out by law enforcement agencies in Edmonton and Victoria, the province of British Columbia (BC) became the first jurisdiction to approve CEWs for use by police agencies. In 2001, the Royal Canadian Mounted Police (RCMP) approved the CEW device TASER M26⁴ for use by its officers across Canada (Kiedrowski, Petrunik, & Melchers, 2008). Gradually, CEWs started to become more widespread in police forces across Canada with agencies purchasing them as more effective less-lethal force options.

Although CEW use could be attained by any level/rank of officer in agencies in BC and throughout the RCMP after being properly and adequately trained, the weapon's use was restricted to those officers in tactical and supervisory roles throughout Ontario police agencies (CAHS, 2013). In 2000, the OPS and Toronto Police Service became the first agencies in Ontario to begin field trials with CEWs (Ottawa Police Service [OPS], 2014). Subsequently, approval of the device was authorized by the provincial government in 2002 but only members of the tactical/hostage-containment teams across Ontario were given permission to carry CEWs (OPS, 2014). By 2004, CEW usage was further expanded to include front-line supervisors. Despite the fact that CEW use by police in Canada resulted in an estimated 20 fatalities between 2003 and 2007, very little critical debate occurred around the weapon's less-lethal properties or the [over]-usage by officers (Nova Scotia Department of Justice, 2008).

⁴ Exclusive to TASER International; in 2005, the TASER X26 was also approved for use by RCMP throughout Canada.

International attention and significant criticism began to occur after the 2007 death of Polish immigrant Robert Dziekanski by RCMP officers at the Vancouver International Airport.⁵ The officers involved in this case had used a CEW on Dziekanski and this was caught on film by an individual in the area which was leaked to the public shortly thereafter. In the aftermath of this incident, several reports began to circulate claiming the police in BC were excessively using CEWs. As a result, a Commission into CEW use in BC was established and headed by a retired Court of Appeal of BC justice, Thomas Braidwood. The Commission, also known as the Braidwood Inquiry, was set up as a two-step process for the purpose of examining the safety of CEWs, and the death of Robert Dziekanski (Braidwood Inquiry, 2010).

After months of hearings and testimony, the final report from the inquiry was released on June 18, 2010. In the report, Braidwood found that the RCMP officers were not justified in using a CEW on Dziekanski during the incident, and described the officers' actions as "an initially appropriate response that soon turned aggressive, considering that Dziekanski's behaviour had been compliant" (Braidwood Inquiry, 2010). In response to the Braidwood Commission, federal, provincial, and territorial Ministers of Justice agreed to implement guidelines on CEW use (CAHS, 2013). These guidelines represent the first formalized and standardized CEW policies on a national level in Canada. Each police service must abide by the standard guidelines in their respective provincial or territorial jurisdiction when and if they choose to implement CEW deployment in their specific agency. Further, the 2010 agreed-upon guidelines restrict CEW use, and encourage training, testing, supervision, and reporting recommendations (Public Safety

⁵ For a more detailed account surrounding the death of Robert Dziekanski, see Truscott's (2008) "A knee in the neck of excited delirium."

Canada, 2010). Significantly, CEW use by police in British Columbia decreased 87 percent between 2007 and 2012 (dropping from 640 deployments in 2007 to 85 in 2011).⁶

As of May 2013, there were approximately 9,100 CEWs in use in Canada, including those in service as well as those used for training or in storage (Public Safety Canada, 2013). The Canadian Academy of Health Sciences (2013) claims that this number includes all RCMP inventory as well as inventories of all police services under provincial and municipal jurisdictions. The number of CEWs varies greatly across Canada where in some jurisdictions, such as BC, all police agencies are equipped with CEWs, while in others, such as Quebec, only certain agencies use the device⁷ (CAHS, 2013). All federal, provincial, and territorial jurisdictions use CEWs in some capacity nationally (see figure 1 for more detail). Also, given the recent decision by the Ontario government to expand CEW use to all officers in the province, the number of devices in use in Canada will significantly increase with the expectation that a number of agencies will purchase and deploy several devices.

In contrast to CEW regulations in the United States, CEWs are classified as prohibited firearms under the *Criminal Code* in Canada and may only be handled by law enforcement and public safety personnel (Kiedrowski et al., 2008). Since the use of CEWs is restricted to only law enforcement officers and public safety personnel, the deployment of the device falls under the *Criminal Code* regulations for the use of force. A police officer's authority to use reasonable force in Canada is outlined in s. 25 of the *Criminal Code*; s. 25(1)(b) states,

[e]very person who is required or authorized by law to do anything in the administration or enforcement of the law... as a peace officer or public officers.. is, if he acts on

⁶ This includes municipal police as well as the RCMP.

⁷ Only about one-third of police agencies in Quebec use the device.

reasonable grounds, justified in doing what he is required or authorized to do in using as much force as necessary for that purpose. (*Criminal Code*, 1985)

Section 25 also allows police officers the justification in using force that may cause death or grievous bodily harm only when certain conditions are met as outlined in the *Criminal Code* (see *Criminal Code*, s. 25(3)(4)(5) for further clarification). The use of CEWs does have the potential to cause death or grievous bodily harm; therefore police officers must adhere to the *Criminal Code* guidelines on the use of force when using the device against an individual or face the possibility of criminal sanctions. The use of CEWs by police in Canada is not governed by a single entity as the decision-making related to their use occurs at the federal, provincial, and municipal levels (CAHS, 2013). Other than the s. 25 regulations around the use of force, and the varied provincial policies and procedures for the use of force, specifically around CEW use, municipal agencies have a great deal of autonomy in making local decisions for the implementation of CEWs (CAHS, 2013). Thus, it is imperative that municipal agencies create and develop strong and effective use of force policies around the deployment of CEWs, and that there are clear and established accountability mechanisms.

An Overview of the Operation and Function of CEWs⁸

TASER International is the most well-known manufacturer and distributor of CEWs across the world. However, the company is not the only manufacturer of CEWs which law enforcement agencies deploy. Two other notable manufacturers include Stinger Systems, Inc., from Tampa, Florida, and Aegis Industries, Inc., from Delaware. Although both of these manufacturers develop and distribute CEWs to select law enforcement agencies across the U.S.

⁸ For a more thorough, technical, and detailed explanation of how the TASER devices operate, see TASER International (2015) "How a TASER® CEW Works"; as well as Smith and Brave (2012) "An Introduction to TASER Electronic Control Devices, History, Electricity, Electrical Stimulation, Electrical Measurements, and the Human Body."

(many of which are correctional institutions), TASER International from Scottsdale, Arizona, is by far the most popular CEW manufacturer for police agencies (Kleinig, 2007; Sussman, 2012). In Canada, the only CEWs that are authorized for use are those manufactured by TASER International (Braidwood, 2009; CAHS, 2013). The two most popular devices that law enforcement agencies use are the Advanced TASER M26, with deployment beginning in 1999, and the TASER X26, with deployment beginning in 2003.⁹

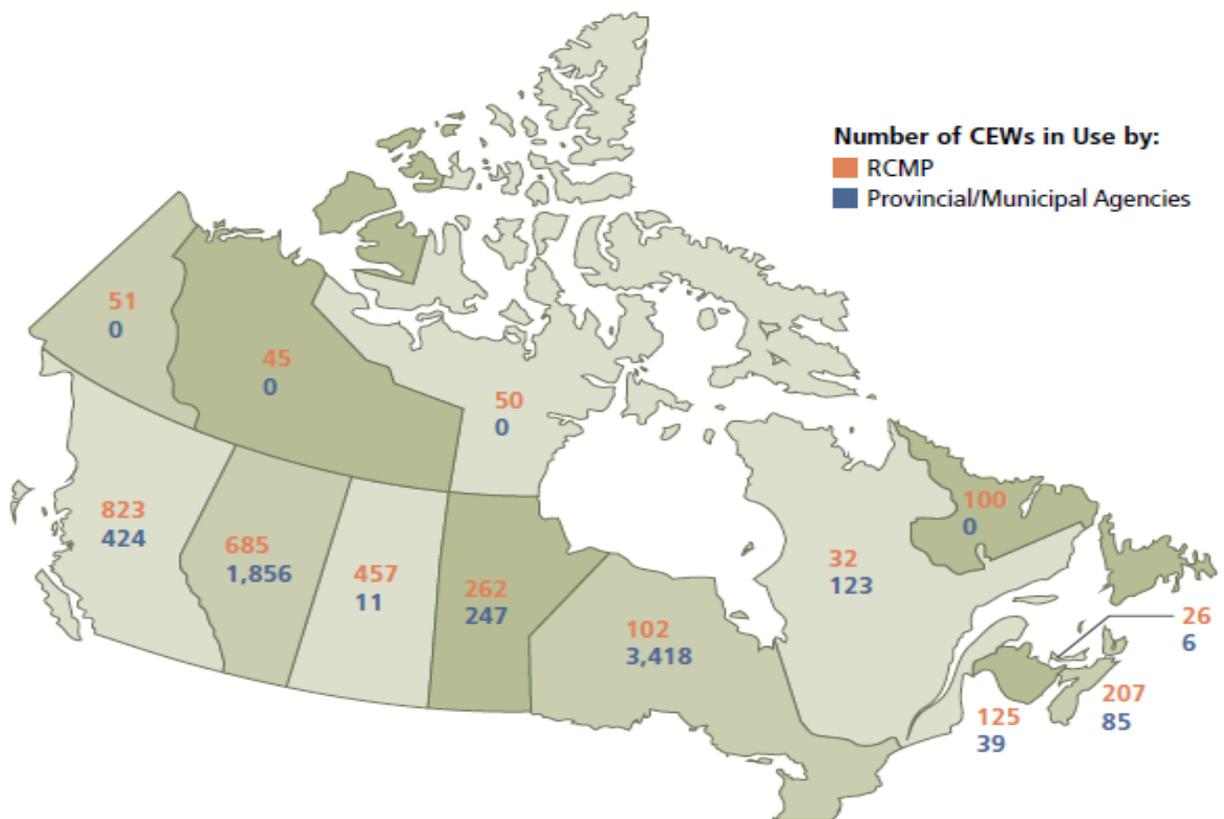


Figure 1

Estimated Number of CEWs in Use in Canada by RCMP and Provincial and Municipal Police Agencies

This map shows an approximate number of how many, and where CEWs are in use in Canada as of May 2013. This map was taken from the Canadian Academy of Health Sciences (2013). This information was originally provided to the Panel of Public Safety Canada (2013) after consultations with the RCMP as well as policing policy officials from all provinces and territories, and does not include Aboriginal policing services.

⁹ The TASER M26 and X26 are currently being phased out as their ‘life expectancy’ comes to an end in many police services. TASER International has developed more advanced models for law enforcement agencies to begin deploying once the older models’ functionality has depleted.

Kleinig (2007) states that CEWs are designed to incapacitate a person by means of short, repetitive, electric pulses that are dispensed through electrodes fashioned by barbs and attached to insulated wires. CEWs, in particular TASER's brands, can fire an electrical charge of 50,000 volts through two metal barbs at a rate of 19 pulses per second (Adams & Jennison, 2007; DeLone & Thompson, 2009). Adams and Jennison (2007) and DeLone and Thompson (2009) note that TASER's electrical shock can be delivered either close up by pressing the barbs against a person's body (known as drive stun mode) or at a distance of up to 35 feet by launching the barbs as wired projectiles (known as probe mode). Sussman (2012) claims that when the device is deployed in probe mode that it has enough force to penetrate two inches of clothing.

Once the device is used on a subject, the trigger activates a five-second electrical current cycle which can be stopped by placing the safety lever in the safe position (Braidwood, 2009; DeLone & Thompson, 2009). However, the cycle can be repeated by re-pressing the trigger after the completion of the initial cycle, or an officer can continuously extend a cycle by constantly holding the trigger down (Braidwood, 2009; DeLone & Thompson, 2009; Sussman, 2012). Essentially, the TASER devices "create intense involuntary contractions of skeletal muscle, causing subjects to lose the ability to directly control the actions of their voluntary muscles," and this overrides any control of the central nervous system causing incapacitation regardless of the subject's mental focus, size, or intoxication state (Vilke & Chan, 2007, p. 349). Wolf and De Angelis (2011) explain that "Tasers deliver an excruciating painful electrical shock and induce almost instant paralysis, leading the targeted person to fall almost immediately to the ground" (p. 659). Despite the loss of all voluntary control, subjects remain conscious with full memory recall (Vilke & Chan, 2007).

The TASER M26 and X26 models are handheld devices that resemble a handgun. Braidwood (2009) explains that the advancement of the X26 model compared to the M26 is that it is more compact, 60 percent lighter, has more amperage power when deployed, and is designed to be carried in a holster on an officer's service belt. Other advantages include more data memory and better data storage, longer battery life, clearer video and audio recordings (if activated), and more efficient data downloading (Braidwood, 2009). Every time a CEW is deployed, it automatically records and stores information on the date and time of the deployment as well as the number and duration of firings (OPS, 2014). Further, each cartridge has a unique serial number which ensures that every time the device is used in probe mode, investigators are able to link up the user of the weapon with the person to whom the cartridge was issued (Braidwood, 2009). Since only TASER devices can be used by law enforcement agencies in Canada, Braidwood (2009) claims that the Chairman of TASER International, Tom Smith, told him that by the end of 2008, 160 agencies in Canada were using approximately 2,300 M26's and 4,200 X26's.

Arguments and Issues around CEW Use by Police

Arguments for CEW Use

One of the most common arguments offered by proponents of CEWs is the effectiveness of the device (Wolf & De Angelis, 2011). The primary reason why CEWs are effective, as argued by proponents, is the fact that the device can be used at a greater distance than other less-lethal weapons, avoiding "hands on" tactics which may have the increased potential for injuries (Government Accountability Office, 2005). Adams and Jennison (2007) argue that as a less-lethal technology, one might presume that CEWs will reduce the incidence of lethal force by providing an alternative to firearms. Terrill and Paoline (2012) point out that from a pro-CEW

perspective, the device is perceived as safer for officers and citizens. The weapon allows officers to use the device from a safe distance so they do not have to engage in close force tactics with belligerent individuals, and also citizens do not have to be engaged in a prolonged physical struggle with an officer where the use of other types of weapons may be used (Terrill & Paoline, 2012). Furthermore, DeLone and Thompson (2009) state that law enforcement agencies generally laud the implementation of CEWs as a tool that increases officer and citizen safety by decreasing the use of lethal force.

Other than the support by law enforcement agencies for CEW implementation, the other major proponent in the debate over its use is TASER International. Rappert (2004) suggests that “TASER International promotes the technology’s development as a specific, progressive and entrepreneurial endeavour born out of the necessity of responding to clear and present dangers” (p. 12). Rappert (2004) provides a descriptive claim made by a former NYPD Commissioner (and at the time of the statement, 2002, a board member of TASER International), Bernard Kerik, given at a company marketing event for police agencies,

[w]e don’t get hurt; they don’t get hurt ... That’s what this is about. [The Taser] is a great benefit to society. I was talking to one of the chiefs earlier, I think it was the sheriff, who said he received a letter from Amnesty International... Amnesty International is annoyed because we use the Taser [audience chuckles]. What Amnesty International does not realize, our using the Taser is to their benefit because ... they like to defend the lowest form of human interest. Well, OK let them defend them. We are helping them. They don’t get shot and killed. They get taken down and then they go to jail or they get taken down to a hospital. It is a real benefit to Amnesty International, except I am waiting for that letter to come and say thank you, except I am not sure it is coming [audience laughter]. So with

that I think we should talk to the people that really know Taser for what it is worth. They have had the insight, the experience, and the knowledge to use Taser, to benefit from it.

(p. 15)

This is a strong statement made and can be viewed from two perspectives. The first perspective is that Kerik was a stakeholder in the company and was promoting his capital interests for the benefit of the corporation and himself. The other perspective is that Kerik was a police commissioner so he had the experience of being on that side and dealing with certain individuals where the weapon could be effective; thus he was speaking honestly and knowledgeably in praising and pushing for more CEW use by law enforcement agencies. Moreover, Wolf and De Angelis (2011) state that manufacturers commonly rely on “pain testimonials,” where physically strong individuals are used to testify to the overwhelming power of CEWs and this is often done by quoting police officers who have been subjected to the device.

A significant divide between those in favour of CEW use and those against revolves around the scholarship and research conducted on the weapon. Sussman (2012) claims that most scholarship focusing on CEWs supports the wide availability of the device for law enforcement in a wide array of circumstances, and this support stems from conclusions based on the known benefits of CEW use balanced against the known negatives of CEW use. Kedir (2007) notes that the majority of researchers in several studies conducted in the early 2000s found the risk of life threatening or serious injuries from CEWs to be very low and that the devices were essentially safe on healthy people. Permanent or long-term injury is unlikely, and a significant number of documented injuries are “secondary injuries,” often caused from falling down after being stunned by the device (Kedir, 2007).

Vilke and Chan (2007) cite two important studies that tested CEW use on human subjects. The first study was conducted by Levine, Sloane, Chan, Vilke and Dunford (2005) and the main conclusion was that there were no changes in any cardiac levels after being stunned by the weapon as compared to before being shocked. The second study was conducted by Ho, Miner, Lakireddy, Bultman and Heegaard (2006) with very similar results as Levine et al. (2005). The primary difference in the Ho et al. (2006) study was the fact that the researchers collected blood samples from the participants before, immediately after, and 16 hours and 24 hours after being shocked by the weapon. Thus, Vilke and Chan (2007) claim that life-threatening cardiac damage as a result of CEW use appears to be low based on the available studies.

Arguments against CEW Use

One of the most significant issues surrounding the use of CEWs is the fact that there has been very little research around the effects of the device (DeLone & Thompson, 2009; Seals, 2007; Sussman, 2012; Vilke & Chan, 2007). Vilke and Chan (2007) claim that the approval of the original CEW devices was not based on actual human or animal studies. The US Consumer Product Safety Commission concluded that CEWs should not be lethal to a normal healthy individual (O'Brien, 1991). One of the reasons why there has been limited CEW research on humans is because such studies require approval from local human research protection and ethics committees, and these committees are often wary of CEWs because of the preconceived notions based on media reports (Vilke & Chan, 2007). DeLone and Thompson (2009) also indicate that much of what we know about CEW use comes from media accounts and these have a tendency to be particularly biased.

Another issue surrounding CEW use is its classification as a “less-lethal” weapon, and its addition to police use of force options. Morrison (2009) explains that police use of CEWs draws media attention like a magnet when a fatality occurs and a significant reason is because the term less-lethal is too often believed to mean nonlethal. Adams and Jennison (2007) argue that CEWs are considered a less-lethal technology and the presumption is that they will reduce the incidence of lethal force because they provide an alternative to firearms, but this benefit could be mitigated by a possible increase in the total number of forceful incidents as a result of expanding the number of force options available to officers. Further, there are concerns that officers may be inclined to use force more often with the addition of new technology, such as CEWs, because the choice is seen as effective and convenient (Adams & Jennison, 2007). Thus, Adams and Jennison (2007) caution that decision-making will become more complex with the addition of more use of force options and greater complexity can result in lower quality decisions or fewer optimal decisions which may be problematic in situations where a split-second choice is required. Wolf and De Angelis (2011) further claim that opponents of CEWs argue that since the device is so powerful and effective, this will cause officers to over rely on the technology. Rather than providing a “less-lethal” alternative to lethal force, CEWs are represented as increasingly displacing other more appropriate force options (Wolf & De Angelis, 2011).

Opponents of CEW use by police argue that the device has caused a number of deaths and that the shock of a CEW is very painful. According to a May 2013 report by Amnesty International, there have been more than 540 deaths connected to CEW use in the United States between 2001 and 2013 (Amnesty International, 2013). Seals (2007) found that several organizations have analyzed deaths related to CEW use and have published reports that caution the public about police use of CEWs. Notable organizations that have a concern around police

use of CEWs include the International Association of Chiefs of Police (IACP), the American Civil Liberties Union (ACLU), the United States Department of Justice, and Amnesty International. Moreover, there are several accounts from individuals relating to the amount of pain from being shocked by a CEW. Kedir (2007) states that one law enforcement officer described the feeling as similar to “having two screwdrivers attached to jackhammers being driven into my back” (p. 362), and a reporter who volunteered to be shocked described the feeling as being “like someone reached into my body to rip my muscles apart with a fork, and there was nothing I could do to stop it.” Sussman (2012) provides more pain testimonials from individuals who volunteered to be shocked with some describing the incident as “the most profound pain I have ever felt”; and “it was like being hit on the back with a ‘four-by-four’ by Arnold Schwarzenegger” (p. 1354). Sussman argues that “[f]or a suspect unprepared for the unfamiliar sensation of being electrocuted and losing all motor control, the pain, fear, and emotional distress experienced is likely far greater than that experienced by researchers [or volunteers] in a controlled setting” (p. 1354).

Finally, there are significant concerns regarding CEW use on vulnerable populations. Sussman (2012) lists two groups that are most vulnerable to CEW use by police. The first includes those who are under the influence of narcotics. These individuals are most likely to be at a higher risk of death following CEW exposure because of the effects that both the drugs and the CEW have on the heart (Sussman, 2012). The second group includes those with a mental illness. Sussman explains that mentally ill individuals are a high-risk population for several reasons, most notably for the fact that they are more likely to react to the unfamiliar, painful, and frightening sensation of being shocked, or the threat of being shocked, with panic that can escalate the situation. Also, because of their vulnerable social standing, mentally ill individuals

are likely to be victims of officers resorting to CEWs before attempting other effective, but less convenient, means (Sussman, 2012). Despite the continuous technological advancements of CEWs, a better understanding of the safety of the device, and the development of effective and accountable policies around their use, there will still be opponents against the police using CEWs because it is a “newer” technology and for the fact that it has the capacity to cause death, similar to all other police use of force options.

Back to the Future: The Case of OC Spray

The police have had alternatives to firearms for a significant period of time. The creation and development of CEWs for police use occurred as a result of a U.S. federal commission created in the 1960s that argued for the establishment of “nonlethal” weapons. Although CEWs were borne out of this commission, their popularity and implementation has only recently taken hold in law enforcement agencies. However, in between the period of time that the commission called for the development of nonlethal weapons and the proliferation and popular use of CEWs by law enforcement agencies, there was another use of force option the police embraced: Oleoresin Capsicum (also known as pepper spray, or OC spray). Alpert and Dunham (2010) explain that during the 1990s the use of OC spray was spreading rapidly among U.S. law enforcement agencies and that many of the questions and arguments that are being made in the first two decades of the twenty-first century relating to CEWs echo the concerns raised in the 1990s about the use and potential abuse of OC spray. Therefore, it is important to analyze OC spray use by law enforcement agencies and how the specific concerns and issues were portrayed during the 1990s. The purpose of this is to show the similarities between OC spray and CEWs at their inception, and to provide context around the current issues and arguments concerning police use of CEWs.

OC spray is a naturally occurring inflammatory agent found in cayenne peppers (Lumb & Friday, 1997). OC spray causes swelling in the mucous membranes of the eyes, nose, and throat (Rogers & Johnson, 2000). Edwards, Granfield and Onnen (1997) explain that when OC spray is successfully used on an individual, the chemical irritants produce involuntary eye closure due to dilating capillaries, nasal and sinus drainage, a constricted airway, and temporary paralysis of the larynx which causes gagging, coughing, and shortness of breath. Further, OC spray causes the skin to appear inflamed, almost as if the subject has been burned (Rogers & Johnson, 2000). Smith and Greaves (2002) state that the content of OC sprays varies between manufacturers and can range from approximately 1 percent to 15 percent capsaicin (the oily extract of the pepper plants). In the United States, similar to CEWs, civilians have the ability to legally purchase OC spray. However, OC spray is prohibited for civilians to purchase in Canada.

The sprays that are commercially available to civilians normally contain around one percent capsaicin, whereas the sprays used by law enforcement agencies have a higher concentration (Smith & Greaves, 2002). Interestingly, because OC extracts contain a number of natural compounds at irregular concentrations, there could be considerable variation in the overall chemical composition among the different formulations of both natural and synthetic OC preparations (Adkins, 2003; Haas et al., 1997; Smith & Greaves, 2002). What this means is that OC derived from one pepper, under exactly the same conditions and extraction process, will be different from OC extracted from another pepper (Logman, 1993; Adkins, 2003).

Rappert (2001) explains that the deployment of hand-held sprays for the police is a recent phenomenon, beginning in the early 1970s (around the same time as the early development of CEWs). Smith, Kaminski, Rojek, Alpert and Mathis (2007) claim that OC spray was developed with the intent of providing a quicker and more effective means for safely incapacitating suspects

and that the weapon was rapidly adopted by law enforcement agencies in the late 1980s and early 1990s. Several law enforcement agencies were quick to implement OC spray within their department as a result of a two-year study by the Federal Bureau of Investigation (FBI) Firearms Training Unit¹⁰ that determined no long-term health risks were associated with the use of OC spray (Haas et al., 1997). Rogers and Johnson (2000) note that OC spray had been available for years; however, the FBI two-year study, completed in 1987, significantly pushed law enforcement agencies in the direction of adopting and using OC spray as an effective use of force option. Moreover, the manufacturing of OC spray as a product for law enforcement use differs considerably from product manufacturing for police use of CEWs. Almost all police agencies in the U.S., and all agencies in Canada, deploy CEWs manufactured by TASER International. Haas et al. (1997) claims that in 1994, there were 16 notable manufacturers of OC spray within the United States and that law enforcement agencies would purchase the product from multiple manufactures.

Morabito and Doerner (1997) argue that law enforcement agencies were quickly adopting OC spray in the late 1980s and early 1990s in an effort to reduce the number and severity of injuries sustained by officers and suspects engaged in violent encounters. Much of the early enthusiasm for the implementation and use of OC spray was linked to its purported high effectiveness rate (Morabito & Doerner, 1997; White & Ready, 2009). Kaminski, Edwards and Johnson (1999) went as far to say that “[p]erhaps the most effective less-than-lethal tool to be adopted by police departments for encounters with suspects is oleoresin capsicum or ‘pepper spray’” (p. 7). Lumb and Friday (1997) argue that the use of chemicals is considered less harmful and less forceful than fists, nightsticks, batons, and firearms. Rappert (2001) explains that OC sprays are said to represent a humane alternative to firearms or nightsticks. Casey (1988) and

¹⁰ This study was in co-operation with the U.S. Army Chemical Research and Development Center.

Lumb and Friday (1997) contend that OC spray has advantages over other weapons, such as CEWs, because electro-shock weapons require accuracy in targeting the subject, and in the case of using the stun mode, the officer has to be in physical contact with the suspect. Thus, OC spray can be effective in many situations without causing long lasting side effects to the person sprayed.

Although there were several claims praising the effectiveness of OC spray, many opponents were quick to argue about the issues and concerns around the use of this weapon by law enforcement. Alpert and Dunham (2010) explain that the use of OC spray was determined to be quite effective (95 percent in subduing individuals) and its use was strongly correlated to a reduction of injuries to both suspects and officers when compared to traditional “hands-on” use of force. However, there were opponents who thought that specific and rare applications of OC spray related to fatalities justified the argument that the weapon was an inappropriate tool (Alpert & Dunham, 2010). Certain critics argued that the use of OC spray is tantamount to torture and that it should be banned from police use (Amnesty International, 1997; 2004). Kaminski et al. (1999) and White and Ready (2009) point out that there have been concerns about the appropriateness of offensive tactical use of OC spray on subjects posing no danger to themselves or others (i.e., passive resisters), and that there was significant potential for disparate use of OC spray on minority groups. However, the most significant concern over police use of OC spray focused on the potential health risks associated with exposure to OC (Adang & Mensink, 2004; Haas et al., 1997; Kaminski et al., 1999; Rappert, 2001; Smith et al., 2007; Smith & Greaves, 2002; Vilke & Chan, 2007). For example, Kaminski et al. (1999) indicate that OC spray can cause skin irritation, corneal and vocal cord damage, breathing difficulties (especially among asthmatics), and that it might have carcinogenic and mutagenic potential in humans.

Despite the number of possible health risks associated with the spray, one of the most controversial aspects of police use of OC spray has been its contribution to deaths due to asphyxia (Rappert, 2001). Rappert (2001) explains that one of the most famous instances of OC spray causing death occurred in 1993 when a pathologist determined that a man in North Carolina died from asphyxia due to bronchospasm that was precipitated by OC spray. Because of the widespread news coverage of this event, and because of the controversy around the cause of death, a number of law enforcement agencies withdrew OC spray from their use of force options for a short period of time (Rappert, 2001). Moreover, Morabito and Doerner (1997) note that the ACLU of Southern California documented a number of deaths associated with OC spray in addition to the North Carolina incident, and urged the federal government to regulate and curtail police reliance on the weapon. Kaminski et al. (1999) claim that citizens' groups tried to restrict and prohibit law enforcement use of OC spray, and that the efforts to ban the weapon posed a dilemma for police agencies because of the several claims that OC spray was highly effective in helping officers subdue resistive and violent suspects while also reducing injuries to both the public and the police.

However, the organization that has pushed the hardest for the prohibition of OC spray is Amnesty International. According to a 2004 report by Amnesty International, over 90 individuals have died after exposure to OC spray in the U.S. since the early 1990s (Amnesty International, 2004). During the proliferation in the adoption of OC spray by police agencies in the 1990s, Amnesty International significantly opposed every facet of its implementation and use. In 1997, Amnesty International called for a full independent enquiry into police actions where the use of OC spray had contributed to several deaths, including a review of departmental policies into the use of force and OC spray (Amnesty International, 1997). Amnesty International (1997) released

a statement saying “while many police departments authorize the spray only if officers face a serious physical threat, we are receiving reports of its misuse – such as against suspects after they were already restrained or against peaceful demonstrators.” These reports also appeared throughout a variety of media outlets which caused more controversy around the use of OC spray by police (Rappert, 2001). Going further, Amnesty International also indicated that law enforcement agencies in the U.S. that use OC spray commit a variety of human rights violations that are covered under the *Convention Against Torture, and other Cruel, Inhuman and Degrading Treatment or Punishment*. Because of the number of arguments made by opponents of OC spray, its use by police has been the subject of significant criticism and debate (Morabito & Doerner, 1997).

The issues and arguments of police use of OC spray occurred when very little research and knowledge around the weapon was established. For this reason, it allowed many groups, organizations, and the public to be critical of this police use of force option because of the relatively unknown facts around OC spray. However, many years have passed since the widespread adoption and use of OC spray by law enforcement agencies; therefore, there has been substantial research on the weapon’s use, impact, and effectiveness (Smith et al., 2007; White & Ready, 2009). Kaminski et al. (1999) explain that reviews of medical literature suggest that health risks due to OC exposure are minimal and that the chance of experiencing a serious side effect is as low as 1 in 6,230. Vilke and Chan (2007) state that there is no definitive evidence that OC spray is inherently lethal, and that in almost all of the reported deaths associated with OC spray, OC spray was determined not to have been the cause of death. Other factors, such as drug intoxication, positional asphyxia, and pre-existing health conditions, are the significant contributing factors where people have died after exposure to OC spray (Kaminski et al., 1999).

Smith et al. (2007) indicate that a major research study was conducted by the National Institute of Justice and found that deaths occurring after OC spray use were overwhelmingly the result of pre-existing health conditions or drug-related factors.

Lumb and Friday (1997) state that there were multiple studies conducted in the early-mid 1990s around the effectiveness of OC spray use by police. The several studies concluded that OC spray was very effective when police used it to subdue a suspect (Lumb & Friday, 1997). White and Ready (2009) also report that a number of studies have examined the effectiveness of OC spray and have indicated relatively high rates of suspect incapacitation, reduced officer injuries, and less reliance on other types of force. In one departmental study of the Baltimore Police Service, it was reported that officer injuries decreased 15 percent after the OC spray option was implemented (White & Ready, 2009). Smith et al. (2007) note that several studies found that the adoption of OC spray by departments led to substantial reductions in assaults on officers and declines in officer and suspect injury rates. Further, OC spray use has been associated with low rates of both officer and suspect injury, and that injuries were almost always minor (Smith et al., 2007; White & Ready, 2009). Vilke and Chan (2007) point out that because of all the criticism relating to the use of OC spray by police, several government studies (both short and long-term) were conducted to dispel the arguments made by opponents of the weapon. Those government studies indicate that OC spray was an effective option for law enforcement use and that the spray was not associated with any long-term health risks (Vilke & Chan, 2007). Thus, Lumb and Friday (1997) argue that OC spray is an effective alternative to the more harmful types of weapons available to police.

White and Ready (2009) found that the adoption of OC spray in the 1990s became commonplace among police agencies, and this was accompanied by ample literature on its use,

impact, and effectiveness. Thus, the research on OC spray serves as an important guideline for the current work on CEWs, because many of the same issues and concerns have been raised (White & Ready, 2009). OC spray and CEWs have both been linked to multiple fatalities and this contributes to strong opposition by several organizations and community unrest over the “abuse” and dangers of these weapons used by police. Therefore, it is imperative that these trends are completely considered and fully understood when implementing CEW use into police agencies, and that the policy around its use is properly and diligently developed. Alpert and Dunham (2010) claim that it has been over a decade since there were loud calls for police to put away their OC spray and return to the simple “hands-on” tactic to control a suspect. Since the initial criticisms of OC spray, several research findings on its relationship to lowering suspect and officer injury has reduced the public outcry to a relative silence (Alpert & Dunham, 2010). Lastly, Adang and Mensink (2004) state, “[s]tressing the safety and effectiveness of OC [spray] while at the same time ignoring or downplaying the physical and psychological impact of OC and disregarding risks other than lasting injury to the suspect attached to the use of OC, might stimulate disproportionate and indiscriminate use of OC” (p. 216). Even though research shows that use of force options such as OC spray and CEWs can be effective options for police it is fundamental that policies of their use are clear, and that accountability is fully established for the purpose that officers may [over]-rely on specific weapons and use them indiscriminately because of their reported effectiveness.

This section has shown the similarities between OC spray and CEWs, and that the use of both lethal and nonlethal force by police is a critical area of concern. The arguments opposing OC spray in the 1990s resemble many of the same arguments opposing CEWs today. This is important because it identifies the salient issues relating to police and the type of force they use,

as well as how they use it. Research is fundamental in order to study whether the weapon is effective or not, and a significant amount of research has been done around the use of OC spray that has shown positive results as to the weapon's effectiveness in subduing suspects. Therefore, more research needs to be completed around the use of CEWs in order to see if the weapon does in fact increase the safety of the individual member of the public and the officer, as well as whether the weapon is effective. Since CEWs have become a popular tool for law enforcement agencies, OC spray has become a secondary option. For this reason, this section is important because it highlights the evolving nature of police use of force and the advancement of technology. Despite the advancement of technology, very little has changed concerning the issues surrounding police use of force from the inception of OC spray to CEWs, including policies governing their use by officers. The history of the use of OC spray indicates that we can learn from the past, and use it to our advantage when adopting more advanced weapons such as CEWs. The next chapter analyzes the theory of pacification to see if certain strategies and techniques that were employed in a number of conflicts and wars, including the Vietnam War, have value and can be used as a framework for the implementation of effective CEW policies.

Chapter 3

Pacification as a Framework for Effective and Meaningful CEW Policies

The term “pacification” has been long associated with war and military operations, and dates back to the sixteenth-century (Neocleous, 2011). However, the concept has been revived recently by several critical socio-legal theorists. These individuals have broadened the concept of pacification for the purposes of connecting it to police power and the securitization of economic order (Neocleous & Rigakos, 2011). The mode by which pacification fits into these functions is through a concept called “anti-security,” which was formulated by Mark Neocleous, George Rigakos, and others. According to these academics, “[p]acification might hold tremendous promise as a vehicle for theorizing police power and the ways in which such power is linked with state violence exercised against radical, democratic social action and for the protection of bourgeois private property rights” (Neocleous, Rigakos, & Wall, 2013, p. 3). The linkage of pacification, as a term associated with warfare, to police power is an important development in the discourse of pacification theory. However, pacification, as a theory, is much more complex than how it has been appropriated in this recent literature. This chapter provides an analytical discussion of pacification theory. The ideas of Neocleous and others concerning their position, interpretation, and application of pacification are explained and critiqued. The pacification policy that was implemented by the United States during the Vietnam War is also examined, and significant components of it are used in terms of how it can be applied to the processes in implementing CEW policies by law enforcement agencies.

It is important at the outset to briefly discuss pacification and its relation to community policing. There are similarities between the techniques of pacification and community policing; however, the biggest difference is that pacification strategies are specifically defined whereas

community policing is broadly defined. For example, community policing is very difficult to conceptualize because it means many different things to policing bodies nationally and internationally. A significant aspect concerning community policing is that the police and the public work together for the prevention of crime. The public takes a proactive role by gathering information and informing the police but does not necessarily work closely with the police on specific aspects such as policy decisions. Conversely, pacification strategies involve a collective partnership between the community and the police that addresses issues concerning policing initiatives with the purpose of enhancing safety and ensuring accountability. Although there are similarities between community policing and techniques of pacification, community policing is a broader topic and is outside of the scope of this thesis (for a detailed and comprehensive analysis of community policing, see Miller, Hess, & Orthmann, 2013).

Pacification is useful in terms of applying it to CEW policy implementation because there are certain aspects that can be beneficial for the police and the community. In particular, pacification involves the police consulting with the public on issues relating to public safety and soliciting feedback in order to ensure that the community has a meaningful stake in policing matters. Within this approach, other important techniques include police-public collaboration as well as community participation for the purpose of creating strong and trusting relationships between the police and the public. These pacification techniques make up the important concept of effective partnership that can produce accountability of the police. There is some value in analyzing these certain aspects from the pacification policy employed in the Vietnam War and it is worth looking at in terms of how these elements can be applied to the creation and development of CEW policies at the agency level. This is a different idea concerning the use of pacification and I am interested in re-appropriating this concept by looking at its positive

components which can be practical and applicable to police-community relations. Before I get into detail about my re-appropriation of the concept, it is necessary to understand the history of pacification.

A Brief Historical Overview of ‘Pacification’

The term ‘pacification’ has multiple meanings that have been developed over the course of five centuries. The *Online Etymology Dictionary*¹¹ provides a very simple definition of pacification which is “the act, process, or policy of pacifying.” Pacification is an extension of the term ‘pacify’ which also has multiple meanings. The *Online Etymology Dictionary* defines the term ‘pacify’ as “1) to bring or restore to a state of peace or tranquillity; quiet; calm; and 2) to appease.” Further, the word origin and history of ‘pacification’ comes from Middle French in the early fifteenth-century and is described as “a setting at peace” and an “act of making peaceful” (*Online Etymology Dictionary*, n.d.). The term also has its origins from the Latin “pacificationem” which means “a peace-making.”¹²

Neocleous (2011) provides a comprehensive historical analysis of the treatment of pacification. He traces its origins throughout the sixteenth and seventeenth centuries and explains that pacification was used as a feature of war as described in Captain Bernardo de Vargas Machuca’s manual of counter-revolutionary warfare. Neocleous (2011) also claims that around the same time, the word ‘pacification’ was used as a power by a prince or the state “to put an end to strife or discontent, and to reduce to peaceful submission a population” (p. 198). In this early usage there is no indication that pacification is necessarily violent; however, it is open to interpretation of how the concept was particularly used.

¹¹ After researching through several dictionary sources for the term ‘pacification,’ the *Online Etymology Dictionary* is the most comprehensive in the word origin and meaning of the term.

¹² Other dictionary sources provide different definitions and meanings of ‘pacification.’ Some meanings entail “the use of force for the submission of subjects”; however, all dictionary sources indicate a meaning of “peace.”

Neocleous (2011) explains that the evolution of the term ‘pacification’ has been closely connected to the concept of security. In contrast, most of the published material from this period is indicative of one common theme: peace.¹³ During the late sixteenth century Philip II of Spain uses the term ‘pacification’ to replace that of ‘conquest’ relating to a variety of discoveries that his people were making in the new world [the Americas] (Neocleous, 2011). In 1573, Philip II refers to pacification by saying that “‘discoveries’ are to establish friendship and cooperation” (Neocleous, 2011; Todorov, 1984). The key terms here are ‘friendship’ and ‘cooperation’ because of their significance during the pacification policies in the Vietnam War. Moreover, Neocleous’ pacification as security theory indicates that there are important strategies pacification seeks to accomplish and that some of these date back to Philip II’s conceptual meaning. For example, Neocleous (2011) notes that despite the fact that pacification is a military feature, “it also concerns the gathering of information about the population, the teaching of trades, education, welfare provision, ideological indoctrination, and, most importantly, the construction of a market” (p. 200). Thus, pacification, from its earliest recorded examples, is a complex process that encompasses a variety of methods and strategies to achieve the objective of peace.

Until the mid-twentieth century, the concept of pacification remained, in most part, a peaceful initiative. The discourse around the term is relatively minimal between the seventeenth and twentieth centuries, with most commentary concerning peace treaties. Although the concept of pacification was never explicitly commented on or published in government documents, Neocleous (2011) argues that the logic of pacification was used throughout the nineteenth

¹³ Some examples of pacification literature/documents from the seventeenth century include: “A treaty of pacification or conditions of peace between God and man” (1645); “The Kings declaration for a pacification and peace between His Majestie and the Parliament” (1642); “The pearle of peace & concord. Or A treatise of pacification betwixt the dissenting Churches of Christ” (1655); and “Brittaines hallelujah or A sermon of thanksgiving for the happy pacification in Brittain” (1639).

century during European colonialization. However, the actual use of pacification, or features of pacification, were never expressed or distinguished by European governments during this period. By the middle of the twentieth century and at the conclusion of World War II, several “civil”¹⁴ wars began to occur in Southeast Asia and North Africa. The concept of pacification had been historically associated with warfare and military operations and it soon re-appeared during these conflicts. Although the concept of pacification was revitalized during this period, new strategies were adopted and broadened to reflect the current period in which these conflicts were taking place. The most well-known revitalization of the concept of pacification occurred during the Vietnam War in the 1960s when the U.S. implemented their pacification policy (which is the main focus of my framework). However, a decade before the U.S. implemented their policy of pacification the French military applied a pacification approach during the Algerian War.

Modern Pacification (through Wartime) and the Idea of Participation and Support

The concept of pacification has transformed and evolved over the course of 400 plus years. The discourse around pacification was insignificant during the twentieth-century until it was used as an approach in the Algerian War in the 1950s. The French military was involved in the war in Algeria and one of its Army Lieutenant Colonels, David Galula, was given the task of creating a policy to help settle the conflict. Galula was a very experienced military officer who had numerous opportunities to study war, to the conventional and unconventional (Daly, 2006). He spent time in North Africa, Italy, and Germany while fighting in World War II; served as a military envoy in China during its civil war in the late 1940s; was a United Nations observer in Greece during its civil war in the early 1950s; and acted as an envoy and developed and maintained contact with officers who were fighting in a variety of conflicts in Indochina,

¹⁴ Civil War simply refers to a war between political factions or regions within the same country; however, it should be noted that the First Indochina War [first Vietnam War] (1946-1954) and the Algerian War (1954-1962) involved French military units since France controlled these territories for decades prior to said conflicts.

Malaya, and the Philippines (Daly, 2006). In 1956, Galula was assigned to the conflict in Algeria where he would develop the pacification approach that was applied by the French military. Galula spent two years fighting in the Algerian conflict and after his time there, he wrote two books about pacification and warfare, based on his military experiences.

Galula's first book was published in 1963 titled *Pacification in Algeria, 1956-58*; his second book was published the following year titled *Counterinsurgency Warfare: Theory and Practice*. This is the first instance when pacification has been connected to the term 'counterinsurgency.' This is how Galula envisioned an effective response in Algeria, which was through a doctrine of counterinsurgency because none had existed before (Galula, 1963). Counterinsurgency simply means "a program or an act of combating guerilla warfare and subversion" (*Dictionary Unabridged*, n.d.). Counterinsurgency runs opposite the term 'insurgency' which means an "insurrection against an existing government, usually one's own, by a group not recognized as having the status of a belligerent" (*Dictionary Unabridged*, n.d.). The concept of 'insurgency' has been around since the nineteenth century; however, its occurrence became more prevalent during the civil conflicts of the mid-twentieth century, and is more popularly known as "guerilla warfare."¹⁵ Therefore, Galula theorized a counterinsurgent doctrine that consisted of winning support from the population as the key to beating the insurgents; this is where Galula emphasized that a pacification approach is vital to his and any other counterinsurgency project (Galula, 1963; 1964). Galula's theory of counterinsurgency involved many aspects, with pacification strategies and techniques being a significant component. It is necessary to note that part of the counterinsurgency doctrine involved military force, primarily to deter rebels from terrorizing the civilian population. Therefore, for the

¹⁵ Guerrilla warfare consists of the use of hit-and-run tactics by small, mobile groups of irregular forces operating in territory controlled by a hostile, regular force.

purpose of this part of the section, the focus is specifically around the pacification strategies implemented by Galula through his larger project on counterinsurgency.

The counterinsurgent doctrine theorized by Galula was complex and elaborate, however, its main objective was gaining support from the population which would allow the military to move forward with its other objectives, mainly through conventional war strategies. Galula (1963) states that “[t]here was no doubt in my mind that support from the population was key to the whole problem for us as well as for the rebels... [b]y ‘support’ I mean not merely sympathy or idle approval but active participation in the struggle” (p. 69). An important aspect of Galula’s counterinsurgency doctrine involved the active participation of civilians, and this is a key component of pacification. Further, support must be directed and organized, and it must come partly from the population; thus, an important element of this process is cooperation between the military and the civilians (Galula, 1963). Galula was adamant that the military needed to change how it operated, especially vis-à-vis the population.

A crucial issue concerning Galula’s pacification approach in Algeria was that it was very brief (1956-1958), and a very important aspect of pacification involves long-term commitment for meaningful results and success (Komer, 1970). Toward the end of Galula’s *Pacification in Algeria*, he says “I am not writing all this to show what a genius I was, but to point out how difficult it is to convince people, especially the military, to change traditional ways and adapt themselves to new conditions” (Galula, 1963, p. 178). Galula knew from his experience that the military operated by the status quo and would rarely modify procedures to reflect the current conflict. Although the pacification approach only lasted two years, Galula felt that it did have an impact, if not directly in the war, then through the development of effective strategies by working with the population, essentially changing the traditional working ways of the military.

The use of pacification strategies in the Algerian War lasted a relatively short period. By 1962, the war in Algeria had concluded and the nation became independent from France. Although the pacification efforts that were implemented under Galula's doctrine of counterinsurgency were no longer in effect by the end of the Algerian War, similar pacification strategies were being employed in another conflict that was occurring in Vietnam. In order to explain the applications of pacification procedures and its policy that occurred throughout Vietnam, it is necessary to briefly describe the Vietnam War for the purpose of providing context for how and why a pacification policy was implemented in this conflict. The war in Vietnam was a continuation of the basic conflict, begun in 1946, which pitted Communists against nationalists (Tho, 1980). The first conflict ended in 1954 when the French were driven out and South Vietnam and North Vietnam territorially split by a provision under the Geneva Accords. Shortly after this, the second conflict followed which was led by a Communist struggle in the South and supported by the North that aimed at achieving the reunification of Vietnam (Tho, 1980).

A significant part of the Communist-led struggle was the Viet Cong (VC). The VC was an organization and an army who were established in South Vietnam that fought the governments of the U.S. and South Vietnamese. Essentially, they were fighting in favour and support of the North for the purpose of establishing a Communist Vietnam. An important aspect of the VC consisted of tactics they would use in fighting which has been described as guerrilla warfare (Nighswonger, 1966). The VC were seen as an impediment to the South Vietnamese Government (GVN) because they would often terrorize the villages and countryside in order to frighten civilians and turn them against the Southern government (Tho, 1980). Therefore, the GVN objective of nation-building was fruitless unless something could be done to secure the villages from VC infiltration and influence. Thus, pacification efforts resulted primarily because

of the VC presence. Tho (1980, p. 2) explains that the Vietnamese countryside suffered the most destruction and was a “feeding ground” for social justice and crimes that was generated by decades of colonial rule and oppression. There was widespread disease, shortages of food and clothing, and because there was a lack of schools and teachers, most rural children were denied an education and forced to work as farmhands under harsh conditions (Tho, 1980). This was part of the dilemma during the war in Vietnam and can be seen as a reason why the VC could have had an influence on civilians living in the countryside.

The GVN employed a variety of programs to quell the VC that preceded the pacification policy implemented by the U.S. government. One notable program was the Strategic Hamlet program developed in the early 1960s; this program was aimed at isolating the rural population from the VC, however, it was difficult to implement because of poor management and organization, and it did not effectively isolate the population from the VC (Marquis, 2000; McCollum, 1983). By 1962, the U.S. government was concerned over how the Vietnamese rural communities were often being terrorized by VC fighters and set out to secure the rural villages through strategies and policies. Thus, the U.S. government characterized this early effort as a counterinsurgency mission and increased American military personnel in the rural areas of South Vietnam for the purpose of working with the civilians to deter VC guerrilla fighting and to improve the overall conditions of the community (McCollum, 1983). This can be considered as the first significant strategy the U.S. implemented from the pacification policy, and although it was under the guise of a counterinsurgency mission,¹⁶ some of the tactics are clearly pacification in nature.

These early efforts of counterinsurgency and pacification implemented by the U.S. government proved to be disorganized and poorly managed (similar to the Strategic Hamlet

¹⁶ This largely stems from Galula’s counterinsurgency doctrine in Algeria.

program implemented prior to this). McCollum (1983) explains that one of the main reasons why these efforts were disorganized and mismanaged was because the American military personnel operated the strategies similar to “the pattern in enemy-occupied territory during wartime... [Officials] operate in garrison-like quarters surrounded by barbed wire barricades, and travel into the countryside only under heavy guard” (cited in Zasloff, 1962, p. 132). Therefore, the practical application of the pacification strategies differed greatly from the theoretical plan. The plan was to be a joint military-civilian effort; however, the military had not involved the civilians. The involvement and participation of the civilians was fundamental to pacification and the best way to achieve this was through effective organization and management. Moreover, the implementation of effective pacification strategies began to be taken much more seriously in the U.S. when President Lyndon B. Johnson appointed Robert Komer as head of this policy in 1964. Johnson had the idea of creating another “war” to be fought in Vietnam aside from the war that was currently being fought there. He associated the current war as war of “destruction” and he wanted this new war to be one of “nation-building” (Jones, 2005). While appointing Komer head of the pacification policy, Johnson said “I want to put you in charge of generating a massive effort, to do more for the people of South Vietnam...and your mandate will be an extensive one” (Jones, 2005, p. 104).

Jones (2005) explains that in order to fight the “other war” President Johnson had to “redirect and harness the activities of civilian agencies as well as military efforts to provide security and defeat the Viet Cong guerillas, as part of a better-coordinated U.S. effort to support the government of South Vietnam through a nation-building program known as pacification” (p. 104). Although this policy was based around security for the South Vietnamese population, the important aspect was to involve the civilians and build up the nation effectively and efficiently.

Komer (1970) claimed that Johnson conceived the “other war” as significantly similar to the creation and development of the TVA¹⁷ [Tennessee Valley Authority] and the REA¹⁸ [Rural Electrification Administration] that were created during the Great Depression of the 1930s. Between 1964 and 1966 Komer initiated a more effective policy of pacification in South Vietnam; however, the situation was not progressing as well as Komer, and the governments of the U.S. and South Vietnam had envisioned. Jones (2005) notes that by mid-1966, Komer had new ideas about the pacification policy and he was convinced that there was no single factor for success on the civil side other than better management and increased activity. He argued that more civil logistics functions had to be turned over to the military because the organization was not as effective as it could be (Jones, 2005). The civilian side needed guidance and direction and there was too much autonomy given to them without a proper course of action.

The pacification policy started to become more effective in late 1966 when Komer and the U.S. government organized and centralized the policy under military authority rather than expecting civilian agencies to manage and execute major field programs under wartime conditions (Komer, 1970). The Military Action Command, Vietnam (MACV), a joint-service of the U.S. Department of Defense that were advisors and in charge of providing assistance to Vietnam, were given the responsibility for managing and coordinating U.S. pacification support (McCollum, 1983). Under the MACV’s responsibility, as well as Komer’s guidance, they created the Civil Operations, Revolutionary Development Support program, popularly known as

¹⁷ The TVA is a U.S. government agency that was established in 1933 to control floods, improve navigation, improve the living standards of farmers, and produce electrical power along the Tennessee River and its tributaries. The Tennessee River was subject to severe periodic flooding, and navigation along the river’s middle course was interrupted by a series of shoals at Muscle Shoals, Ala. In 1933 the U.S. Congress passed a bill establishing the TVA, thus consolidating all the activities of the various government agencies in the area and placing them under the control of a single one. A massive program of building dams, hydroelectric generating stations, and flood-control projects ensued (Tennessee Valley Authority, 2015)

¹⁸ The REA was a project undertaken by the government and was established in 1935 with the objective of raising the standard of rural living and to slow the extensive migration of rural Americans to urban centres (Rural electrification, 2015).

CORDS. CORDS were essentially a single-manager matrix organization that consisted of military and civilian workers who specialized in certain areas (i.e., security, education, health, economics, etc.), and that could more properly execute the plans of pacification with the partnership of civilians. McCollum (1983) states that in addition to CORDS being a more effective logistical and operational aspect of the pacification policy,

[t]he amalgamation of military and civilian personnel was also seen as important philosophically. Where military personnel usually exhibit an ebullient ‘can do’ attitude in the face of diversity, sometimes causing initiation of misdirected actions, civilian personnel often are very negative toward taking any action at all. The resultant combination was believed by high-ranking officials at the training center to enhance rational decision making and implementation. (p. 114)

Therefore, it was perceived that CORDS could provide effective results for the pacification policy. The policy had already been in effect for three years in South Vietnam; however, it had many issues and concerns, especially around the organization, management, and execution of the policy objectives. Thus, the CORDS program was seen as significant progress by the U.S. government and the GVN. And Komer (1970), who was critical of the operational elements of pacification, stated that “[t]he new model pacification program was notable for centralized systematic planning and follow-through, plus decentralized execution” (p. 247).

The CORDS program was in effect for the better part of six years (May 1967-February 1973). In assessing its results of the overall policy of pacification, McCollum (1983) indicates that using this matrix-like organization had many benefits and it did work. He further explains that the specialized units (also known as pacification cadres) were effective in their operational duties. For example, the security cadre were effective in keeping insurgents from dominating

populated villages; community development, economic, and agricultural programs began to work as planned, due in large part to close attention and cooperation with Vietnamese administration as well as civilians; and the GVN became more democratic in the sense that local government officials were elected by the community instead of appointed by the government (McCollum, 1983).

Komer left his position as head of the pacification policy in 1968 and the position was given to military ambassador William Colby (who would later become director of the CIA). However, Colby operated the pacification policy essentially under Komer's already established foundation and continued with the CORDS program. The CORDS program was ultimately abolished in 1973 along with the U.S. pacification policy when the U.S. military began withdrawing its troops from Vietnam. Despite important progress made through the establishment of CORDS, and more effective management of the pacification policy, as well as several significant components and aspects that are beneficial from a pacification approach, there are important criticisms of the policy and how it was applied and executed in Vietnam.

Komer (1970) had some criticism of the pacification policy even before it had ended. He argued that pacification entailed both civil and military aspects; however, he acknowledges that he, as well as the U.S. government, delayed too long in bringing the civilian and military strands together in an effective manner and that was essential for the proper ordering of priorities and for a balanced effort (Komer, 1970, p. 254). Further, pacification suffered from inadequate GVN and U.S. follow-through, and that the plans and programs that were created were not the same plans and programs executed (Komer, 1970, p. 255). Tho (1980) explains that one of the biggest shortcomings of pacification was the artificiality of its reporting. Effective pacification involved a strong communication network between all of those working within the policy, and constant

and consistent monitoring and updating was fundamental. However, Tho (1980) argues that statistics, figures, and records that were reported were often misleading and they frequently served a political purpose rather than reflecting realistic gains (p. 186). Also, the pacification program was plagued by problems of control and coordination, inadequate supporting forces, and concern for immediate results (Tho, 1980, p. 187).

Perhaps the most significant criticism of the pacification policy, as Tho (1980) notes, was the fact that no one understood the Vietnamese people's aspiration better than the Vietnamese themselves (p. 188). Closely working alongside civilians was an important component of pacification, but as noted earlier, the plans that were created were not the same plans that were executed. Tho (1980) states "[w]hat should have been avoided was the imposition of ideas and forcing Vietnamese to do things in ways that they did not consider their own" (p. 188).

Moreover, Komer criticized U.S. institutions for relying on conventional tactics and strategies in an unconventional war. Komer (1970) noted that "instead of adapting to the Vietnamese situation, we fought the enemy our way at horrendous costs, and with some tragic side effects, because we lacked much capability to do otherwise... [i]nstitutional inertia prevailed" (cited in Thompson & Frizzell, 1977, pp. 265-270). Therefore, the pacification policy was not properly executed because of certain limitations and failures by the U.S. in fully acknowledging the situation of the Vietnamese and their interests.

Two decades following the end of the pacification policy in Vietnam, Morris and Dunkelberger (1998) gave short questionnaires to rural Vietnamese adult residents in 1992 that were replicated from rural surveys conducted by the U.S. during the pacification years. Results from this study indicate that there was little anti-American sentiment among the rural villagers and a high rate of consistency among their various opinions of Americans and the policies that

were implemented. Morris and Dunkelberger explain that the comparison between rural civilians' current opinions and those of rural South Vietnamese during the pacification years reveal similar favourable views of the U.S. and Americans at both points in time. This comparative study does shed some positive light around how the rural civilians of Vietnam viewed the U.S. and its pacification policy then and two decades later. Although this study cannot be generalizable to all of South Vietnam, it at least provides an argument that the pacification policy did have some benefits, and that American involvement in the program was favourable among some civilians.

Komer held the view until his death in 2000 that the pacification program he had created along with support from the U.S. government, and which the South Vietnamese had executed with the help of thousands of U.S. advisers (civilian and military) and resources, was “the best program the U.S. ever devised to meet rural insurgency” (Jones, 2005, p. 113). Since Komer was a fundamental part to the pacification policy, there is little doubt that his belief is biased; however, it is important to recognize that the pacification policy did have significant strategies that may have value for other areas, in particular policing, even though the setting in which they were used (Vietnam War) is widely condemned. As Komer (1970) noted, “[w]e didn't invent pacification, but we did put it on the map” (p. 245).

Reflecting on the pacification policy implemented in Vietnam, Hunt (1995) explains that President Johnson's dream for Vietnam remained a dream. It is extremely difficult to have a policy, which essentially is peaceful in nature, operating in support of a war that involves killing and destruction, as well as foreign power. The conflict in Vietnam was an abomination and will continue to be censured as a result of the widespread atrocities committed by the U.S. The pacification policy was far from perfect but it did involve several important elements and

components that had effective and positive results, and these are the important aspects that can be adopted and applied to policing initiatives, particularly in the implementation of CEW policies. The primary goals of any pacification program involve popular support, commitment, and buy-in from the community; and as Komer (1970) and Tho (1980) advocated, the process is long-term and continuously developing.

The Revival of Pacification: A Different Interpretation

After the U.S. withdrew from the conflict in Vietnam, the pacification policy was abandoned. A primary reason why the pacification policy could not be sustained was not because there was a lack of effort on the civilian side in carrying on with the procedures and plans, it was because the goals had changed and the policy was not likely to continue because of new goals (Jones, 2005; Tho, 1980). Despite the fact that all American troops withdrew from Vietnam by August 1973, the conflict between North and South continued until April 1975 when the North captured Saigon (now Ho Chi Minh City), thus marking an end to a very long war. Moreover, the idea of pacification was discussed less and less after the American withdrawal from Vietnam. It had, historically, been identified as a feature of war and when the policy was abandoned in 1973, it more or less became a footnote in American military operations. In a way, one can view pacification policies in war as a means to an end. Its means included the strategies and tactics as features within a war, and its end being the peaceful result of working together through collaboration and partnership. However, pacification has since been removed from its association with war and interpreted in a different context.

In 2010 a small group of academics met for two days at Carleton University in Ottawa, and came up with an idea that challenges the “hegemonic nature” of security (Neocleous et al., 2013). Throughout the meetings, these academics came up with a concept called ‘anti-security’

which essentially argues that the police employ a variety of powers through a broad range of methods for the purpose of securing the economy for capitalist growth (Neocleous & Rigakos, 2011). Moreover, as a way of theorizing police power and how it is linked with state violence for the protection of 'bourgeois' property rights, the idea of reviving and using 'pacification' to illustrate the powers of the police became a central theme of the concept of anti-security (Neocleous et al., 2013). The idea of pacification as a critical concept in relation to security and crime had been recently developed by Neocleous (see 2010, 2011), therefore these academics wanted to build off of the groundwork laid by Neocleous and connect and associate pacification to police power through their anti-security project. Thus, a "new" area of scholarship was created and centered on the theory of pacification as a form of police power and state securitization.

Mark Neocleous and George Rigakos are considered to be the main academics that theorize pacification as security. Therefore, their explanations and critical interpretation of pacification will be discussed. Neocleous (2011) acknowledges the fact that scholarship on pacification, especially current scholarship is minimal. The most significant reason for this is because pacification is identified as a feature of war, most closely related with the American policy in the Vietnam War. One of Neocleous' major arguments for using pacification in this critical way is because of its close connection to security. I have already noted that the developers of the pacification policy in Vietnam, and even Galula's doctrine in the Algerian War, claimed that an important component of pacification is to secure the population from insurgents who would otherwise terrorize the civilians. In a sense, pacification is a part of security and vice-versa. However, in theorizing pacification as a process of security while connecting it to police power and capitalist interests, Neocleous (2011) explains that,

[w]e need to understand security not as some kind of universal or transcendental value but rather as a mode of governing or a political technology of liberal order-building, then perhaps the category of pacification can help us make more sense of this process. To see security as a constitutive power or a technique deployed and mobilized in the exercise of power is to read it as a police mechanism: a mechanism for the fabrication of a social order organized around a constant revolutionizing of the instruments and relations of production and thus containing the everlasting uncertainty and agitation of all social relations that Marx and Engels define as key to capitalism; a mechanism, I suggest, in which the key task is pacification. (p. 194)

The way Neocleous is theorizing pacification as a process of security and police power is primarily through capitalist accumulation that is popularly linked to the ideas of Marx and Engels (1848; 1867).

Neocleous and Rigakos rely strongly on Marx and Engels in describing how their interpretation of pacification applies to police power. Neocleous associates violence with the separation of the population and this is emphasized historically through conquest and enslavement. Neocleous (2013) says “[w]hat is at stake in Marx’s discussion is the constitution of bourgeois order through what Marx calls ‘primitive accumulation’: the use of force and violence in separating people from a means of subsistence other than the wage” (p. 8). Neocleous links Marx’s idea around the violence of accumulation as a fundamental process of pacification. Rigakos and Ergul (2013) further connect pacification to police powers through a Marxist lens by saying,

[w]e analyze the relationship between these variables [erosion of union-membership; income polarization; increase in popular protest; rise in policing employment] in the

context of a theory of pacification which argues that the role of “policing”, broadly defined, has both historically and contemporaneously been designed to ‘make workers productive’ by ‘fabricating a social order’ that seeks to protect private property relations in support of bourgeois interests. (p. 168)

Therefore, the connection between Marx and pacification according to these academics is through the ways that the bourgeois [capitalists/state] employ violence/force [their interpretation of pacification/alternatively security] against the proletariat [workers/lower economic classes/etc.] in order to fabricate social order and capitalist accumulation. And the police are a central component to this process.

Rigakos and Ergul (2013) explain that “[p]acification is the continuum of police violence upon which the fabrication of capitalist order is planned, enforced and resisted” (p. 169).

Neocleous (2011) insists that the historical origins of pacification and its first instance of usage are significant for connecting Marx’s idea about bourgeois and security. Neocleous (2011) argues that the Oxford Dictionary’s reference to the Edicts of Pacification of 1563, 1570 and the Edict of Nantes in 1598 as the first instances of the usage of the word ‘pacification’ are important because “they are the point of departure for the period in which the insecurity of bourgeois order had to be secured” (p. 38). Further, Rigakos and Ergul (2013) claim that “[i]t is at this point that a politics of security, a need to fabricate an order necessary for the functioning of the bourgeois state becomes central to the development of liberal philosophy both domestically and imperially” (p. 169). The objective of pacification was to be [allegedly] achieved through the operations of policing that aimed to shape a new social order. Neocleous (2013) further illustrates the police as a key part of pacification by explaining that,

[t]he police is a hunting institution... [they are] the state's arm for pursuit, entrusted by it with tracking, arresting, and imprisoning. One can see this in the various technologies of police which have become so central to modern police forces: the police dog, the psychological profile, the fingerprints, the photographs, and the police helicopter. But the tracking, arresting, and imprisoning are all traceable to the very origins of capitalist accumulation and the centrality of the hunt to those origins. We might say that the manhunt was nothing less than a core police power in the pacification of the proletariat as well as the accumulation of capital. (p. 18)

These are the arguments expressed by Neocleous, Rigakos, and others that emphasize how the police and the powers they employ are the central component of pacification.

Neocleous adds more to the discourse of pacification through connecting police power to military power, and war in general. Neocleous (2011) suggests that the pacification policy in Vietnam should be understood as “military violence to crush a people and secure a nation” (p. 198). He quotes a minister of an earlier pacification program in Vietnam by noting that “[p]acification aims not only at destroying ‘present, gloomy old life’, but also ‘replacing it with a brighter and nicer new life’” (Neocleous, 2011, p. 198). Further, Neocleous expresses that a main objective of pacification involves the ‘destruction’ and ‘reconstruction’ of a nation (see also Neocleous et al., 2013). Neocleous connects pacification to other military conflicts involving the U.S., internationally as well as domestically. For example, Neocleous (2011) argues that pacification is present in the war on drugs by connecting it to how ‘drugs’ [those who use them] threatens the “fundamental fabric of society” (p. 201). Therefore, pacification as security becomes a legitimate means and a rational justification for coercive powers to be exercised against specific groups of the population with the objective of crushing this problem [usually

through imprisonment]. Neocleous (2011) claims that the “war on drugs can only be understood as a war for the pacification of the city” (p. 202).

In addition to Neocleous’ (2011) connection of pacification to the war on drugs, he also emphasizes that pacification is indicative in the broader war on crime and war on poverty by saying,

[s]uch low-intensity conflict is also apparent in the wider war on crime, the real impact of which is felt hardest by those at the wrong end of the new police measures in the city and which also appears to be identical to the war on drugs: to increase the prison population, especially of working-class and black people. Even the war on poverty can be read as a pacification measure activated through the power of ‘social security’: ‘a war waged with many weapons’, notes one of the war’s historians, weapons ‘such as withholding the opportunities for decent jobs, schools, housing’. (p. 202)

These ‘domestic conflicts’ appear to be ‘pacification security jobs’ as argued by Neocleous for the purpose of fabricating social order and strengthening and further solidifying capitalist accumulation. Moreover, the ‘war on terror’ is considered to be a war of pacification according to Neocleous because of how it is conducted. The ‘enemy’ is fought internationally as well as domestically because this ‘enemy’ exists as “suspect communities” and this rhetoric is used as a weapon for the state and police to increase its powers by protecting individual liberties and freedoms, all in the name of security (Neocleous, 2011, p. 203).

The linking of ‘war’ and ‘police’ around this discourse of pacification theory involves the notion that “[w]ar and the police are always already together, the way they operate conjointly under the sign of security, and the way in which this operation is entwined with the process of accumulation” (Neocleous, 2013, p. 9). Therefore, from the perspective of security, Neocleous

(2013, p. 9) argues that “it is impossible to understand the history of bourgeois society without grasping it as a process of pacification in the name of security and accumulation.” Rimke (2011) also claims that policing entails the use of pacification by saying that “[p]acification occurs through the myth of ‘democratic policing’ by giving the appearance of justice via the rule of law while veiling Official practices of violence and injustice in all spheres of human life” (p. 211). Moreover, Rigakos (2011) builds upon the discourse of pacification by connecting it to security and to policing activities. He claims that traditionally, security has been viewed positively because “everyone wants to be secure” (p. 62). Conversely, pacification should be viewed negatively because pacification is associated with quashing resistant movements and “pacifying” individuals. Rigakos claims that although people do want to be secured, do they really want to be pacified? Therefore, the use of ‘pacification as security’ is meant to provide the population with this false sense of feeling secure but in reality the process is used as a mask by making them productive for the purpose of capitalist accumulation.

Although Neocleous and Rigakos are considered to be the primary academics who have revived ‘pacification’ as a theoretical approach to security, they have gained an increasing following in recent years of other academics who share this critical lens of viewing pacification as a powerful and repressive tool used by the state, police, and other similar institutions. For example, Wall (2013) connects pacification to the recent development of police drones. In particular, Wall (2013) argues that the use of police drones must be understood as continuous and in the same context as similar “pacification” projects the U.S. military are currently engaged in, and that police drones, similar to military drones, are “bounded by the logic of security and the practice of pacification tasked with the hunting of human prey” (p. 34). Wall (2013) explains that the police drone is indicative of how war and police power have long been allied, and that

the logic of security and the practice of pacification illustrate this connection (p. 41). Referencing Neocleous by exclaiming that security is pacification, Wall (2013) indicates that “[t]he police drone is but one of the newest technologies that extends or reproduces the police’s own design on the pacification of its territory, and the military and police are united in their mandate to pacify their respective territories and populations” (p. 41) (see also Herbert, 1997).

The connection of pacification to policing operations has been further expanded to include video surveillance. Wall and Linnemann (2014) use Neocleous’ pacification interpretation in their work on police use of surveillance; specifically, they argue that “[t]he war on cameras [where civilians are increasingly filming police with their cell-phone cameras through the objective of establishing greater police accountability] exposes a police desire to pacify, namely through attempts to dictate parameters of ‘police-citizen’ encounters and order the larger visual-aesthetic field” (p. 4). Their argument suggests that policing through the “unauthorized stare” is a hegemonic process which is undertaken to satisfy the capitalist state’s objective of pacification. Therefore, the “war on cameras” is a pacification project for the purpose of maintaining social order (Wall & Linnemann, 2014). Wall and Linnemann (2014) continue their argument about police and its pacification efforts by claiming that policing is not a “criminal justice” institution, but a comprehensive project that maintains markets and subsumes struggles (pp. 12-13). They claim that the police spend minimal time dealing with “crime and criminals” and instead spend a significant amount of time on routine patrol and responding to non-criminal/non-emergency related issues. Thus, Wall and Linnemann (2014) assert that because the police are generally dealing with non-criminal matters, this indicates that they are

executing pacification through various actions of administering and achieving social order and control¹⁹ (p. 13).

Ackerman, Sacks and Furman (2014) connect Neocleous' discourse of pacification to the study of immigration. These scholars summarize Neocleous' argument of how security achieves pacification by noting that this process is accomplished in three ways: "restoring security through political and economic force, deconstruction and reconstruction, and social reconstruction through military and/or police force" (Ackerman et al., 2014, p. 11). Further, Ackerman et al. (2014) deconstruct the term 'pacification' and metaphorically explain how an infant's pacifier²⁰ is an indicative process of security as pacification. Firstly, they claim that 'pacification' simply implies making one inert and mollified and that when a baby is given a pacifier, their emotions are quelled and they are distracted from any bodily, emotional, and cognitive experiences because of an object. Ackerman et al. (2014) claim that,

[p]acification strategies based upon a discourse of security, serve to distract one from one set of sociological explanations to another...it is through the process of pacification that a populous comes to ignore their own understanding of the social world and is provided alternative social explanations that are somehow more seductive, satisfying, than their own personal experience. (p. 11)

In Ackerman et al.'s (2014) analysis of pacification strategies that are used around the processes of immigration, they argue that the pacification used by the state is a tool for

¹⁹ It must be noted that between 80-90% of all calls the police deal with are of non-criminal nature. However, I want to point out that this illustrates the ever-expanding role of the police and what is expected of them especially when dealing with several issues they are not completely or adequately trained for, but otherwise are expected to solve. This is to show how important it is to establish and build community support between the police and the public; see Hess, Orthmann and Cho (2013) for further reading.

²⁰ Ackerman, Sacks and Furman's pacifier metaphor refers to a rubber or plastic device, often shaped into a nipple, for a baby to suck or bite on.

distracting the population from understanding the actual issue or problem that is present by saying,

[t]he pacifier seeks to mollify or quell the baby, to give the parent some “peace.” A pacified baby is a quiet one, one that does not pay attention to its actual needs and to the operations of the world around them. The use of a pacifier in many ways encourages a blindness to, or the denial of the analysis of, the etiology of the baby’s problem or issue. This notion of pacification, as a tool for providing distraction from the real source of a problem, is a central strategy in utilizing immigration as a vehicle for pacification that we shall later explore. Similar to pacifying a crying baby, the pacification mechanisms discussed below [throughout their analysis] do not address any real source of a problem, nor do they provide any solutions, other than to mollify the American public. Indeed, these mechanisms seem to serve the interest of the dominant member of the relationship; in this case, with the child, and in the case of immigration, various dominant players reap benefits from the mechanisms of pacification. (pp. 11-12)

Dafnos (2013) expands on the pacification discourse by linking it to imperialism and colonialism that facilitated new social orders for the purpose of capitalist accumulation. Building off the work of Neocleous, Dafnos (2013) explains that “[i]n the context of settler colonialism, pacification attempts to eradicate existing Indigenous societies while establishing a new society on expropriated land that also erases its colonial past” (p. 59). Bringing police into this context, Dafnos (2013) explains that pacification involves destructive and productive policing practices that employ a wide range of strategies including overtly coercive strategies as well as subtle political and ideological techniques (p. 59). Dafnos (2013) also argues that pacification strategies used by the police extends to socio-economic classes, minority populations, and women as these

segments of society are more likely to be targeted by punitive social policies and imprisonment (pp. 71-72). Moreover, other academic work that critically interprets pacification as a repressive function and builds upon the scholarship developed by Neocleous and Rigakos consists of such analyses as: public policing and pacifying populations (Kempa, 2011); target policing and social control (Heroux, 2011; Kobzar, 2011); politics and security (Datta, 2011; Jackson, 2011, 2013; Rimke, 2011; Seri, 2011); pacifying labour (Smith, 2013); privacy as pacification (Henry, 2013); and pacification for sport and mega events (McMichael, 2013; Saborio, 2013).

I have provided a discussion of a variety of scholars' perspectives of pacification theory and how they appropriate the term and concept. The analysis of how pacification has been developed and interpreted is important because it is necessary to include the discourse around it and how it has been [and currently is] associated within the wider fields of politics, security, law, sociology, and criminology. In the next section, I diverge from these scholars' interpretations of pacification by revisiting significant elements of the original pacification policies created and crafted by those who participated in the efforts in order to see how much value the techniques and strategies may have for the police in implementing CEW policies. Before that, however, I want to conclude this discourse of pacification by noting a primary argument of Neocleous and others. Neocleous et al. (2013) state that,

[w]e are interested in appropriating and critically theorizing a notion that is at the very root of the thinking and planning that built up this world capitalist system. 'Pacification' is thus a notion that has promulgated a wide series of policing actions both domestically and imperially that, until now, silently subtended the global economic system. A notion we wish to excavate and appropriate for critical inquiry. (p. 4)

Re-appropriating Pacification

According to the scholars I referenced in the previous section, pacification is an instrument that is used by the state and the police to repress society, create a ‘new order,’ and protect capitalism. Neocleous’ revival and development of pacification as a security measure that is appropriated for police power and control are unique, and so is the academic following that has expanded the conceptualization of pacification. I understand the arguments and the interpretations of these scholars’ perspectives of pacification; however, I diverge from their views on pacification, and I approach pacification in an alternative way. These academics do provide some fair assessments of ‘pacification,’ and Neocleous’ historical analysis of pacification is well done. Despite this, some of the important strategies and techniques from the pacification policy in Vietnam have been overlooked, and I have identified a gap where there are some positive components from the policy that may have value and use for the police to apply when deciding whether to deploy CEWs within their communities. Therefore, this section contrasts the perspectives of the scholars’ interpretations of pacification to show some of the important and practical techniques of this concept, and how the police can use these for stronger community relations.

I have already provided an overview of the objectives and goals of pacification policies, specifically in the case of the Vietnam War. The individuals who were part of these policies are important in understanding pacification. For example, David Galula, Robert Komer, and Tran Dinh Tho were directly involved in pacification procedures during conflicts and have written a great deal on the theoretical concepts as well as the practical applications of pacification; therefore, the writings and ideas of these experts must be recognized in order to explain some of the important aspects pacification. In addition, William Nighswonger’s (1966) work is also

important in understanding some of the practical elements of the pacification policy as he actively participated during the earlier years of the program. One of the main arguments advocated by Neocleous (2011) and the other critical scholars is how pacification is a mode of security and is applied through a variety of state-police measures to control and repress people, places, and things. There is no denying that pacification and security are strongly connected since pacification policies describe measures that involve security. Komer (1970) acknowledges that security was an important part to the pacification policy; however, it was generally considered to be only the first step in the process. After this point, the primary focus was on the military working closely with civilians and developing meaningful partnership.

Security of the rural area and of the population was only one of three phases of the pacification policy in Vietnam. Tho (1980) explains that after the security phase is completed, “this was time for the true pacification effort to begin” (p. 89). This “true” pacification Tho is referring to started with the second phase and included the implementation of the various cadre forces (CORDS) in the villages who took part in several programs such as the process of screening civilians to confirm no insurgents had infiltrated the community, the organization of administration, and the building of infrastructure for protective purposes with the goal of demonstrating to the civilians that they had assistance as long as they required it. The third phase, and the most important for the purposes of this framework, involved developmental operations. Tho (1980) notes that the pacification cadre units began long-term activities such as building schools, health facilities, roads and many other important services that would increase the well-being of the community (p. 90). The most meaningful aspect of the third phase of pacification involved the participation of all civilians in this process through cooperation,

consultation, collaboration, partnership, and evaluation. Furthermore, Nighswonger (1966) states that,

[a]n important aspect of the revolutionary goals as a platform for pacification is the method in which they would be achieved. The peasant [sic] would participate in the selection, planning, and establishment of effective security, schools, health facilities, etc. The revolution would not necessarily mean the abandonment of all his previous ways of living, except as the peasant [sic] may desire. (p. 235)

According to this, the processes of pacification involve much more than security. It is a fact that security is an essential aspect of pacification because it relies on the protection of the community; however, it is necessary to understand the other, more important elements of pacification from those who applied the policy during the Vietnam War in order to judge the value of some of the strategies and techniques.

The pacification policy was complex in how responsibility was a collective process between the military and the civilians. Tho (1980) argues that since pacification was a responsibility shared by the military, government workers, and civilians, joint planning and supervision were required at every level. Organization was essential in order to achieve effective relationships between the military and civilians. Tho (1980) indicates that pacification involved two fundamental steps in creating and sustaining the participation and engagement between the military and civilians by saying,

[p]acification and development were continuing, protracted process involving many agencies, hence effective coordination was necessary. In addition, it was most important to enlist the people's participation. To foster this participation, there had to be close cooperation and coordination between government authorities and the population, among

governmental agencies, and among the people; [and] the policies and programs were to be realistic and befitting the local situation. They were to be kept simple to facilitate understanding and execution and to be tailored to the people's needs and capabilities so that the people could responsibly contribute to the common national effort. (p. 23)

This is important because it shows that public participation is a fundamental step to building strong relations between the public and the military (in this context).

Nighswonger (1966, p. 1) says that “[p]acification may mean, simply, to make peace.” He further says that pacification “is a complex process which requires various civilian and military resources... to be applied in a carefully coordinated sequence” (p. 1). I have attempted to break down some of the complexities of pacification in order to show its original nature and value. There are several flaws with pacification, and those who actively participated in its efforts identify the problems that occurred. However, recognizing some of the more positive elements and strategies of pacification demonstrate that there is another side to this concept for practical purposes instead of just simply interpreting the negative components.

As I have noted earlier, when the U.S. military withdrew from Vietnam the pacification policy also ended and became a footnote in military history for the next few decades. There is no explanation for why it was never developed and applied again in military operations considering the U.S. has been actively involved in other conflicts since Vietnam. It could be that different strategies and newer technologies (as well as how modern warfare is fought) make the revival of pacification irrelevant and/or inconsequential. Neocleous (2011) claims that military terminology “has now shifted away from ‘pacification’ towards more ‘gentle’ terms such as ‘low-intensity conflict,’ ‘operations other than war,’ and the ‘gray area phenomenon’” (p. 192). Neocleous

(2011) concludes his thoughts around his revival and development of pacification theory by linking Galula's pacification work with why we should be worried about pacification by saying, [w]e have already noted Galula's work as an intellectual link between the French pacification of Algeria and Indo-China and the American pacification of Vietnam, and noted that his work was published in two documents in 1963 and 1964. Here, we might add that Galula's long RAND article of 1963 was republished as a book in 2006 by Praeger in the US. In the same year the same publisher also reissued Galula's 1964 text *Counterinsurgency Warfare: Theory and Practice*. My first closing observation is thus that the movers and shakers of the US state know full well that pacification is back on the agenda and are mining the historical sources for insights. I suggest that critical theory needs to do the same. (p. 206)

This is an interesting revelation; however, instead of viewing pacification negatively, it is important to analyze the positive components in order to understand what an effective pacification policy should look like.

There are several aspects that need to be accounted for in order for a pacification policy to be effective and meaningful. I suggest a framework for what I think a pacification policy should entail, and this is in the context of policing, specifically in the creation and development of CEW policies. First, for a policy of pacification to be effective and positive the police and the community need to be partners. If the police are deciding to deploy a new weapon (in this case, a CEW), then it is essential that the police work with the community in order to make the right decision. In addition to becoming partners with the community, the police must also consult and cooperate with the public, as well as educate them on specific elements of their job and/or aspects concerning their role (i.e., the use of force; training they receive for de-escalation/mental

health; how CEWs work; etc.). Consulting, cooperating, and educating the public can be accomplished in many forms. There does not have to be one standard way of doing this, instead it is more strategic if the police use a variety of ways in achieving these techniques. For example, holding community information sessions on a monthly or a regular basis provides opportunities for the public to ask questions relating to any issues or concerns around CEW deployment, and this also gives the police the chance to address community concerns as well as educate and inform the public on updates involving CEWs. In larger cities, these community sessions can be held in different neighbourhoods in order to adequately serve the entirety of the public. I should note that one challenge concerning this pacification aspect is getting the public to participate (i.e., the “buy-in” factor). The police must gradually gain the respect and trust of the public before they can attain widespread participation and buy-in from the community. This is an obstacle for effective pacification between the police and the public; therefore, it is essential that this aspect is fully accomplished in order for pacification to be meaningful.

A second aspect of a pacification policy is re-evaluating, revisiting and reforming policies, procedures, and plans concerning CEW deployment and involving the community in this process. This allows the police to reconsider new methods in executing certain parts of their role and this also gives the community a say in contributing to future policy decisions around use of CEWs. This is consistent with the idea of partnership and building strong relations between the public and the police. A third feature of an effective pacification policy, and potentially the most important, is that there must be full and complete transparency on the part of the police agency. The police must gain the trust of the community, and a significant way in achieving trust is by being transparent in their actions. This can be considered a form of accountability because it allows the police to reflect on how they are following the policies and guidelines for deploying

CEWs. Transparency means that the police must inform the community on what they are doing, what they plan on doing, and what they have done (complete disclosure). The community has a right to know of all police actions concerning CEW deployment and the police will build stronger relations if they are transparent.

These three features are the primary components necessary in order for a policy of pacification to be effective, positive, and meaningful between the police and the public. If these strategies and techniques are executed then the other important elements of police-community partnerships can occur, such as collective support, effective dialogue and engagement, enhanced safety of the public and the police, and most importantly, accountability of the police. The strategies and techniques that I have included in this pacification policy are some of the important elements taken from the program employed in the Vietnam War. There is significant value in the use of these strategies for policing that can be untainted by ideological and geopolitical connotations they have historically been identified with. The interpretation of pacification by academics has added a negative understanding of this concept, and what I have attempted to do is re-appropriate and reorient certain important features of pacification.

The goal of this chapter was to provide an examination of pacification as well as analyze the competing discourses and narratives around the concept. Pacification was a complex and contested process during its operation in the Vietnam War. I am not advocating its wholesale adoption for CEW policy implementation, but there are important techniques and strategies that can produce value for police and community partnerships. Significantly, the way in which technology has evolved provides distinct advantages for modifying and applying pacification strategies and techniques because of the immediate accessibility of people, places, and information. With that said, we cannot abandon the traditional forms of pacification which

involves meetings, relations, and in-person contacts between the police and community. But the advent of technological processes benefits how pacification can be applied with newer and traditional strategies working in harmony with one another, resulting in pacification being that much more effective. Even though pacification has been tainted by its association with the problematic nature of the Vietnam War, and in its appropriation by modern scholars, I argue that it has value and usefulness in any discussion around use of force generally, and CEW deployment in particular. The use of a viable policy of pacification can produce effective results between the police and the public. If police services follow the framework of this pacification policy, they can secure the trust and support from the community leading to enhanced safety for the police and the public as well as ensuring meaningful accountability throughout Ontario for when CEWs are deployed. The next chapter analyzes provincial and agency CEW guidelines throughout Canada in order to compare and contrast important aspects concerning the operational elements for officer use as well as for accountability. This comparative analysis gives an opportunity to critically examine Ontario's revised guidelines as well as look at the Ottawa Police Service and their development of a new policy for the agency.

Chapter 4

A Comparative Analysis of Provincial and Agency CEW Guidelines

Research Design

The research design for this thesis involves a comparative analysis of provincial and agency CEW policies. I analyze the new CEW guidelines created by the Ontario government and compare these to other provincial guidelines to distinguish important aspects and differences between each. Additionally, I examine individual police agencies' CEW policies with the same purpose of distinguishing important aspects and differences. The police agency that is the primary focus of my research is the Ottawa Police Service. The OPS have planned and implemented CEW deployment following the Ontario government's decision, and a component of this planning involved consultation with the public through an online questionnaire. The provincial and agency CEW policy analyses are important because it allows for a proper inquiry into the deployment of CEWs in different areas of the country and also provides a basis for a discussion of the implications and recommendations for the Ontario and Ottawa guidelines moving forward.

Analyses of Provincial and Agency CEW Guidelines

This study analyzes four Canadian provincial CEW guidelines. In addition to examining the new Ontario guidelines, the three other provinces include Nova Scotia, Alberta, and British Columbia. The four provincial CEW guidelines are available to the general public through each of the respective government websites or through a general internet search (the guidelines can also be viewed in Appendices A, B, C and D). Therefore, I was not required to obtain these guidelines through any *Freedom of Information and Protection of Privacy Act (FIPPA)* requests. Throughout this chapter, I address the following questions related to the Ontario government's

decision to expand CEWs: What is the primary purpose for expanding CEW use to all front-line police officers?; Is the Ontario government's decision reflective of the policing landscape in Canada for CEW deployment? Additionally, how do the Ontario government's guidelines compare to other provinces' CEW guidelines?; What are the accountability issues for the decentralization of CEW use for individual police agencies?; and, what are the implications of abdicating responsibility of CEW implementation and deployment onto local agencies?

This study also analyzes three Canadian police agencies' CEW policies. The primary focus is on the OPS and what their new CEW policy should look like. Comparatively, the three²¹ CEW policies that are analyzed include the Halifax Regional Police (HRP), the Calgary Police Service (CPS), and the Victoria Police Department (VicPD). I had to obtain these three police agencies CEW policies through *FIPPA* requests. I obtained the HRP CEW policy on October 30, 2014 (request number 14-161); the CPS CEW policy on November 6, 2014 (request number 2014-G-1103); and the VicPD CEW policy on October 7, 2014. It should be noted that I received the VicPD policy through email correspondence with the Department's Policy Analyst and I did not submit a formal *FIPPA* request.

The three agencies selected for comparative analyses with regard to the OPS were strategically chosen to complement the policing and geographical landscape of Canada. As such, a small, medium, and large police service as well as one from Eastern, Central, and Western Canada comprehensively illustrates the policing environment in Canada and is representative for this analysis. The HRP has approximately 600 sworn members who serve a population of more than 400,000 people in the urban core of Halifax, Dartmouth, and Bedford (Statistics Canada,

²¹ I also discuss the Regina Police Service CEW policy in the recommendations section of this thesis. However, the Service has a departmental policy that prohibits full access to their CEW policy. I acquired certain information regarding the CEW policy through various email exchanges with the Services' Policy Analyst.

2014).²² The CPS has more than 2,000 sworn members who serve a population of more than 1.3 million residents (Statistics Canada, 2014). The VicPD has approximately 250 sworn members who serve a population of more than 350,000 residents (Statistics Canada, 2014). Lastly, the OPS have approximately 1,450 sworn members who serve a population of roughly 1 million residents (Statistics Canada, 2014). These police services provide a considerable range of policing environments and enable a more representative analysis of the policies employed.

The Ontario Government's Decision for CEW Expansion

The Ministry of Community Safety and Correctional Services (MCSCS)²³ made the announcement to expand CEW use to all front-line police officers on August 27, 2013.²⁴ This decision allows individual agencies to determine which officers should be permitted to carry CEWs, based on their local needs and circumstances. Ontario is one of the last jurisdictions in Canada that has lifted its restriction of CEW use to front-line officers.²⁵ The policing landscape in Canada varies from province to province. The RCMP is contracted by every province and territory, with the exception of Ontario and Quebec, for policing responsibilities throughout the rural locations and smaller municipalities. Ontario and Quebec maintain provincial agencies known as the Ontario Provincial Police (OPP) and the Surete du Quebec, respectively. Although the RCMP polices a large proportion of the provinces, larger cities in those jurisdictions have their own municipal police service. Therefore, the RCMP works in close connection to cities that have their own municipal departments, and they also provide a presence, albeit on a much

²² Halifax operates under an integrated policing model with both a municipal police force - Halifax Regional Police - and a contracted police force - Halifax RCMP. Halifax Regional Police is responsible for policing the urban core which consists of Halifax, Dartmouth, Bedford and all communities extending from Bedford to Sambro Loop. The remaining areas of the community are policed by Halifax RCMP.

²³ 'MCSCS' and 'Ontario' will be used interchangeably throughout this chapter. They both refer to the decision to expand CEW use as well as the guidelines governing the weapon's use.

²⁴ The decision became official in November, 2013 when the CEW guidelines were revised to reflect front-line officer use.

²⁵ The only other jurisdiction that has yet to expand CEW use to all front-line officers is Quebec.

smaller scale, in Ontario and Quebec. The RCMP have their own policy on the use of CEWs, however, they must also abide by provincial CEW guidelines. Most provinces that contract the RCMP have only a handful of municipal police agencies; therefore most policing is carried out by the RCMP. In Ontario, the OPP provide service to a variety of areas throughout the province; however, there are approximately 50 individual police services. The number of municipal agencies in Ontario is far greater than any other province. Thus, the decision by the MCSCS to expand CEWs is very significant and one that affects all municipal agencies in some capacity.

When the MCSCS made the decision to expand CEWs to all front-line police officers in the province, they revised the guidelines on use of force which all police agencies must abide by if and when they choose to implement CEWs. The MCSCS's "Revised Use of Force Guidelines and Training Standards to Support Expanded Conducted Energy Weapon Use" listed four main points for CEW expansion which are:

- 1) Police Services Boards in partnership with Chiefs of Police may now develop a policy on CEW authorization that:
 - a) Preserves any current deployment
 - b) Authorizes additional "officer classes" to carry 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) Police Service Boards are encouraged to invite community input regarding any plans to expand the use of CEWs.
- 4) The decision on future deployment rests with police services boards. (Ontario Ministry of Community Safety & Correctional Services, 2013b, para. 5)

The most important aspect of these revised guidelines concerns the third point which is for the police service to consult and collaborate with the community in implementing and deploying CEWs. If we look at this from a government perspective, the state is decentralizing CEW decision-making to individual police agencies within the province. This decentralization method can be viewed in a variety of ways. Most significantly, it can be seen that the provincial government is transferring any and all accountability to the individual police services that decide to expand and deploy CEWs to its officers. Another way of interpreting this is that the government is shifting more control and autonomy to police agencies that allow them to make the decision on whether CEW deployment is the right choice for the department and community, as well as creating meaningful accountability at the agency level.

The MCSCS's decision to expand CEW use throughout the province requires officers and agencies to follow certain guidelines relating to the weapon's implementation and deployment. According to the Ontario Association of Police Services Boards ([OAPSB], 2013) the MCSCS's decision is supported by research conducted by medical professionals concerning CEWs and the physiological results of individuals after their exposure to the weapon; and they also recognize the need for local decision making. Essentially, the MCSCS views the decentralization of rulemaking to be for the benefit of individual agencies opposed to having a single policy governing all agencies. The MCSCS claims that CEW expansion offers an additional less-lethal use of force option that protects members of the public as well as police officers. They further state that independent research has shown that the use of CEWs results in fewer significant injuries to citizens and officers compared with other use of force options such as OC spray, batons, and physical restraint. This decision brings Ontario in line with all other jurisdictions in

Canada (except Quebec) that permit front-line officer use of CEWs, making it consistent with the policing landscape of most of the country.

The MCSCS came to their decision to expand CEW use primarily in response to twelve coroner's inquests that made recommendations in favour of expanding the use of CEWs. In addition to this, the MCSCS conducted a comprehensive medical/scientific literature review in support of their consideration in expanding CEWs. They referenced multiple independent studies that found CEWs result in fewer injuries to the public and police, and that the overall risk of serious injury associated with the use of a CEW is low. Also, the MCSCS cited two U.S. studies from the last few years (2008-2013) that show a 60%-70% decrease in injuries to citizens and police officers in circumstances where CEWs were used. When questioned about the specificity of the revised guidelines, the MCSCS responded by saying, "[t]he guideline sets out procedures to be followed by police officers who are authorized to use CEWs and includes circumstances for use, restrictions on use, post-deployment procedures, medical considerations, equipment control and reporting" (OAPSB, 2013). However, the MCSCS does not explain that the guidelines are only the minimal requirements that individual agencies must take into consideration if they choose to deploy CEWs in their jurisdiction. The MCSCS was also questioned about the police shooting of Sammy Yatim in Toronto²⁶ and if the decision to expand CEWs was in relation to that incident. At the time of the decision, the shooting involving Yatim was still under investigation; however, the MCSCS responded by saying,

[t]he expansion of CEW deployment has been in the works for some time and is not a response to any specific incident. The government has been studying this issue for over a

²⁶ Yatim was killed after brandishing a small knife on a streetcar in July of 2013. Once passengers evacuated the streetcar, several police officers approached the open doors and ordered Yatim to drop the knife. Several videos of the event show a single officer — later identified as Constable James Forcillo — firing nine times, leaving Yatim crumpled on the floor. Yatim was then shocked by a CEW and handcuffed before being taken to hospital where he was later pronounced dead (Oved, 2014).

decade, and came to this decision after considering independent research, stakeholder input, and the recommendations of several coroners' inquest juries. (OAPSB, 2013, p. 2)

Although the revised CEW guidelines have been recently implemented, the MCSCS acknowledges that they will continue to monitor and review the use of CEWs as well as assess the impact of expanded use going forward. Therefore, the MCSCS recognizes that the revised guidelines have the potential to continue changing as more police agencies deploy the weapon and when there is an increase in research and data available to effectively re-evaluate CEW use in relation to police-public interaction and safety.

The Ontario Government's Revised CEW Guidelines

The MCSCS revised the Use of Force Guidelines for policing in November of 2013 to reflect the expansion of CEWs to front-line officers (see Appendix A for guidelines). The guidelines concerning the use of CEWs are minimal and vague. First, s. 5 covers training around the use of force for officers and provides a step-by-step list of the Use of Force Model currently used in Ontario (see figure 2). There are five levels in the Model that range from: 1) officer presence; 2) communication; 3) physical control; 4) intermediate weapons; and 5) lethal force. The placement of CEWs is listed under intermediate weapons. The specific guidelines for CEWs cover ss. 15 to 19 and provide the basic requirements that individual agencies must adopt if they choose to deploy the weapon with front-line officers in their jurisdiction. Section 16 states that Chiefs of Police must ensure that officers who are issued a CEW in their agency be in accordance with the departmental policy. Therefore, individual agencies that wish to deploy CEWs for front-line officer use must first gain approval from the Police Services Board²⁷ (PSB)

²⁷ Police services boards serve Ontarians by governing police services at the local level. Police services boards govern within their jurisdictions by: establishing priorities, objectives and policies regarding the provision of police services; hiring police chiefs and deputies, or participating in the selection of OPP detachment commanders; and monitoring performance of both their police service and its leader. These boards are the employer of municipal

and subsequently develop a CEW policy that again, must receive final approval from the PSB before deployment of the weapon can begin.

The revised guidelines are general in terms of the operational use of CEWs for officers as well as the proper procedures for testing the CEW before each shift to ensure that it is in strong working condition. There are some minor similarities between the MCSCS's guidelines and the other provincial guidelines that are analyzed in this thesis. The most common similarity between all provinces is that the only CEW that can be used must be one manufactured by TASER International.²⁸ Further, s. 18(f) indicates that CEW use should be avoided on: a handcuffed subject; on a pregnant woman, elderly person, young child or visibly frail person; on sensitive areas of the body (head, neck, genitals); and on a subject in control of a moving vehicle, bicycle, or other conveyance. These restrictions are similar to each of the other provincial guidelines. Lastly, s. 18(j) states that a medical assessment should be obtained when a CEW is used on any of those individuals identified in s. 18(f), and additionally when both probes are deployed on the chest near the heart; if a subject loses consciousness or strikes their head during a fall; or when a CEW is used multiple times or for an extended period of time.

The specific sections of the guidelines stated above are the only similarities between Ontario and the other provincial guidelines. Despite the minimalist approach taken by Ontario in expanding CEW deployment, there are some notable areas that differ from other provincial guidelines and I will explain these here along with their significance. One of the more important

police services and as such appoint police officers, special constables and police civilian employees, and negotiate collective agreements with police (labour) associations (Ontario Association of Police Services Boards, n.d.).

²⁸ According to TASER International, the company is no longer producing M26 units. Additionally, the M26 models are being phased out of circulation by police services in Ontario. The X26 will also be eventually phased out in Ontario once the life expectancy of the model reaches its end. TASER International has developed two newer models: the X26P, and the X2 which is the most advanced model currently on the market. The Ontario government have recently allowed for police services to use the new models. Many police agencies are now, or are in the process of replacing older units and purchasing the X26P and X2 models because of their superiority; one X2 model costs approximately between \$1,500-\$2,000 Canadian.

guidelines is s. 17(c) that permits the officer to use a CEW if “the officer believes a subject is threatening or displaying assaultive behaviour or, taking into account the totality of the circumstances, the officer believes there is an imminent need for control of a subject” (Ontario Ministry of Community Safety & Correctional Services [MCSCS], 2013a, s. 17). This language provides some flexibility to officers for when they can use a CEW on a subject and, as will be analyzed later, is less restrictive than other provincial guidelines around the weapon’s use. Section 18 of the guidelines is the substantive aspect from an operational perspective, and includes multiple subsections that are notable. For example, subsection (b) indicates that when a CEW is used, one or more additional officers should be present to provide support in restraining a subject. This differs from other provincial guidelines and can be perceived as promoting a team/officer-oriented situation with the purpose of enhancing the safety of officers and the subject(s) involved to resolve an incident. Subsection (c) specifies that an announcement should be made to other officers on scene that a CEW weapon is going to be activated if and when appropriate. Again, this differs from other provincial guidelines for the primary reason that this approach is more focused on the operator/officer perspective. There is no mention of warning a subject that a CEW will be used on them. Although it is logical that an officer may have to use a CEW on a subject unannounced in order to prevent a heightened situation, the fact that there is not any guideline on announcing to a subject that a CEW is going to be used on them in a similar fashion as s. 18(c) is questionable from a public safety perspective.

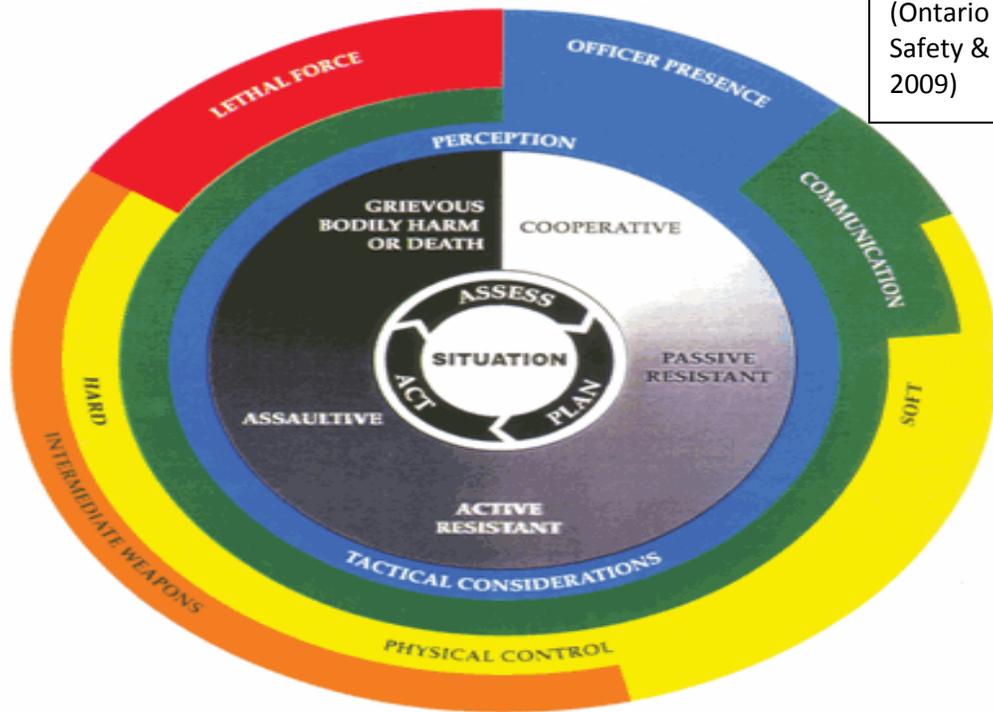
Section 18(g), (h), and (j) all deal with a subject who has been exposed to a CEW deployment. Each of these subsections differs from other provincial agencies in some way; s. 18(g) requires officers to tell the subject that a CEW has been used against them and the effects are of short duration; and s. 18(j) states that embedded probes should be removed by medical

personnel or an officer who has received specific training in doing so. These two subsections are important, most notably 18(j) because it permits officers who have received the proper training the ability to remove probes that are embedded in a subject without medical personnel present. No other provincial guideline in this analysis states this. Perhaps the strangest aspect of the operational guidelines concerns s. 18(h) which states “once the subject is controlled, he or she should be placed in a position for care and observation by officers (e.g., sitting or recovery position)” (MCSCS, 2013a, s. 18). This aspect can be perceived as a benevolent gesture to the individual after he or she has just been exposed to a CEW. In the totality of circumstances, it seems out of place within the guidelines and greatly differs from other guidelines.

Section 19 is the final section of note in the Ontario CEW guidelines and this section has the greatest potential to produce implications and/or inconsistencies for police services throughout the province. Section 19 states that “[e]very Chief of Police should ensure a response strategy/protocol be developed in cooperation with emergency medical service personnel to address post-deployment medical attention for individuals subjected to activation of a CEW” (MCSCS, 2013a, s. 19). Although the MCSCS is abdicating a great deal of responsibility to individual police agencies to implement CEW policies within their jurisdictions, s. 19 increases that responsibility. The MCSCS guidelines do not provide any suggestions or recommendations on post-deployment protocols for individual police services. Because of this decentralized approach, there could be widespread inconsistency in what local agencies do concerning post-deployment actions. Conversely, it can also be argued that leaving post-deployment plans completely up to local agencies enables more flexibility for each service to implement the appropriate strategies that reflect community needs and departmental operations. However, the fact that this section is so vague has the potential for issues in the future especially since there is

no direction or recommendation given by the government on the appropriate steps for agencies to carry out.

Figure 2
Ontario Use of Force Model
CEWs fall under 'Intermediate Weapons.'
(Ontario Ministry of Community Safety & Correctional Services, 2009)



The officer continuously assesses the situation and acts in a reasonable manner to ensure officer and public safety.

In terms of use of force reporting regarding CEW use, s. 30(a) of the MCSCS guidelines states that,

[e]very police service's procedures on use of force reporting should: a) require that a use of force report be submitted by a member to the Chief of Police whenever the member uses a CEW as demonstrated force presence (i.e., overt display of the CEW with the intent to achieve compliance). (MCSCS, 2013a, s. 30)

This is significant because it requires police services to institute mandatory use of force reporting whenever an officer "overtly" displays a CEW. Although the language could be stronger in the

sense that “overt display” could simply mean complete deployment and aiming towards a subject, or it could mean gripping or pointing towards the weapon on the duty belt while holstered. This is the ambiguity of s. 30(a) and should be strengthened to clearly and explicitly state what is meant by “overt display” for the purpose of consistency and accountability. Moreover, comparing the Ontario CEW guidelines with its other use of force guidelines, there appears to be an omission around training. For example, all other use of force guidelines (physical control, aerosol weapons, and firearms) clearly specify the number of training hours that must be completed on an annual basis. However, there is no such mention or indication around training hours or annual training for CEWs. This is important because an argument against the deployment of CEWs concerns the training of officers on the weapon and how much training they must complete. Therefore, it is unknown as to why the MCSCS’s other use of force guidelines identify the number of training hours that must be performed annually whereas the CEW guidelines mention nothing about training.

The analysis of Ontario’s revised CEW guidelines reveals how minimal and vague they are for the operationalization of the weapon and for the supervision around its use. The revised CEW guidelines put pressure on local agencies to develop strong CEW policies without much input from the province. In order to fully understand the efficacies of the provincial and future OPS guidelines, it is useful to examine other provincial and agency CEW guidelines in order to determine the effectiveness and thoroughness of these other policies throughout Canada which helps to discern the possible implications that may result in Ontario because of its weak design.

Analyses of Selected Provincial and Agency CEW Guidelines

The CEW guidelines for the operational procedures surrounding CEW use by officers are examined in this section for the provinces of Nova Scotia, Alberta, and British Columbia. In

addition, individual agency policies in these provinces (Halifax, Calgary, and Victoria) are discussed. The provinces and agencies selected allow for good comparisons to Ontario and Ottawa respectively. The significant differences and similarities between each policy provide important indications as to what Ontario and Ottawa can and should be doing in the development of their own policies.

Nova Scotia

Out of the four provincial guidelines for CEW deployment, the Nova Scotia guidelines are the most comprehensive and complete (see Appendix B). There are some significant differences in the Nova Scotia guidelines compared to the others that are important from an accountability perspective. First, s. 2.4 states that “policies and procedures shall be reviewed as required and no less than annually with revisions and updating as necessary, particularly regarding new research findings, legal changes or manufacturer product notifications” (Nova Scotia Justice [NSJ], 2011b, s. 2.4). Second, s. 2.9 presents clear language for when an officer can deploy a CEW on a subject. According to the guidelines, “CEWs will only be deployed if the officer believes that the behaviour of the subject is consistent with aggressive or violent resistance or presents an active threat that may cause bodily harm or serious injury to the peace officer involved, to the subject or member of the public” (NSJ, 2011b, s. 2.9). This language is stricter than the Ontario guidelines, especially using the phrase *only* compared to *can* in Ontario.

Quite possibly the most important aspect of the Nova Scotia guidelines is s. 2.11 which directly deals with persons with mental illness (PMI). This is the only provincial guideline that specifically deals with PMI as none of the other provinces even mention mental illness in terms of CEW deployment. Also, the Nova Scotia guidelines have a specific section relating to subjects that present signs/symptoms of Autonomic Hyperarousal State (AHS), which is more commonly

referred to as excited delirium. Just as PMI is specific to the Nova Scotia CEW guidelines, AHS is also unique.

The Nova Scotia CEW guidelines are clear and comprehensive; they are very thorough on requirements around reporting when an officer deploys a CEW, and, most importantly, the requirements fully inform municipal agencies in properly implementing CEW policies within the services. Whereas the Ontario guidelines leave a great deal of discretion to municipal agencies in devising CEW policies, the Nova Scotia guidelines are strong and thorough enough that municipal agencies do not need to create additional procedures. This is important from an accountability and consistency perspective because both the province and agency share the accountability for CEW use by officers. The province demonstrates a great deal of caution with PMI and other high risk individuals which is an important aspect to include in a policy because a significant number of police-public contacts involve people of that nature. According to provincial reports and statistics on CEW use in Nova Scotia, use of CEWs has been steadily decreasing. Specifically, between 2007 and 2010, CEW use in stun mode decreased 53 percent, and CEW use in probe mode decreased 70 percent (Nova Scotia Justice, 2011a). This decrease has been attributed in large part to more awareness of dealing with PMI and other high risk individuals. Therefore, provincial authorities have recognized issues relating to CEW use on members of the public throughout its deployment history within Nova Scotia and have undertaken the necessary steps to restrict CEW use and implement the appropriate procedures in the guidelines.

Alberta

The Alberta guidelines are less strict and less comprehensive than Nova Scotia (see Appendix C). In terms of important differences in these guidelines compared to the other

provincial guidelines, there are some notable ones. Comparing the language of when an officer is permitted to deploy a CEW differs slightly from the Ontario and Nova Scotia guidelines. Section 6(c) states that “police officers may use a CEW if the officer subjectively believes that the subject will likely cause injury to the police officer, subject, or bystander” (Alberta Solicitor General and Public Security [Alberta], 2009, s. 6). Whereas the Ontario guidelines indicate that an officer *can* use a CEW and Nova Scotia indicates *only*, Alberta indicates an officer *may* use a CEW. Although one could argue that this is just a matter of semantics, it is an important indication of when an officer is permitted to use a CEW on a subject. For example, the word *can* is more permissive than the word *may* and because of this, officers could be more likely to deploy CEWs depending on their interpretation from the guidelines.

The Alberta guidelines further differ from other provincial guidelines through ss. 7 and 8. Section 7 provides comprehensive details around supervision of CEW use which is indicative of strong accountability from a provincial perspective. Section 8 provides a very thorough understanding of training, which again, supports the notion of strong accountability. The supervision and training sections in the Alberta guidelines are the most extensive of those types of sections compared to other provincial guidelines. However, one aspect that is omitted from the Alberta guidelines is that there is no specific section relating to restricting CEW use on vulnerable populations. In the other provincial guidelines, each makes explicit reference to officers restricting CEW use on vulnerable individuals, such as those who are pregnant, elderly, or children. The Alberta guidelines instead group a whole list of subject factors that officers should take into account when using any kind of force. These subject factors are not within the actual CEW guidelines but rather listed under the definition section of the policy. Although specific subject factors such as individuals who are pregnant or elderly may be considered under

the definition section, the fact that they are not explicitly listed as in the other provincial guidelines can cause confusion around CEW use by officers, and the implications and consequences could be severe because of the vagueness.

Other than the possible vagueness around vulnerable populations [not] listed in the Alberta guidelines, the other aspects of the policy are strong. The language is a very important component of these guidelines because for each of the sections, it clearly directs individual services by wording such as “agencies shall” do this (Alberta, 2009). This creates a standardized approach to CEW deployment for municipal agencies which produces consistency and uniformity for the use of CEWs by police across the province. And because the guidelines are thorough, clear, and for the most part specific, there is not much reason for agencies to deviate from the guidelines. This provides an equal amount of accountability between the province and the municipal agencies, similarly to Nova Scotia. The comprehensiveness of the sections on supervision and training is significant and is one of the strongest aspects of the Alberta guidelines. The one component that is missing from the guidelines and could potentially enhance the guidelines is the inclusion of specific sections on PMI. Missing this aspect is significant to the CEW guidelines in the province, and they could be greatly improved if they took this approach.

British Columbia (BC)

The BC guidelines provide some differences compared to the other provincial guidelines (see Appendix D). It is important to note that the BC guidelines have received the most attention throughout Canada because of the death of Robert Dziekanski at the Vancouver International Airport in 2007. This resulted in widespread debate on the use of CEWs by police (see Braidwood Inquiry, 2010). Police in BC have also carried CEWs longer than any other officers

throughout Canada which allows for more scrutiny of the guidelines. Before the incident in 2007, guidelines for CEW use were minimal, at best; however, the post-Dziekanski era has seen restricted use of CEWs by police and this is highlighted in the provincial guidelines. The BC guidelines possess the strongest language of all the provincial guidelines studied as to when an officer is permitted to deploy a CEW on a subject. Section 1 “prohibits officers from discharging a CEW against a person unless: a) the person is causing bodily harm to either themselves, the officer, or a third party; or, b) the officer is satisfied, on reasonable grounds, that the person’s behaviour will imminently cause bodily harm either to themselves, the officer, or a third party” (British Columbia Provincial Policing Standards [BCPPS], 2015, s. 1). The restrictions of CEW use are stricter compared to the other provincial guidelines (BC: *prohibits*; Ontario: *can*; Nova Scotia: *only*; Alberta: *may*).

The BC guidelines also require under s. 4(a) that officers issue a verbal warning prior to discharging a CEW against a subject. This differs from all other guidelines in that the other provinces either do not consider this, or the warning should only be made to other officers. Other significant differences in the BC guidelines that are absent in the other provincial guidelines include: s. 4(f) prohibits officers from discharging more than one CEW simultaneously against a subject; s. 6 prohibits officers from drawing or displaying a CEW unless satisfied that bodily harm will occur; and, s. 4(d) prohibits officers from discharging a CEW against a person in water where there is a danger of the person drowning (the only guidelines to mention CEW use and water) (BCPPS, 2015). In addition to CEW deployment guidelines, the BC standards for CEW controls and review (see Standards, s. 8 in Appendix F) indicate that a full review of CEW use by officers, including compliance with the BC Provincial Policing Standards and the police force’s policies and procedures, must be performed at least four times per year in order to

identify potential training or policy development issues. This is a very significant component of the BC guidelines because it is a meaningful accountability measure in re-evaluating CEW use and issues several times per year. No other provincial guidelines contain this aspect as to re-evaluating CEW use, training, development, and policies as frequently or thoroughly as the BC guidelines. Nova Scotia and Alberta have procedures to re-evaluate policies and procedures on an annual basis, and Ontario does not specify anything concerning this. Therefore, the frequency of re-evaluating policies and procedures for CEW use is a significant factor in assessing the BC guidelines.

The one omission that is significant in the BC guidelines is the fact that there is no mention of prohibiting or restricting CEW use against vulnerable populations. The only mention of this is that officers must notify medical assistance if a CEW is used on vulnerable individuals. Therefore, the BC guidelines are in similar territory to the guidelines in Alberta around the “vulnerable population” aspect. However, the accountability appears to be very strong from a provincial perspective. The standards for signing out and tracking CEW usage are very clear and organized which increases accountability. The BC guidelines are so thorough that municipal agencies do not need to develop any extra policies or procedures. Similar to the Nova Scotia and Alberta guidelines, accountability is very strong and consistently applied at the provincial and at the agency level. Finally, by having strong guidelines and policies in place for CEW use, especially from an accountability perspective, this will ensure effective deployment. For example, following the death of Dziekanski in 2007, CEW use by police in BC decreased by 87 percent (Canadian Press, 2012). Much of this can be attributed to widespread and effective awareness of CEWs, the Braidwood Commission, better training of police, and, importantly, implementing strong, clear, thorough, comprehensive, and accountable guidelines.

Halifax Regional Police (HRP)

The HRP CEW policy is the most comprehensive out of all agency policies analyzed. Although the Nova Scotia guidelines are very thorough and provide strong direction for municipal agencies to implement and deploy CEWs, the HRP policy goes beyond the provincial guidelines. Prior to giving actual deployment guidelines, the policy states that “[t]he primary purpose for deploying the Conducted Energy Device (CEW) is to save human lives and reduce serious injury to suspects, police officers and the general public. Use of the CEW is not intended to be a substitute for other less lethal or lethal force options” (Halifax Regional Police [HRP], n.d.). I think it is important to note the last sentence of the above statement because it is ambiguous and does not logically follow the prior sentence. Moreover, no other agency policy provides this preamble which is important because it clearly outlines what the purpose of CEWs is and when they should be deployed by the officer’s.

Other additional elements that the HRP policy implements that go beyond the provincial guidelines as well as being different from the other agency policies include: s. 3(a) use of a CEW should be avoided for persons in wheelchairs; s. 5 states that CEW cartridges should not be carried loosely in pockets due to the possibility of static electricity causing discharge; and s. 7 states “[p]ersons exposed to a CEW probe shall promptly be evaluated by EHS personnel” (HRP, n.d., s. 7). These additional elements may appear to be minor, however, the more complete a policy is the more accountable the agency can be. The HRP policy does also take PMI and subjects that appear to be in an AHS very seriously, but this is dictated by the provincial guidelines. The policy has a specific section dedicated to PMI and AHS individuals and goes beyond what the provincial guidelines dictate. For example, part E. s. 2(a) states that “a CEW operator shall: [w]hen dealing with a person showing signs of AHS and when consideration is

being given to using the CEW on the subject, request EHS attendance prior to the deployment of the CEW”; and, 2(b) “[r]equest EHS attendance for all persons exposed to CEW probes. Once the individual is restrained and under control, the Operator may break the electrical wire from the probe while waiting for EHS arrival” (HRP, n.d., s. 2). This is significant because it is the only agency policy to have a focus on PMI and the proper procedures when there is the possibility of deploying a CEW on a subject of this nature.

The HRP CEW policy is strong and comprises the necessary components in order to be accountable when officers deploy the weapon. The provincial guidelines are thorough in their own regard; therefore the agency policy does not need to differ too much. Overall, the policy appears to be clear and effective, and it provides consistent accountability at the operator level as well as at the supervisory level.

Calgary Police Service (CPS)

The CPS CEW policy is more consistent with the provincial guidelines with few enhancements. There are only two minor additional components that the CPS policy includes that go beyond the provincial guidelines and also differ from the other agencies. Section 2(g) refers to targeted areas to avoid while deploying a CEW and subsection (c) describes “the front chest region above the lower rib line” that officers should avoid from hitting. Further, subsection (d) states that officers should avoid using a CEW on “regions of visible of pre-existing injury” (Calgary Police Service, n.d., s. 2). These two subsections are interesting because the language is very clear and provides an officer more direction on areas of a body that should be avoided when deploying a CEW. Avoiding the upper chest region is significant because no other provincial or agency guideline addresses this. The fact that the CPS policy includes this aspect indicates that they are up-to-date as to current practice and research around CEW use and cardiovascular

issues. TASER International has recently stated that operators should avoid deploying a CEW on the chest in and around the heart region (TASER International, 2013). Therefore, this additional direction in the CPS policy is significant because of the possible consequences that could result if deployed around the heart region, and for the fact that no other guideline specifies this.

Other than these two minor elements that the CPS includes in their CEW policy, the procedures follow what the province requires in their guidelines. The provincial guidelines are clear in what is expected of municipal agencies when implementing and deploying CEWs, thus the CPS CEW policy is consistent with what the province recommends. The accountability at the provincial level is strong and it transfers well to the agency level as all levels of operation and supervision provide effective accountability similar to the HRP policy.

Victoria Police Department (VicPD)

Similar to the CPS CEW policy, the VicPD policy includes minor additional components that go beyond provincial guidelines. Under part 4, s. 2, it states that “members shall carry the CEW in an approved holster, on their non-dominant side” (Victoria Police Department, 2013, s. 2). This is interesting because it is relative to each officer and its placement on their duty belt. Although this could create inconsistency between where officers holster their CEW, it is more important that the operator is competent in their ability to properly deploy the weapon rather than which side it is on. Other than this aspect, the VicPD policy follows the provincial guidelines. It is important to note two significant parts to this CEW policy only because no other agency or provincial guidelines discusses them. First, this policy calls on officers to avoid deploying a CEW on a subject that is in water where there is a danger of the person drowning due to incapacitation from the CEW. This is important for the stated fact, but the other important element is that using electrical currents in water should be avoided for the reason that it could

cause a significant increase in electrical current transmitted through an individual (which could cause severe complications). Second, officers are prohibited from drawing or displaying a CEW unless there is a strong potential that bodily harm will be caused. This language is so strong that it warrants discussion. Many officers simply draw and/or display their CEW to enforce compliance of a subject and most often that is the extent of the situation because in many cases the subject will comply. The fact that officers in Victoria (and BC) are prohibited from drawing or displaying their CEWs unless under extreme circumstances illustrates strong accountability; and much of this can be attributed to the Dziekanski death and the subsequent years of inquiries into CEW use.

The VicPD CEW policy differs the least out of all of the agencies when compared to the provincial guidelines. This policy is almost verbatim the provincial procedures which is not surprising because the BC guidelines are so specific and strict, it allows simple transferability for CEW deployment at the municipal level. Similarly to the HRP and CPS CEW policies, accountability is very strong and effective at the operator and supervision level. The VicPD policy may go that extra step in accountability because of its strict guideline for when an officer is permitted to draw and display a CEW, let alone deploy it. And since police in BC have carried CEWs longer than any other jurisdiction in Canada, they have had more experience in dealing with certain issues relating to the weapon which has given the province and agencies ample opportunity to create and devise meaningful and effective guidelines and policies for CEW deployment.

The Ontario Government's Approach to CEW Deployment

The Ontario government's decision to allow for the expansion of CEW use to all front-line officers is consistent with the policing landscape across the country. Ontario is one of the

last jurisdictions to expand CEW use to its front-line officers, but has decided to let individual agencies choose as to whether or not to actually deploy the weapon in their community and this approach differs in comparison to other provinces. One possible reason why the Ontario government has taken this approach is because it gives municipal agencies more control in their local-decision making. A benefit of having more autonomy for local-decision making is the possibility of establishing stronger police-community partnership. However, the major risk to this approach is the possibility of having widespread inconsistency throughout the province in terms of CEW use. Ontario has the most municipal police services than any other jurisdiction in Canada at more than 50. Therefore, this decision affects more police services than it has at any point in the history of CEW deployment in Canada. The municipal police agencies in Ontario that decide to implement a CEW policy are faced with a challenging task of properly deploying the weapon in their jurisdiction as a result of the lack of guidance demonstrated by the province.

The provincial CEW guidelines of Nova Scotia, Alberta, and BC are all superior to Ontario. Accountability is fully established within each of the guidelines. Additionally, these provincial guidelines include post-deployment procedures for agencies. These guidelines are specific in what officers must do after they deploy CEWs and this establishes accountability at the provincial and agency level. In contrast, the only reference regarding post-deployment procedures in the Ontario guidelines is that the local agency should create some sort of strategy or protocol with emergency medical personnel, and this leaves a significant decision for the agency concerning their policy for post-deployment. Although the Ontario government is the most recent jurisdiction to expand CEW use, they are the most relaxed and least comprehensive in their guidelines compared to the other provinces.

The approach taken by Nova Scotia, Alberta, and British Columbia to CEW deployment is the most effective because they created strong and comprehensive guidelines at the provincial level in order for there to be widespread consistency for CEW deployment in agencies across the province. This ensures that accountability is equally established at the provincial and agency level. Since the Ontario government has decided to take a different approach to CEW deployment, it is important that individual police agencies develop strong and effective guidelines around CEW use for the purpose of enhancing public and police safety as well as ensuring meaningful accountability at the local level. To see how this approach of CEW deployment has been undertaken requires an analysis of the Ottawa Police Service's development of a new CEW policy for the agency.

Ottawa Police Service Survey

A consultation plan was approved by the PSB during a meeting on January 27, 2014. As part of consultation efforts with the community concerning CEW deployment, the OPS launched an online questionnaire to solicit feedback, opinions, and concerns from the public as well as from OPS members. The online questionnaire became available through multiple online outlets in the final week of January, 2014 and closed on March 17, 2014. A total of 1,200 responses were received from the public, and 645 from OPS members (including civilian members). The public and member questionnaire consists of 10 questions each (only one question is the same on both surveys) and provided ample opportunity for those participating to raise any issues or concerns they have with CEW deployment, as well as voice their support or opposition to the proposed plan. All responses are anonymous and each answer documented is only accompanied with the date and time of the reply. Also, not every participant in the questionnaire provided feedback where available and some chose not to answer certain questions. However, the majority of those

who took part in the survey answered each question and many provided feedback when they were given the opportunity to do so (see Appendix E for the public survey and Appendix F for the member survey).

I first met with members of the OPS on June 18, 2014 to inquire about obtaining the survey data that were collected for research purposes. The meeting involved Superintendent Uday Jaswal, Director of Planning, Performance & Analytics Randy Mar, and Staff Sergeant Patrick McCaffery. The meeting concluded with the OPS members conditionally agreeing to give me access to the data once I submitted a detailed proposal of how I intended to analyze and use the data in my research. I submitted my proposal to the OPS on September 25, 2014 and was given approval for access to the data. For the purposes of using the OPS data in my research, I needed ethics approval for the use of secondary research. I received approval from the Carleton University *Research Ethics Board* on December 12, 2014 (see Appendix G). In analyzing the data for the purposes of contributing to the development of a new OPS CEW policy, my primary research questions are: What should the Ottawa Police Service CEW guidelines require?; How can the CEW policy lead to enhanced safety as well as ensure meaningful accountability?; and, What are the most significant concerns and issues raised from police and the public regarding CEW deployment in Ottawa?

The Ottawa Police Service CEW Policy

The OPS has chosen to equip their front-line officers with CEWs. The force's widespread provision of the weapon began in late 2014 when officers who completed and passed the training requirements were permitted to start carrying and deploying CEWs. The agency have been clear about how they plan to deploy CEWs in the community with some officers beginning

deployment at the end of 2014 and the majority throughout 2015 and 2016. Therefore, the implementation and deployment of CEWs has been gradual within the OPS.

It is important to note that although some front-line officers are currently equipped with CEWs,²⁹ the agency has been slow in its drafting and execution of the guidelines for the weapon's use. In all instances, a policy should be in force before officers can deploy CEWs for the purpose of providing guidance and direction on the weapon's use. In this case, the OPS's failure to have a policy for its officers raises concerns around the safety of the public and of the police as well as the accountability of the agency. The agency has claimed that they are currently in the process of emulating their policy to that of the new CEW standards produced by the Ontario government and expect to be finished by late spring/early summer 2015. The front-line officers currently carrying CEWs are informed by the existing 2008 OPS CEW policy that is directed to supervisory officers. Although the OPS are being careless by failing to have a current CEW policy for front-line officers, it is therefore important that the development of a new CEW policy is effective.

As previously stated, the OPS developed a consultation plan with the community as part of the process in deciding to expand CEW use for front-line officers. The OPS created a Working Group composed of CEW experts, front-line officers, and training staff that began reviewing current CEW deployment practices within the agency and partner agencies for the purpose of examining potential CEW deployment models. The OPS (2014) insists that a fundamental part of the Working Group's review included consultation with the community. Although the Working Group consulted with the community, it is questionable that all the members of the Group were associated with policing and that the group did not consist of any

²⁹ I am aware of this because I participated in two ride-alongs with front-line officers who have completed the necessary training and are equipped with CEWs.

members from the public. This is problematic in the sense that community input is insignificant in this aspect of CEW decision-making. Moreover, a strategy that the OPS launched was an online survey questionnaire (discussed above) where both the public and members of the OPS would have the opportunity to answer questions related to CEWs and their potential deployment in Ottawa as well as provide feedback and opinions on their views of police use of CEWs. In addition to the online questionnaire, the OPS invited the community to submit written submissions of their views concerning CEW deployment. Despite this consultation effort with the community, there are several limitations to the survey questionnaires which are discussed in more detail in the “limitations to research” part of chapter 5. The OPS also consulted with groups and organizations that are generally opposed to CEW deployment in order to ensure a broad range of opinion and participation in the process. The various organizations that the OPS met and consulted with include the Canadian Association for Suicide Prevention, the Ontario Civil Liberties Association, the Canadian Civil Liberties Association, the University of Ottawa Faculty of Law, the Canadian Mental Health Association, the Community and Police Action Committee (Ottawa), the Elizabeth Fry Society, and the John Howard Society.

Part of the OPS consultation plan involved raising awareness about the revised CEW guidelines, providing education on CEWs and their use within the OPS, and to ensure that both the community and members of the OPS had sufficient opportunity to provide feedback and participate in the potential deployment process. The OPS (2014) states that,

[t]he consultation plan formed an important part of the OPS’ efforts to ensure that it respects the direction of the Ministry, as well the Board’s role in authorizing the expansion of any deployment of CEWs. It also ensured the OPS had the ability to

consider the valuable input of stakeholders in the development of CEW deployment options. (p. 15)

Moreover, to reach the public for consultation, the online questionnaires were initially publicized using an internal email message to members, followed by a media release to the public. A special section on the OPS website was created to provide important information on the project such as frequently asked questions and other information concerning CEWs. Lastly, written submissions from the public were accepted through an OPS email, as well as through an electronic form that was housed on the OPS website. Also, the OPS shared the questionnaire and other data through social media platforms such as Facebook and Twitter, and through other networks such as Victim Crisis Unit, and Crime Prevention Ottawa in order to reach and engage widely with the community.

Additionally, the OPS hosted an interactive information session for community members to showcase some of the training offered on police intervention and included a discussion on use of force training and CEWs. This allowed community members to witness the operational side of the OPS through use of force demonstrations and granted the opportunity to ask questions or raise concerns concerning CEWs. Also, it provided an environment where community members could better comprehend the technology of CEWs and participate in discussions with the agency. It should be noted that the number of community members who participated/attended in the session is unknown; therefore it is difficult to judge how effective these sessions actually were without knowing the full details regarding members of the public. The OPS (2014) explains that “[t]he results from the consultation have been used to not only inform the proposed deployment plan for CEW expansion, but also to review training, data collection, accountability measures, and policies and procedures, both specific to CEW use and even more broadly” (pp. 16-17). The

OPS CEW plan was constructed over many months to ensure its proper implementation in the community. The OPS intends to continue to review the recommendations from the community to its overall approach to improving police response and address any questions or concerns the public raise.

The survey data collected by the OPS consisted of a series of questions that included polling type answers, opinionated responses, and a combination of both (refer to Appendices E and F). The most relevant parts of the survey data for my purpose come from the written responses given by the members of the public and the police. These answers reveal the most significant issues and concerns people have regarding the deployment of CEWs in the community, and can be helpful for the OPS in developing their CEW policy. My analysis of the survey data will illustrate the significant issues and concerns raised by the public and the police which will contribute to the process of implementing a CEW policy by facilitating the development of effective and meaningful guidelines for the agency.

Concerns and Issues Raised by the Public

Written responses began with question four and asked the public their thoughts concerning the revised guidelines produced by the Ontario government. Through my analysis of responses, there were four prominent areas in which most of those surveyed fell. The most noticeable response was that individuals agreed with the revised guidelines because they felt that it was “about time” all officers have the option of carrying CEWs. The second noticeable response was that many individuals were curious about the training, and that training needed to be the most important factor for officers to carry CEWs. The third noticeable response was the concern over the possible use of CEWs on vulnerable people, and its over-use in general. The fourth most prominent response was that many individuals did not agree with the expansion.

Other notable responses include: the guidelines are vague and too subjective; body-cameras should be used for officers that deploy CEWs; officers should only be permitted to carry CEWs if they have a specific level of experience; questioning for the reasoning behind the expansion; and concern that the OPS will stop training officers to de-escalate.

The following question asked the public what concerns they had regarding the revised guidelines. This question consisted of a polling option as well as a response option. It should be noted that individuals were permitted to select as many options from the polling as they saw fit. In the polling option two areas of significant concern that the public have of CEW deployment are the overuse of the weapon by officers, and its use on vulnerable populations and the risks associated with that population (i.e., mental health). The response percentage for both of those options account for nearly 60 percent of those surveyed. In addition, two other areas of concern involve the adequacy of training of CEWs (55 percent), and accountability on its use (53 percent). From the written responses, the most significant concerns include: public awareness on the training of officers for CEW use; proper accountability measures need to be established; training must be more than just “adequate”; any punishment for misuse is omitted; and each CEW deployment must go through a comprehensive review. Question six refers to officers filling out a Use of Force Report and a Deployment Report every time they deploy a CEW. Respondents were asked what they thought about the current accountability measures in place for CEWs. Some of the most notable responses include: in addition to reports, officers should identify what other steps could have been taken to de-escalate the situation; public reporting on CEW use; effective follow-up with the individual who was exposed to a CEW; concerns over tampered, altered, or deleted CEW logs; opportunity for the public to review reports; public

acknowledgement of when a CEW deployment occurs; and using the same accountability measures for CEWs as in place for firearms.

Question seven asked respondents what additional measures should be implemented for CEW use to ensure its use remains effective and safe. In the polling part of the answer, 70 percent of the public agreed that more communication training related to people in crisis or vulnerable populations (those with a mental illness) is necessary. In addition to this, 65 percent of the public believe that more de-escalation training is also needed. In the written response portion of the answer, two suggestions stand out as the most significant. The first is that the agency needs to create awareness and more public education on the weapon and its use. The second is that the agency should look at other nations around the world that currently equip their police with CEWs and examine what the issues are in those jurisdictions and what officers are saying based off of their experiences.

Finally, question nine asked the public if they have any suggestions or ideas that would improve CEW deployment at the OPS. The vast majority of respondents indicated that they do not have any further suggestions that may improve CEW deployment. However, some respondents did provide notable suggestions such as: having effective communication with the public when a CEW is deployed and the weapon's significance in the incident; an increase in education of the public around CEWs and their use; community involvement in training procedures; providing responses and answers to those who have concerns about the weapon; and, most importantly, exhibiting transparency of CEW deployment by its officers.

Concerns and Issues Raised by Members of the OPS

The responses from members of the OPS provide an “insider” perspective around the deployment of CEWs. The members were asked the same question as the public about their

thoughts concerning the Ontario government's decision to expand CEW use. There were several noteworthy responses which include: that officer training needs to be appropriate, deliberate, and exhaustive; more public education is necessary in order to quash any misconceptions related to the weapon; many members believe that only certain officers should receive CEWs; a major concern is where the CEW will be placed on the duty belt and the increase in the duty belt's weight; officers who carry CEWs should have to be shocked by the weapon during training; accountable and proper oversight; and an overwhelming majority agree and support the expansion, and many believe that it will save lives and contribute to an increase in public-police safety.

An important question that was asked of members is whether they have ever responded to a call for service where a CEW was required but one was not readily available on scene. Over 50 percent of members answered yes to this question and provided scenarios that required a CEW. Some of the most significant situations include: an officer deployed OC spray that was ineffective so they had to tackle the suspect who was acting belligerently, and the officer was injured as a result; a suspect suffered extensive injuries from other force that could have been prevented in lieu of a CEW; many situations where an officer had to call for a CEW but the back-up was not available or took an extended amount of time which increased the instability of the situation; and, many officers claimed that they had to resort to other forms of force (most often physical) that resulted in a variety of injuries to the officers as well as to the suspects. Additionally, members who have been issued a CEW were asked if they were ever forced into an operational environment to present the weapon but not use it. Almost all members who responded explain that by simply presenting the CEW caused suspects to comply. Also, suspects noticed the red dot laser being pointed at them and quickly realized that they were about to be

exposed to a CEW. Members who have experienced these situations also claim that effective communication and de-escalation methods were accompanied by displaying a CEW against a suspect. Very few members reported that they did not deploy a CEW because they were in a confined setting.

An important question asked what measures they think should be implemented to ensure CEW use remains effective and safe if the OPS expand the weapon. The first portion of the answer included polling in which over 45 percent of respondents believe that more training on the device is needed. Further, over 35 percent of respondents believe that more communication training related to people in crisis or vulnerable populations is needed. These two issues and concerns reflect the same issues and concerns raised by the public. Despite this, 45 percent of respondents also believe that the existing measures are sufficient and can be extended to other officers. This is troublesome as the measures they are referring to are the 2008 guidelines and these are in urgent need of an upgrade. The second portion of this question asked members what other measures should be included if the OPS were to expand CEW use. Some of the important suggestions include: body-worn cameras on officers; a more effective relationship with the media and public around the education and understanding about the weapon's functionality as well as reporting successful deployments through media releases; limit deployment to a few officers per platoon; annual reviewing of guidelines and updating if needed, similar to the firearms guidelines; having an effective use of force reporting system; debriefing after every CEW incident; and more officer awareness regarding the possible *Police Services Act* and/or *Criminal Code* charges that could be applied as consequences for abusing CEW deployment.

The final question was whether members had any other suggestions that would improve CEW deployment at the OPS. There are some important suggestions which include: better public

education because a significant concern is over how the public will react to expanded CEW deployment; better public communication strategies and community consultations to create stronger relations with the public; more focused and accurate media attention; enhanced duty belt's; assigning units to individual members to ensure better accountability; highlighting situations when lives are saved or dangerous outcomes averted as a result of a CEW deployment; conducting a comparative analysis of other services that currently deploy CEWs [which this thesis is primary concerned with doing]; issuing CEWs to rural officers first; and, most importantly, clear and effective guidelines around CEW use.

Ensuring an Effective CEW Policy for the OPS

The findings listed here are the most important and frequent opinions given by the public and the police concerning the use of CEWs. The most pressing issues around the deployment of CEWs within the community involve training on the weapon, overuse of the device, and accountability. The public and the police appear to agree on all three of these issues which indicate that the agency needs to take those concerns seriously when creating a policy for the use of CEWs. It must be assumed that the agency cannot implement every single suggestion given by the public and the police, however, the agency needs to ensure the most significant issues and concerns are appropriately addressed as well as incorporate other relevant issues and concerns when developing the policy. Having an effective policy is necessary to ensure officers and the community are safe and that the agency and its members are accountable.

Because the provincial guidelines for CEW use are vague, it is very important that the OPS develop and implement an effective and sound policy. The front-line officers who are currently carrying CEWs are following the 2008 Electronic Control Device guidelines which is outdated. The new CEW policy must expand on the 2008 guidelines to include the current

provincial standards as well as address the important issues and concerns raised by the public and the police. In addition to the minimal provincial guidelines, the OPS policy must include training procedures that clearly indicate specific elements that dictate how training is to be accomplished by the agency/members so the public is aware of this. The policy needs to have strong and specific language of when an officer is permitted to use a CEW in order to avoid any ambiguity. The language needs to go far beyond the provincial guidelines to ensure officers do not use CEWs indiscriminately and without sufficient justification. The policy must also go beyond the provincial guidelines in determining the type of individual against whom officers should avoid using a CEW. The provincial guidelines note a few individuals; however, the OPS policy should specifically include all vulnerable populations in the policy in order to restrict use whenever necessary.

From an accountability perspective, the policy needs to address multiple issues. First, the policy should have comprehensive sections relating to operational use as well as supervision. The operational section should cover the front-line officer's directions for carrying and deploying CEWs such as the appropriate procedures in handling the weapon prior to their shift as well as after their shift (i.e., spark test, reporting, lock-up, etc.). The supervision guidelines must be as comprehensive as the operational guidelines and cover the reporting and testing procedures of the weapon as well as maintaining records of CEW usage by officers. Having strong operational and supervisory guidelines ensures accountability at the officer level as well as at the managerial level. Moreover, the policy needs to include a review process that indicates how often the policy will be reviewed and revised, when possible. This ensures constant monitoring around the efficacy of the policy and indicates that the agency is being accountable for when changes need to be made that reflect CEW use by officers.

Finally, the policy must have an effective post-deployment section for two reasons: the first is because the provincial guidelines provide no direction for agencies around post-deployment procedures; and second, to ensure that officers and medical personnel are properly and more than adequately equipped with handling individuals who have been exposed to a CEW. This section is fundamental for policy implementation because it directs officers on how to properly handle individuals after they have been exposed to the device, and it also demonstrates responsibility and accountability on the part of the officer and agency in effectively collaborating with medical personnel to enhance the safety of the public and the police as a result of deployment. The guidelines in this section need to be specific as to what officers must do by either making it mandatory for officers to inform and request medical assistance at the scene prior to CEW deployment or post-deployment. For increased accountability, requesting medical personnel prior to CEW deployment ensures more safety and control of the situation as opposed to post-deployment notification. Therefore, this aspect of the policy is extremely important because it could have the most implications regarding CEW.

The above is an indication of what the new CEW policy should include for the OPS based on the survey data. The new CEW policy must implement the minimal guidelines that the province has produced, but a significant number of things must be added in order to ensure proper deployment of CEWs, and that accountability is clearly established. The survey data that were analyzed illustrates the concerns and issues of the public and the police regarding CEW deployment. Creating the policy is only the first step in a continuous process that involves revisiting and re-evaluating the procedures in order to ensure the guidelines are most effective. The new CEW policy must be strong, it must be effective, and it must establish meaningful accountability. The provincial guidelines provide little direction in developing a CEW policy at

the agency level; however, the survey data analyzed here gives the OPS a significant opportunity to develop and implement a thorough and complete policy that ensures widespread accountability at the officer and agency level for the purpose of enhancing public and police safety.

Judging Pacification as a Framework for CEW Policy Implementation

It is also valuable to examine the various guidelines and processes surrounding CEW deployment, notably those of the OPS, in light of a policy of effective and meaningful pacification. The relevant issues regarding the OPS are discussed first, followed by those relating to the other schemes discussed above.

The first aspect of an effective pacification policy, community participation, can be seen in the OPS plan. The OPS have involved the community in several ways, including consulting with the public through the online survey questionnaire, holding an information session, and soliciting feedback from the public. Although this is a positive start, it is not enough for a pacification policy to be fully effective. There needs to be more involvement with the community, in particular through in-person contact. The police must be active and visible for a real partnership to occur with the public. Consulting with the public electronically is one way of creating and eliciting cooperation, however, traditional methods employed in pacification policy are also needed in this case. The police have to engage in the community, rather than expect them to simply fill out a few online forms. The police have to be proactive, and in some cases creative, in order to get the community to participate and buy-into this approach so as to build strong relations, enhance safety, and ensure the police are accountable to the community. Also, the survey questionnaires are a good start from a pacification perspective because they engage

the community; however, relying on a few questions about the possible deployment of CEWs in the community is inadequate.

The second aspect of the pacification policy, which is re-visiting and re-evaluating policies and procedures with the community, is difficult to judge in the Ottawa context because the OPS is still in the developmental stages of deploying CEWs. Lastly, the third aspect, which is transparency, is also difficult to judge in this case because the development of a CEW policy for the agency is still a work-in-progress and there has not been a sufficient amount of time for the OPS to establish transparency in how they are progressing with the deployment of the weapon. However, a key feature of an effective pacification policy is that it is a long-term process that constantly evolves, and the OPS must remain proactive in this approach and involve the community as much as possible after they begin the widespread provision of the weapon (Komer, 1970; Tho, 1980). In judging the efficacy of the OPS CEW plan in relation to a policy of pacification, the agency has engaged some of the important techniques and strategies such as consulting with the community through online surveys and an information session. Despite some progress by the OPS, there is still a great deal remaining to do in order to achieve meaningful and effective pacification that will deliver the benefits of enhancing police-public safety as well as ensuring accountability in terms of deploying CEWs within the community.

The various provincial and agency CEW guidelines can also be looked at in the context of the important features of an effective pacification policy. The first aspect of community participation in the decision of deploying CEWs is difficult to judge because these guidelines have been in effect for years and very little information about the early stages of the process is known. However, the second feature of revisiting and re-evaluating policies appears to be important in each jurisdiction. In all of the guidelines analyzed, they each state a specific number

of times they re-evaluate their guidelines per year. BC re-visit their guidelines at least four times per year which is important from a pacification perspective. Additionally, other significant pacification strategies in terms of re-evaluating procedures that have been employed by these provinces and agencies include: Nova Scotia implementing PMI components in their guidelines as a result of better methods of dealing with individuals of this nature; the CPS changing guidelines for officers to avoid deploying a CEW near an individual's chest; and BC restricting their guidelines for officers to avoid indiscriminate and unjust CEW use, and because of prior relaxed guidelines which had resulted in a significant decrease in CEW use. Although these are some of the highlights of this second aspect of pacification, there is much room for improvement. In particular, the agencies need to collaborate with the community during the process of revisiting and re-evaluating guidelines for the purpose of valuable input into decision making as well as to establish accountability to the community. Since these decisions affect the public, the police need to work with the community in order to have the most effective guidelines possible.

As for the third aspect of pacification, which is transparency, the provinces and agencies have exhibited various levels of transparency through development and implementation of their policies. The comprehensiveness of each of the policies indicates transparency through the levels of deploying and reporting CEW use at the officer and supervisory rank. The guidelines are clear in these aspects and this gives the public a high level of knowledge around CEW use in their community. Because the guidelines are comprehensive and clear, this creates accountability which is an important element within transparency. There are additional methods of transparency that can be undertaken by the provinces and agencies, such as notifying the public every time a CEW is deployed in the community, issuing monthly reports of CEW use to the public, and

providing opportunities for the public to ask questions about CEW deployment on a regular basis, to name just a few. The transparency shown by the provinces and agencies through their CEW guidelines is a promising start. The key to an effective pacification policy is that it is long-term and continuously developing which means that even if a province or agency has not demonstrated meaningful strategies of pacification, they can begin the process now and continue to utilize the framework in order to get the community involved and make them a significant part of the decision making process going forward.

This chapter has analyzed the Ontario government's revised CEW guidelines as well as the guidelines of Nova Scotia, Alberta, British Columbia, Halifax, Calgary, and Victoria. The significant aspects of each guideline were examined as well as the drawbacks. Additionally, survey data collected by the OPS were analyzed for the purpose of contributing to the development of a new policy for the agency. Lastly, my pacification framework was used to see its utility value in analyzing how the OPS and other agencies have approached CEW deployment. My policy of pacification holds value for CEW policy implementation as an effective and meaningful framework for municipal police agencies across Ontario to employ for their long-term development of CEW deployment.

Chapter 5

Conclusion

Implications

There are several implications around the Ontario government's decision to allow for the expansion of CEW use to all front-line police officers. The most significant implication is that the decision illustrates an abdication of responsibility on the part of the province onto municipal police agencies. This decentralization has the potential to create widespread inconsistency in individual agency CEW guidelines across the province, primarily because the provincial guidelines are vague and minimal and provide little guidance for the implementation and deployment of CEWs within the various communities. Because of the lack of guidance on the part on the province, the possibility of indiscriminate CEW use throughout agencies may occur because of inadequate agency guidelines as more services equip their officers with the weapon. Additionally, accountability at the provincial level is extremely weak because of the inadequate guidelines they have constructed. Also, the provincial government is abdicating responsibility for ensuring meaningful accountability to the municipal agencies. If an issue occurs in a community concerning CEW use, the provincial government can step back from taking accountability because that municipal police service chose to equip their officers with CEWs; therefore they are responsible for the problem.

Another serious implication involves the "relaxed" guidelines that the provincial government has created. Despite the guidelines being minimal and vague, the guidelines for CEW use by officers is more permissive instead of being more restricted. Prior to the death of Robert Dziekanski, the CEW guidelines in BC were very relaxed and gave officers a great deal of discretion when using the weapon. After Dziekanski's death, the Braidwood Commission

recommended that the province create strong and effective CEW guidelines that restrict officer use in many situations as well as clearly indicate when an officer can use the weapon. The purpose of the recommendation was to develop preventative accountability measures where officers had awareness of when they were permitted to deploy CEWs. This reduced CEW deployment substantially throughout the province. It is unfortunate that it was the death of Dziekanski that made the province create stronger and more effective guidelines, but this is the fear facing Ontario. It may take an incident similar to Dziekanski before Ontario accepts more responsibility and establishes stronger and tougher guidelines for CEW deployment. Also, the guidelines in Nova Scotia and Alberta have established strong accountability by creating clear and effective CEW procedures that have the appropriate safeguards in place to deter a situation similar to the one in BC. The advantage Ontario has in being one of the last jurisdictions to expand CEW use is that there is a significant amount of research and experience from other provinces that have had to change and reform guidelines to get things right. Ontario is ignoring this opportunity of getting things right at the beginning and leaving the door open for many issues they will have to face in the future.

Recommendations for Ontario

The expansion of CEW deployment to all front-line police officers is a logical decision that can have more benefits than not. However, the way in which the government has decided to roll out the expansion is questionable. The following are some recommendations that the government would be wise to take into consideration which are reflective of other provincial guidelines and research in the area. First and foremost, the province needs to take accountability. This is the most important aspect for CEW expansion and deployment and the province must be accountable by putting strong policies in place. The individual police agencies should not be

isolated in this process. The province needs to support the full expansion of CEW deployment and assume leadership in the process rather than step back and let municipal services be in control. The provincial government should make the guidelines more standardized and uniform in order to create consistency for CEW deployment across the province. By having a standardized approach to CEW guidelines, the province ensures consistency throughout all agencies in how their officers deploy CEWs rather than having the municipal services develop guidelines that vary between jurisdictions.

The guidelines should be comprehensive in every section. The province should look at other provincial CEW guidelines and borrow/adopt the strong aspects established in them to use in their own. For example, the three provincial CEW guidelines discussed in this thesis all possess strong features that if the Ontario government adopted, it would significantly enhance their guidelines especially in the area of accountability. The province should also implement training aspects within the guidelines that specifies how much training must be accomplished on an annual basis as well as an indication into the types of training that are performed in order for an officer to carry a CEW. This will better direct agencies as well as address one of the biggest concerns the public has around CEW expansion. Lastly, there need to be clear guidelines that establish accountability at the supervision level as well as at the operator level. The current guidelines lack this aspect and this creates a divide between the role of the supervisor and of the operator. This again, significantly affects and limits the totality of accountability that the province assumes for CEW use by police officers.

Recommendations for the Ottawa Police Service

In addition to the suggestions given by the public and members of the OPS from the survey data that were discussed, I have some recommendations for the OPS CEW policy. The

OPS needs to be transparent in CEW deployment. They have actively involved the community through their efforts in developing a CEW policy for front-line use; therefore, it is important that the agency continues this process after deployment has commenced. When a CEW is deployed by an OPS member, there should be a bulletin posted online (either directly on the OPS website or through some similar feed) that describes basic details of the incident and the reason why the CEW was deployed. This method encourages the OPS to be open about CEW deployment and gives the community the opportunity to be aware of when and where the weapon was used and in what circumstances, as well as acting as an additional accountability mechanism. The Regina Police Service currently employs this strategy and they claim that their transparency of CEW deployment is beneficial for the police as well as for the community.³⁰

The OPS policy should strongly consider including a section relating to persons with mental illness. They can simply borrow from the Halifax policy which is very thorough and comprehensive in their section relating to PMI. A majority of police-public contacts involve those with mental illness and by having a specific section on CEW use and PMI would enhance the policy and prevent/restrict CEW deployment on that vulnerable population.

This was briefly mentioned in the analysis of the OPS policy but there needs to be a section indicating when and how often the guidelines must be re-evaluated. The policy should be re-assessed at least twice per year in order to show diligence in CEW deployment as well as keeping up-to-date with new research that involves CEWs and their effects on the human body. Regularly re-assessing the policy indicates accountability at the agency level and shows prevention and awareness of CEW use by officers. It should also be mandatory that all officers who are equipped with a CEW be shocked by the weapon in both probe and stun mode during

³⁰ This advisory is in keeping with the Regina Police Service's commitment to notify the public each time a CEW is discharged against a person.

training. This ensures that an officer is well aware of the effects a CEW has on one's body which will enhance their understanding around the operational characteristics of the weapon with the expectation that they exhibit additional responsibility and accountability if, and when, they must deploy a CEW.

Lastly, the OPS should develop a community strategy for the purpose of police-community partnership for the appropriate deployment of CEWs. What should be included in this strategy needs to follow the consultation and collaboration efforts that the agency undertook with the community prior to deploying CEWs. Constantly engaging with the community in effective forms will continue to build strong relations and establish accountability of the service. The continuation of feedback from the community in CEW deployment is a necessary component of this type of strategy because it allows the agency to strongly consider and address the concerns when re-evaluating the policy as well as keeping the community up-to-date and educated on CEW use in the community specifically, and throughout other jurisdictions generally. This strategy follows the pacification approach that I have suggested. It is imperative that the police and community are working together and that the police have the trust of the community because this will ensure the safety of all. A strategy for police-community partnership concerning the post-deployment process of CEWs will only enhance the OPS policy and contribute to strong relations between the police and the public, as well as establish accountability.

Limitations to Research

There are some notable limitations in this research. First, this analysis is at the initial stages of CEW deployment in agencies throughout Ontario. With the exception of the OPP,³¹

³¹ Ontario Provincial Police began their CEW deployment process in late 2013, and 2014 throughout the various communities they are contracted for.

almost all other agencies throughout the province began their deployment in 2015 and will continue the process into 2016 and beyond. Therefore, any results from the expanded use of CEWs will not be available for analysis until more time has passed. Because of this, I was aware that I would not have access to any significant results from the widespread provision of the weapon; however, the development of CEW guidelines is more pertinent at this stage because of its effect on officer judgment and deployment. Another limitation to this research is that my focus was on one municipal police service in Ontario. Researching several agencies in their implementation of policies for the deployment of CEWs would provide a better understanding around the weapon's presence in communities as well as to compare policies throughout Ontario.

Additionally, there are several limitations to the survey data used in this research. Although the number of participants surveyed is over 1,000, this is still a small number in contrast to the population of Ottawa. Therefore, additional participants would provide more of a range of opinions concerning CEW deployment in the community. The survey data also does not identify the race or ethnicity of the participants. Thus, we have no indication of who participated in the survey and this could result in a more favourable or less favourable response ratio to CEW deployment. This is also the case for the geographic location of participants. The survey data does not identify in what area of Ottawa the participants reside. For example, a majority of the participants may reside in low-crime neighbourhoods and this could significantly produce more results in favour of CEW deployment. The ethnic demographic and location of residence are important limitations to this survey data.

Despite the fact that this survey sought public and member opinions of CEW deployment, soliciting opinions of other use of force methods could generate further analysis of police use of force in the community. Also, the survey data does not identify members and their rank within

the agency (i.e., supervisory, tactical, front-line, etc.). This is an important limitation because the entire purpose of expanding CEW deployment is for front-line officer use and since the survey data does not distinguish between office ranks, it is difficult to analyze the results from the member perspective. Lastly, more questions would permit more analysis of police use of force, particularly around CEW deployment. The handful of questions is a good start; however, several more questions are needed in order to effectively examine and analyze the decision of whether to deploy more CEWs in the community and how to do it.

Future Research

In light of some of the limitations from this research, there are some obvious areas for future research. In particular, it is important that future research examines if whether CEW deployment has been more effective for police services in terms of enhancing police-public safety. A way of studying this is to see if use of force in general has decreased as a result of CEW deployment and if injuries to the public and police have decreased. Additionally, future research should analyze if other use of force options have decreased as a result of CEW deployment. Looking at several police agencies would provide a more comprehensive analysis of CEW deployment across the province. Also, more research is necessary in terms of examining how effective accountability is at the provincial and agency level. Moreover, future research is required for the OPS regarding their development of a CEW policy. Since their CEW policy is a work-in-progress, it is fundamental that future research examines as to whether their guidelines reflect the concerns and issues as well as the suggestions given by the public and members from the survey data.

In regard to pacification theory there needs to be more research around this concept, and particularly in terms of its relationship to concepts and practices of community policing.

Pacification holds some promise in regard to policing strategies and warrants further consideration and research. Pacification techniques may assist in providing an answer to how the police and the public can create sustainable and effective relations, and deserves further investigation and refinement.

The use of force by police is a critical area of concern, and the Ontario government's decision to allow for the expansion of CEW use to all police officers in the province necessitates constant scrutiny. This thesis has provided a focused analysis of CEW guidelines across Canada in regard to the Ontario government's decision. The decision affects all police agencies in the province by giving them the autonomy and responsibility for choosing whether to equip their officers with CEWs. In particular, my research examined the Ottawa Police Service and their process of developing and implementing a policy for CEW deployment. This analysis was supported by examples of provincial and agency CEW guidelines for the purpose of determining the strengths and weaknesses of those policies in relation to the Ontario and Ottawa guidelines. Recommendations were given in order for CEW guidelines to be clear and effective based off of examples throughout Canada, survey data, and my framework of pacification strategies and techniques. My thesis contributes to this process by facilitating the development of effective and meaningful CEW guidelines at the agency level which will lead to enhanced public and police safety and, importantly, ensure accountability for when these weapons are deployed.

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Thesis Appendix

Appendix A - Ontario CEW Guidelines

Conducted Energy Weapons

15. Every Chief of Police should ensure that:
 - a) all training on conducted energy weapons is conducted by a ministry-certified Use of Force Trainer who has successfully completed the Conducted Energy Weapon Trainers course; and
 - b) conducted energy weapon trainer, user, user re-qualification, trainer recertification and familiarization training is consistent with ministry training standards as per the appendices to this guideline.

16. Every Chief of Police should ensure that police officers are issued conducted energy weapons in accordance with the policy of the Police Services Board.

17. A Chief of Police may permit an officer to use a conduct energy weapon subject to the following:
 - a) the conducted energy weapon must be the TASER M26 or TASER X26;
 - b) the conducted energy weapons must conform to the technical standards contained in Appendix H;
 - c) the officer believes a subject is threatening or displaying assaultive behavior or, taking into account the totality of the circumstances, the officer believes there is an imminent need for control of a subject; and
 - d) the officer believes it is reasonably necessary to use a conducted energy weapon, which may involve consideration of the following factors:
 - i. whether efforts to de-escalate the situation have been effective;
 - ii. whether verbal commands are not practical or are not being followed;
 - iii. the risk of secondary injury (e.g., as a result of a fall); and
 - iv. the conducted energy weapon's capabilities in relation to the context and environment.

18. Every police service's procedures on conducted energy weapons should include the following:
 - a) at the commencement of each shift during which a conducted energy weapon is to be carried:
 - i) a spark test should be conducted before use to ensure proper functioning;
 - ii) the results of the spark test should be recorded in the officer's notebook or the appropriate log book; and
 - iii) if the weapon is not personally issued, the serial number of the conducted energy weapon being used should be recorded in the officer's notebook or the appropriate log book;
 - b) in an incident in which a conducted energy weapon is used, one or more additional officers should be present to provide support when possible and restraint of a subject should be attempted when appropriate during the conducted energy weapon activation cycle;
 - c) when appropriate, an announcement should be made to other officers on the scene that a conducted energy weapon is going to be activated;
 - d) conducted energy weapon use should be avoided in the presence of flammable or explosive substances (e.g., alcohol, gas vapours, natural gas, propane) especially in interventions in clandestine labs;
 - e) as with any use of force option, a conducted energy weapon should only be used as necessary to gain physical control of a subject;

- f) conducted energy weapon use should be avoided:
 - i) on a handcuffed subject;
 - ii) on a pregnant woman, elderly person, young child or visibly frail person;
 - iii) on sensitive areas of the body (i.e., head, neck, genitals); and
 - iv) on a subject in control of a moving vehicle, bicycle or other conveyance;
- g) the subject should be informed that a conducted energy weapon has been used and the effects are of short duration;
- h) once the subject is controlled, he or she should be placed in a position for care and observation by officers (e.g., sitting or recovery position);
- i) a medical assessment should be obtained in the following circumstances:
 - i) when a conducted energy weapon is used on a subject who is pregnant, elderly, young, or visibly frail;
 - ii) when a CEW is used on a sensitive area of the body (see section 18 f));
 - iii) when both probes are deployed on the chest near the heart;
 - iv) if a subject loses consciousness or strikes his/her head during a fall; or
 - v) when the CEW is used multiple times or for an extended period of time.
- j) embedded probes should be removed by medical personnel or an officer who has received specific training in doing so
- k) the officer removing the probes should seek medical assistance if he/she has concerns regarding the potential for injury resulting from removal of the probes;
- l) officers should request medical personnel remove probes embedded in sensitive areas;
- m) probes that have penetrated the subject's body should be handled with the same precautions as other biohazards;
- n) following CEW use, data should be downloaded for audit and analysis by designated personnel as soon as practicable;
- o) secure storage requirements for CEWs.

19. Every Chief of Police should ensure a response strategy/protocol be developed in cooperation with emergency medical service personnel to address post-deployment medical attention for individuals subjected to activation of a CEW.

Appendix B - Nova Scotia CEW Guidelines

1. INTRODUCTION

1.1 Peace officers are under a legal obligation and thereby possess the authority to preserve the peace, order, and safety of the community. This duty entails the protection of life and property, the apprehension of offenders, and the investigation of alleged offences. Therefore, it is reasonable that peace officers should have the authority to use reasonable force in meeting these obligations.

1.2 Whenever force is used by any person in Canada it shall be used in compliance with the *Criminal Code* of Canada and the Canadian Charter of Rights and Freedoms. Section 25 of the *Criminal Code* of Canada provides the legal authority to use force.

1.3 Section 25 of the *Criminal Code* of Canada states: Everyone who is required or authorized by law to do anything in the administration or enforcement of the law as a peace officer is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

1.4 The *Nova Scotia Police Act*, the *Correctional Services Act*, and the *Court Security Act* state that the Minister of Justice (the Minister) is the constituted authority for the administration of justice within the Province and nothing contained in these *Acts* shall be construed to change or alter this responsibility. The Minister has the general supervision and management of the *Acts* and regulations for these agencies.

1.5 The Minister of Justice endorses the Conducted Energy Weapon (CEW) as an intermediate weapon option within the National Use of Force Framework (RCMP Incident Management/Intervention model) for peace officers to consider for the resolution of certain confrontational situations.

1.6 The primary purpose for deploying the CEW is to save human lives and reduce injury to individuals, police officers and the general public.

2. USE OF CONDUCTED ENERGY WEAPON

Application

2.1 These guidelines for the Use of CEWs shall apply to all Provincial and Municipal Law Enforcement agencies, Correctional Services and Sheriff Services. The RCMP will meet or exceed Nova Scotia CEW guidelines.

Approved Weapons

2.2 Only CEWs approved by the Nova Scotia Department of Justice shall be used within the Province.

Written Policy

2.3 All agencies with an inventory of CEWs and which deploy these intermediate weapons operationally shall have comprehensive, written policy that supports appropriate CEW usage, including: training, requalification, deployment, storage, reporting, documentation, data downloading and testing of CEW devices.

Policy Review

2.4 Policies and procedures shall be reviewed as required and no less than annually with revisions and updating as necessary, particularly regarding new research findings, legal changes or manufacturer product notifications.

Deployment

2.5 CEWs are an approved, less-lethal intermediate weapon.

2.6 Whenever possible, the police agency shall collect subject and environmental risk information prior to dispatching a police unit and provide that information to the member(s) dispatched to the incident as soon as possible.

2.7 Whenever possible, in high risk medical situations, including Autonomic Hyperarousal State (AHS), request EHS (Emergency Health Services) prior to CEW deployment.

2.7.1 Any person exposed to CEW probe mode shall be evaluated by EHS (i.e., qualified medical personnel) as soon as possible.

2.8 Operationally, CEWs will only be deployed in the execution of officer duty and will be based upon the officer's perception of the threat and the officer's perception of the subject's ability to carry out that threat. The use of the CEW must be objectively reasonable in light of the totality of circumstances, including relevant environmental factors, subject factors, and officer factors.

2.9 CEWs will only be deployed if the officer believes that the behaviour of the subject is consistent with aggressive or violent resistance or presents an active threat that may cause bodily harm or serious injury to the peace officer involved, to the subject or member of the public.

2.10 CEWs are not to be used without due consideration being given to de-escalation or other force options in diffusing the situation.

Persons with Mental Illness (PMI)

2.11 While de-escalation and reasonable force options are factors to be considered in all use of force situations, an officer, when presented with a subject displaying indications of mental illness, must in these cases give particular consideration to and reasonably believe that:

2.11.1 No other force option, including de-escalation and/or crisis intervention technique, has been, or will be, effective in eliminating the risk of bodily harm or serious injury.

Other High Risk Situations

2.12 When an officer reasonably believes that a subject presents signs/symptoms of Autonomic Hyperarousal State (AHS), and having given due consideration to 2.11.1, determines the situation dictates that the officer gain immediate physical control of the subject in order to reduce the health risks associated with a struggle, the following tactical options are recommended:

- CEW deployment
- overwhelming force

These situations are considered a high risk medical emergency and, as such, EHS should be dispatched, if not already done so, in accordance with Section 2.7.1. Officers will monitor the subject's physiological condition/response including breathing during and following restraint until relieved by EHS.

2.13 CEW operators should be aware of high risk situations, and where possible, CEW use should be avoided in the following:

2.13.1 on handcuffed subjects;

2.13.2 on pregnant women, elderly persons, young children, or visibly frail persons;

2.13.3 on sensitive areas of the body (i.e., head, throat, genitals);

2.13.4 on a subject in control of a moving vehicle, bicycle or other conveyance; and

2.13.5 on a subject in an elevated or otherwise precarious environment (including flammable environments).

Prohibited Weapon

2.14 Nova Scotia identifies the approved CEW as a prohibited weapon as defined under Section 84 (Part 3 Prohibited Weapons) of the *Criminal Code of Canada*.

Training and Re-certification

2.15 All police agencies deploying CEWs will ensure all sworn officers successfully complete provincially-approved CEW user training and recertification programs. Provincially approved CEW training will include a supervisory component.

2.16 All correctional and sheriff officers identified as CEW operators and/or supervisors will successfully complete provincially-approved initial training and re-certification programs.

2.17 Correctional and sheriff officers who are not CEW operators shall receive provincially-approved awareness training with respect to CEWs.

2.18 All agencies deploying CEWs will ensure that qualified officers are recertified every twenty-four (24) months, at a minimum.

Reporting

2.19 The Province of Nova Scotia mandates the reporting of all use of force incidents on the Subject Behaviour Officer Response (SBOR) form, including every incident involving the use of CEW.

2.20 All agencies shall have written policy requiring officers to notify their immediate supervisor and submit a Subject Behaviour/Officer Response (SBOR) report as soon as possible when they deploy a CEW in presentation mode, contact mode or probe mode.

2.21 All agencies shall have written policy requiring the submission of a report to the Department of Justice when any of the following occur:

- 2.21.1 in the event of an injury;
- 2.21.2 drawing and displaying a CEW;
- 2.21.3 use of the CEW in contact stun mode;
- 2.21.4 use of the CEW in probe mode; and
- 2.21.5 accidental discharge (during training or operations), other than into a designated loading station.

2.22 All agencies will forward completed, SBOR reports to Department of Justice monthly. All personal information (*FOIPOP/Privacy Act*) will be removed prior to sending to Department of Justice.

2.23 The Department of Justice will review and report on the use of CEW within the Province of Nova Scotia at year end. This report will be made accessible to the public.

Testing

2.24 All CEWs in an agency's inventory shall be submitted for output testing at a testing facility that meets approved national guidelines. Only those devices that test within the manufacturer's specified operating parameter range shall be used for training or operational purposes. All CEW testing results will be forwarded to Department of Justice, Public Safety and Security Division, Manager of Use of Force for review, storage and reporting purposes. Data downloading will be completed by Agencies prior to CEWs being sent for testing.

2.24.1 Output testing shall be conducted in accordance with the following schedule:

- 2.24.1a Agencies will have CEWs tested after two years of being accepted into inventory and every two years thereafter;
- 2.24.1b All CEWs involved in incidents resulting in serious injury or death will be tested.

2.25 All Agencies will ensure CEWs within their inventories are tested to the specifications contained in the approved national CEW testing protocol.

STANDARD OPERATING PROCEDURES

3.1 All CEWs will be logged in and out on a daily basis and this process will be monitored and audited by qualified supervisors. Serial numbers will also be recorded.

3.2 All agencies shall develop specific standard operating procedures dealing with a comprehensive range of matters relevant to CEWs, including:

- 3.2.1 Tactical options for the use of CEWs including issuance of verbal warnings and use of de-escalation techniques, including in situations involving persons with mental illness (PMIs) where appropriate;
- 3.2.2 Safe handling procedures for CEWs in accordance with approved training and manufacturers' recommendations;
- 3.2.3 Appointment, qualifications and responsibilities of a CEW program coordinator [or equivalent position];
- 3.2.4 Procedures pertaining to post-CEW deployment including data download; and
- 3.2.5 Procedures ensuring that probes not retained for evidentiary purposes are treated as hazardous waste with proper disposal.

3.3 All agencies shall have written policy that directs a member and/or a CEW Program Coordinator to perform and record pre-shift CEW maintenance that includes, at a minimum:

3.3.1 Check electrical contacts on the weapon and the cartridge for damage and/or obstructions;

3.3.2 Check expiration date of cartridges;

3.3.3 Check central information display and confirm battery charge; and

3.3.4 Conduct a spark test in accordance with manufacturers' instructions.

3.4 All agencies shall have written policy that directs a CEW Program Coordinator to:

3.4.1 Review and act on any changes to police agency policy or updated manufacturer product information that would directly affect the maintenance and/or use of the device; and

3.4.2 Maintain a serial number specific record of maintenance activities for the device and record any findings and/or member actions specific to that device.

3.5 All agencies will have policy that strictly limits the use of cycling of CEWs. Multiple or extended cyclings should be avoided unless a single deployment is ineffective in eliminating the risk or in allowing the officer(s) to gain physical control of the subject.

Appendix C - Alberta CEW Guidelines

1) Purpose

The purpose of these provincial guidelines is to provide direction on the use of conducted energy weapons (CEW) that stresses the lawful use of these devices and aids in the reduction of risk to public safety when force is required. The guidelines are issued within the framework of the Alberta Provincial Policing Standards as a supplement to the provincial policing (operations) standard OP 9 Use of Force. Standard OP 9 and all associated guidelines provide direction to all Alberta police on the use of all types of force including less lethal weapons.

2) Approved Conducted Energy Weapons

- a) The Solicitor General and Minister of Public Security approves the use of two models of CEW: Taser® International models M26 and X26. The general device specifications published by Taser® International are:
 - i) M26: Approximate maximum output — 50,000 volts/26 watts/1.76 joules. Delivered into load — 5,000 volts/10 watts/0.5 joules
 - ii) X26: Approximate maximum output — 50,000 volts/7 watts/0.36 joules. Delivered into load — 1200 volts/1.3 watts/0.07 joules

3) Application

- a) The Provincial Guidelines for the Use of Conducted Energy Weapons shall apply to all police services in Alberta that employ CEWs as a use of force option.
- b) Peace officers, as defined under the *Peace Office Act*, are prohibited from using CEWs, unless authority to use CEWs is expressly granted on their employer's Authorization to Employ Peace Officers, and on their peace officer's appointment. Auxiliary police officers are considered peace officers and are not eligible to carry/use CEWs.

4) Definitions

- a) Approved testing facility: An electronic testing laboratory that has been approved by the Alberta Solicitor General and Public Security to test the electrical output of CEWs. Approval shall be granted only to those facilities that comply with the province's requirements to test the electrical output of CEWs. The requirements shall be listed in detail in the Alberta CEW and Less Lethal Testing Program Policies and Procedures. The requirements will include but are not limited to:
 - i) Licensing as a prohibited weapon testing facility under the Canadian Firearms Act;
 - ii) Use of the nationally sanctioned CEW output test protocol; and
 - iii) Accreditation in accordance with the CEW Testing Program policies and procedures.
- b) Competent: Able to lawfully and effectively apply knowledge and skills in an operational environment, demonstrated through field deployment and/or re-qualification training.
- c) Conducted Energy Weapon (CEW): A less lethal weapon that delivers a temporarily debilitating electrical charge into a subject. The electrical voltage and current is delivered in a

form that is sufficient to disrupt a subject's ability to control their voluntary nervous system, which temporarily denies them the ability to control skeletal muscles used for movement, such as arms and legs¹.

d) Excessive Force: Where force is used when none is needed; use of more force than is reasonable; or, the use of any force, or any level of force, that continues after the necessity for it has ended. Excessive force may be divided into two categories focused on intent: abuse of force and improper use of force.

- i) Abuse of Force: To knowingly apply force when the intent is cruel or punitive.
- ii) Improper Use of Force: Mistakes may result from errors in individual training, decision making and/or organization practices that result in undesired uses of force.

e) Expert: A person who has a great deal of knowledge, skill, training, or experience, in a topic. He or she is able to not only apply the skills and knowledge effectively in an operational and training environment, but is also able to analyze behaviours and situations, identify strengths and problems, with the goal of improved performance and reduced risk at the individual and organization level. When used in the context of a use of force instructor, a pass mark in the use of force instructor training course/re-qualification shall demonstrate this status.

f) Force: Action taken by police officers, or their agents, in the lawful performance of their duty, to compel, by physical compulsion or constraint, to gain control of persons who pose a risk to society. To achieve, or win by strength, in a struggle with persons who can lawfully be arrested, apprehended, or prevented from a course of action. The person using force must be either required, or authorized by law, to do anything in relation to the administration, or enforcement, of the law.

g) Force Options: Any visual, verbal or physical actions made by police officers and/or their agents to gain lawful control of a subject(s). Force options extend from communication to physical interaction, to intermediate weapons, to deadly force (firearm).

h) Injury:

- i) Primary Injury (CEW): Immediate or delayed consequence, resulting directly from an electrical current flow in the subject and/or wounds resulting from CEW darts.
- ii) Secondary Injury (CEW): Physical trauma indirectly associated with CEW use, such as injuries from falls.
- iii) Serious Injury: Physical harm requiring admission to hospital and includes injuries such as lacerations, abrasions, fracture to a limb, rib, vertebrae, or the skull; blunt force injuries (contusions/concussion) to brain or internal organs; burns of the first or second degree to a significant portion of the body or any allegations of sexual assault.
- iv) Grievous Injury: Pursuant to Canadian case law, R. v. Bottell (1981) 60 CCC (2)(b) 211 (BCCA), grievous bodily harm means "serious hurt or pain". This would include physical harm that, either at the time of the actual injury, or at a later time, involves a substantial risk of death; a substantial risk of serious permanent disfigurement; a substantial risk of protracted loss or impairment of the function of any part or organ of the body; breaks or fractures of the femur or spinal column; or burns of the third degree to any portion of the body, or of a second degree to a major portion of the body.

i) Less Lethal Force: Techniques and devices explicitly designed to incapacitate people while minimizing fatalities or permanent injury and undesired damage to property and the environment². In some circumstances, less lethal force may provide an option to the use of weapons designed to be lethal in nature (firearm).

j) Reasonable Force: A level and duration of force appropriate to the risk posed by a subject's actions and responses, threat level, and is time and context appropriate, when shown that reasonable grounds to use force existed. This definition encompasses the use of only as much force as is necessary to achieve a lawful purpose.

k) Reasonable Officer Response (ROR) Model: Force decision making guidance developed to reflect the intent of the laws guiding the use of force in the Criminal Code of Canada. Police officers are guided by section 25, other relevant Criminal Code sections, and the case law interpreting those sections. At the centre of the ROR model, is the objective reasonableness test used by the courts to determine whether the force used in a specific situation was reasonable:

i) Given the facts and circumstances perceived by the officer, he/she will use a reasonable amount of force in order to maintain or bring an incident under control. The courts have ruled that when considering force they shall consider three types of factors including (these lists are not exhaustive):

(1) Officer Factors: age, gender, physical stature, fatigue/injuries, training, force options and other equipment available, knowledge of subject, distance from the subject;

(2) Subject Factors: age, gender, physical stature, fatigue/injuries, training, experience, fitness, nature and severity of crime, history, mental state, intoxication (alcohol and drugs), proximity to weapons, verbal and non verbal threat cues, flight risk, presence of audience/peers, immediate/imminent threat to police, public, themselves; and

(3) Environmental Factors: location of incident (confined space, isolation), light levels, weather, footing, height above ground, ability to reduce or eliminate physical threats using cover and /or distance.

l) Use of Force Training Aid: A graphical representation of the various elements involved in the process by which a police officer assesses a situation and acts in a reasonable manner to ensure officer and public safety. The model assists officers and the public to understand why and in what manner an officer may respond to a person or situation with force. As an aid to training, the model promotes continuous critical assessment and evaluation of each situation and assists officers to understand and make use of a variety of force options to respond to potentially violent situations.

5) Statement of Principles

Whenever force is used by any person in Canada it shall be used in compliance with the Criminal Code of Canada and the Canadian Charter of Rights and Freedoms. Section 25 of the Criminal Code of Canada (CCC) provides the legal framework in which the authority and justification for the use of force by police officers is interpreted. These guidelines have been issued to assist police agencies in the development of policies and procedures that will reduce the level of risk associated with the use of force in general and CEWs specifically.

6) Use of Conducted Energy Weapons

- a) Only CEW models approved by the Solicitor General and Minister of Public Security shall be used.
- b) In accordance with Section 25 of the Criminal Code, the appropriate use of a CEW requires a balance be achieved between the safety of police, the safety of the subjects they face, bystanders, and public expectations of acceptable police behaviour. Before deploying a CEW, a police officer must consider the availability of other reasonable use of force options and make a determination that a CEW is the proper level of force required.
- c) The totality of circumstances warranting the use of a CEW as a use of force option includes but is not limited to the following:
- i) While in the lawful execution of their duties, police officers may use a CEW if the officer subjectively believes that the subject will likely cause injury to the police officer, subject, or bystander. Further, the use of the CEW must also be objectively reasonable in light of Environmental Factors, Subject Factors, and Officer Factors. At all times, the force used must be reasonable;
 - ii) CEW use will be subjectively and objectively reasonable as an alternative to direct physical contact with a subject when, due to the Environmental Factors, Subject Factors, and Officer Factors involved, there is a real likelihood of injury to the officer, subject, or bystanders;
 - iii) The flight of a subject by itself would not satisfy the objective reasonable test. Environmental, Subject (i.e. nature of the offense) and Officer Factors, must always be considered; and
 - iv) Careful consideration must be given prior to the use of a CEW on a subject restrained by handcuffs or any other restraint. After considering Environmental, Subject and Officer Factors, its use is restricted to exigent circumstances where it is required to prevent any or further injury to a police officer, subject, or a bystander.
- d) Police agencies shall have written policy that reportable CEW deployment constitutes, at a minimum:
- i) Displaying a CEW to gain compliance;
 - ii) Use of the CEW in contact stun mode;
 - iii) Use of CEW in probe mode; and
 - iv) Accidental discharge, other than into a designated loading station.
- e) Police agencies shall have a written policy that requires a member to notify their immediate supervisor and submit a use of force report as soon as possible when they deploy a CEW using contact mode or probe mode.
- f) Police agencies shall have written policy that details safe handling procedures for CEWs in accordance with approved training and manufacture's recommendations.
- g) Police agencies shall have a written policy that directs a member and/or CEW Program Coordinator to perform pre-shift CEW maintenance that includes, at a minimum:
- i) Check electrical contacts on the weapon and the cartridge for damage or obstructions;
 - ii) Check expiration date of cartridges;

- iii) Check central information display and confirm battery charge; and
 - iv) Conduct a spark test in accordance with manufacturer instructions.
- h) Police agencies shall have a written policy that directs their CEW Program Coordinator to:
- i) Review and act on any changes to police agency policy or updated manufacturer product information that would directly affect maintenance and/or use of the device; and
 - ii) Maintain a serial number specific record of maintenance activities for the device and record in it any findings and/or member actions specific to that device.
- i) Police agencies shall have policies addressing pre-CEW deployment and post-CEW deployment procedures aimed at reducing or mitigating the risk of serious injury to a subject, bystander, or police officer and include, at a minimum:
- i) Actions to be taken when a subject's behavior, or police information, indicates that a subject or bystander may have an increased risk of serious injury if exposed to a use of force. This includes emotional or psychological illnesses, physical health risks, and environmental risks, such as the presence of flammable substances, or likelihood of falls;
 - ii) Where possible the police agency shall collect subject and environmental risk information prior to dispatching a police unit and provide that information to the member(s) dispatched to the incident as soon as possible;
 - iii) Approved procedures to remove and dispose of CEW probes;
 - iv) Situations where only medical personnel shall remove probes;
 - v) Documentation of probe and stun contact points on subject body; and
 - vi) Procedures to obtain emergency medical service to support section 5 paragraph i), i-iv.
- j) All CEWs in police agency inventory shall be submitted for output testing at a testing facility approved by the Alberta Solicitor General and Public Security. Only those devices that test within the manufacturers specified operating parameter range shall be used for training or operations. The Law Enforcement Standards and Oversight Branch shall review and approve all test results before any device is deployed for training or operational use.
- k) Output testing shall be conducted in accordance with the following schedule:
- i) Ongoing: All devices in agency inventory shall be tested every 12 months;
 - ii) New devices: All new devices shall be tested before being deployed for operational or training use;
 - iii) Device tested out of tolerance: All devices identified as out of tolerance on any parameter that have been submitted for repair or replacement shall be retested prior to being returned to operational or training use; and
 - iv) Grievous injury/fatality: Any device that has been used in an incident that concludes in serious or grievous injuries or a fatality where the injuries or fatality can be reasonably linked to the electrical output of the device.

7) Supervision

Effective supervision at both the unit and organization level is necessary to ensure the standards of behaviour set by policies and procedures are achieved and maintained. Supervision involves two critical tasks: first, the supervisor must monitor the performance of individuals and units to ensure that

individual and unit behaviour is in compliance with the agency policies and procedures, and when necessary, immediately corrects discrepancies; second, the supervisor must monitor the agency's policies and procedures to ensure they are effectively producing the desired behaviour.

- a) The police agency shall have policies and procedures governing the suspension of a police officer's use of a CEW that include, at a minimum:
 - i) Lapsed re-qualification, failure to re-qualify as required, and proven improper use of a CEW;
 - ii) The consequences of each type of suspension;
 - iii) If appropriate, a clear and documented internal process for reinstating a member's CEW use, which may include retaking CEW training, successful completion of re-qualification, or successful completion of remedial training; and
 - iv) Suspected or proven abuse of CEWs shall result in the immediate suspension of a police officer's use of CEWs.
- b) Police agencies shall have policies and procedures describing supervisory duties with regard to requirements for monitoring the maintenance and operational use of CEWs, including:
 - i) Monitor the CEW training status of the qualified members they supervise;
 - ii) Actions a supervisor shall take when a reportable CEW use occurs;
 - iii) Actions a supervisor shall take to ensure all primary and secondary injuries a suspect may suffer in incidents involving the use of a CEW are recorded, including injuries related to probe penetration and contact stun use; and
 - iv) Actions a supervisor shall take when incidents are identified involving suspected excessive force (abuse or improper use).
- c) Police agencies shall have policies and procedures to ensure that the agency:
 - i) Maintains an accurate inventory of all devices including the current location of each device and its operational status;
 - ii) Establishes and monitors a record management system for the maintenance history and output test results for each device by serial number;
 - iii) Establishes and monitors a system to:
 - (1) Track all agency CEW policy updates and manufacturer product notifications and updates; and
 - (2) Quickly notify all CEW users of all agency CEW policy updates and product notifications and updates and track user acknowledgement of receipt and, if required, their actions.
- d) Police agencies shall conduct random CEW record verification checks every quarter year to include:
 - i) Randomly select 10% of devices in agency (minimum of 10 devices). Or check all devices in agency if device inventory is 10 or fewer; and
 - ii) Cross-check download data with usage reports and maintenance records.
- e) Establishes and monitors a use of force reporting system in accordance with the Provincial Guidelines for the Use of Force.
- f) Police agencies shall submit a use of force (CEW) summary report to the Law Enforcement Standards and Audits Unit every quarter year in accordance with the Provincial Guidelines for the Use of Force.

8) Training

Training provides police with the knowledge and skills necessary for effective policing. Changes in society and technology demand changes in the knowledge and skills required for policing. These changes

require members receive ongoing training. Police agencies shall establish minimum training course requirements for members authorized to employ a CEW operationally; for those members who supervise members who employ a CEW; and those members authorized to instruct on CEW training courses.

- a) Police agencies shall ensure all use of force training and related training received by their members is documented and meets the training guidance provided by the Provincial Guidelines for the Use of Force, Provincial Guidelines for the use of Conducted Energy Weapons and the RCMP and Alberta Association of Chiefs of Police use of force training programs.
- b) Police agencies shall ensure police officers employing CEWs operationally are competent in:
 - i) Requirements of the Criminal Code of Canada and the case law as it applies to the operational use of CEW;
 - ii) Alberta Provincial Guidelines for the Use of Force and the Provincial Guidelines for the use of Conducted Energy Weapons;
 - iii) Agency CEW policy and procedure;
 - iv) Agency and manufacturer's recommended safe handling and use procedures; and
 - v) Recognizing subject behaviors and environmental cues that may increase a subject/bystander risk of injury and may require advanced medical monitoring and/or treatment (e.g. excited delirium, pregnancy, cardio-pulmonary risk, flammable substances, risk from fall).
- c) Police agencies shall ensure that police officers employing CEWs operationally receive documented recertification every two years at minimum.
- d) Supervisors of police officers employing CEWs operationally shall be competent in:
 - i) Requirements of the Criminal Code of Canada and the case law as it applies to the use of force;
 - ii) Alberta Provincial Guidelines for the Use of Force and the Provincial Guidelines for the Use of Conducted Energy Weapons;
 - iii) Agency policy and procedures for the use of force and CEW;
 - iv) Agency and manufacturer's recommended safe handling and use procedures;
 - v) Recognizing subject behaviors and environmental cues that may increase a subject/bystander risk of injury and may require advanced medical monitoring and/or treatment (e.g. excited delirium, pregnancy, cardio-pulmonary risk, flammable substances, risk from fall);
 - vi) Training on how to monitor their units for and report on:
 - (1) Instances of excessive force; and
 - (2) Individual member performance in use of force incidents.
- e) Police agencies shall ensure supervisors receive documented recertification every two years at minimum.
- f) Trainers and instructors shall be knowledgeable and competent in:
 - i) Requirements of the Criminal Code of Canada and case law related to the use of force and its implications for CEW training and operational use;
 - ii) Alberta Provincial Guidelines for the Use of Force and the Provincial Guidelines for the Use of Conducted Energy Weapons;
 - iii) Agency policy and procedures for the use of force and CEW;
 - iv) Agency and manufacturer's recommended safe handling and use procedures;
 - v) Recognizing subject behaviors and environmental cues that may increase a subject/bystander risk of injury and may require advanced medical monitoring and/or treatment (e.g. excited delirium, pregnancy, cardio-pulmonary risk, flammable substances, risk from fall).

- g) Police agencies shall ensure CEW trainers/instructors receive documented recertification every two years at minimum.
- h) Police agencies shall regularly review and analyze all aspects of CEW training, including basic training, re-certification and remedial training, to ensure it is current, relevant and consistent with best practices.
- i) Police agencies shall employ data gathered through the use of force reporting system to evaluate CEW use at individual, unit and agency levels to identify any operational/use trends; assess equipment and deployment successes.

Appendix D - British Columbia CEW Guidelines

Threshold and Circumstances of Use

Definitions

“Bodily harm” – any hurt or injury to a person that interferes with the health or comfort of the person and is more than merely transient or trifling in nature.

“Conducted energy weapon” or “CEW” – a weapon designed to use a conducted electrical current in order to incapacitate a person, or to generate compliance through pain.

“CEW display” – the act of pointing, aiming or showing the CEW at or to a person, without discharging the CEW, for the purpose of generating compliance from a person.

“CEW draw” – the act of unholstering or removing the CEW from the holster without discharging it, as a preparatory step so that it is ready for use should it become necessary (i.e., not used to generate compliance).

“Crisis intervention and de-escalation techniques” - CID techniques include verbal and nonverbal communications that are designed to de-escalate crises.

“Officer” – a constable appointed under the *Police Act* or an enforcement officer appointed under s. 18.1 of the *Police Act*.

“Reasonable grounds” – includes both a subjective and an objective component and means that the officer must personally believe that the decision or action is necessary, and in addition, the decision or action must be able to stand the test of whether an objective third person, who is acting reasonably— and is informed of the officer's training, experience and the factual circumstances known at the time— would also reach the same conclusion.

Standards

The chief constable, chief officer, or commissioner must:

CEW discharge

- (1) Prohibit officers from discharging a CEW against a person unless:
 - (a) The person is causing bodily harm to either themselves, the officer, or a third party;
or
 - (b) The officer is satisfied, on reasonable grounds, that the person's behaviour will imminently cause bodily harm either to themselves, the officer, or a third party.
- (2) In addition to Standard (1) above, prohibit officers from discharging a CEW against a person unless the officer is satisfied, on reasonable grounds, that:
 - (a) Crisis intervention and de-escalation techniques have not been or will not be effective in eliminating the risk of bodily harm; and
 - (b) No lesser force option has been, or will be, effective in eliminating the risk of bodily harm.
- (3) Prohibit officers from discharging an electrical current from a CEW on a person for longer than five seconds, unless the officer is satisfied, on reasonable grounds, that:
 - (a) The initial five-second discharge was not effective in eliminating the risk of bodily harm; and

- (b) A further discharge will be effective in eliminating the risk of bodily harm.
- (4) Ensure that officers:
 - (a) Issue a verbal warning prior to discharging a CEW against a person, unless such a warning would place any person at further risk of bodily harm or imminent bodily harm;
 - (b) Do not discharge a CEW near flammable, combustible or explosive material, including alcohol-based oleoresin capsicum (OC) spray, where there is a risk of these igniting;
 - (c) Do not discharge a CEW against a person where the person is at risk of a fall from an elevated height, unless the officer has reasonable grounds to believe that the potential for death or grievous bodily harm is justified;
 - (d) Do not discharge a CEW against a person in water where there is a danger of the person drowning due to incapacitation from the CEW, unless the officer has reasonable grounds to believe that the potential for death or grievous bodily harm is justified;
 - (e) Do not discharge a CEW against a person operating a vehicle or machinery in motion, unless the officer has reasonable grounds to believe that the potential for death or grievous bodily harm is justified;
 - (f) Do not discharge more than one CEW simultaneously against a person; and
 - (g) Avoid a person's head, neck, or genitalia as target zones for discharge of the CEW.
- (5) Ensure that Standards (1) to (4) above apply to discharges in any mode.

CEW draw or display

- (6) Prohibit officers from drawing or displaying a CEW unless the officer is satisfied on reasonable grounds that the situation has some potential for bodily harm.

Policies and procedures

- (7) Ensure policies and procedures are consistent with these *BC Provincial Policing Standards*.

Approved CEW Models

Standards

The chief constable, chief officer, or commissioner must ensure that:

Approved CEW models

1. Only the CEW models approved by the director of police services are used. The approved models are: TASER® X26 and TASER® X26P.

Policies and procedures

2. Policies and procedures are developed governing CEWs prior to CEWs being used.
3. Policies and procedures are consistent with these *BC Provincial Policing Standards*.

Internal CEW Controls and Monitoring

Definitions

"Administrative CEW download" – the process that occurs when technical data is downloaded from the conducted energy weapon (CEW). Download data includes date, time, and duration of the weapon's discharge(s).

“CEW display” – the act of pointing, aiming or showing the CEW at or to a person, without discharging the CEW, for the purpose of generating compliance from a person.

“CEW probe cartridge” – an encasement that contains blast doors, probes, wires, AFIDs and other components that is attached to and required for probe deployment of a CEW. Cartridges vary in length of wire, probe type and distance probes will travel to embed in a person to deliver an electrical charge from the CEW.

“Conducted energy weapon” or “CEW” – a weapon designed to use a conducted electrical current in order to incapacitate a person, or to generate compliance through pain.

“Officer” – a constable appointed under the *Police Act* or an enforcement officer appointed under s. 18.1 of the *Police Act*.

“Operational CEW discharge” – the act of firing a CEW in any mode against a person, whether intentional or not, and including when the CEW is discharged but malfunctions or is unsuccessful in reaching the intended person.

“Operational CEW download” – the process that occurs when technical data is downloaded from the CEW after an operational discharge of the CEW involving a subject. Operational CEW download data includes date, time, and duration of the weapon’s discharge(s).

“Use-of-force report” – the information that must be provided, in a provincially-approved format, when an officer applies force against a person.

Standards

The chief constable, chief officer, or commissioner must:

CEW control processes

- (1) Ensure an up to date inventory of all CEWs and CEW probe cartridges controlled or owned by the police force is maintained.
- (2) Ensure secure storage of CEWs and CEW probe cartridges so that only person(s) authorized by the chief constable, chief officer, or commissioner have access to CEWs and CEW probe cartridges.
- (3) Implement a documentation process for authorized officers to sign out and return CEWs and CEW probe cartridges, in a manner that ensures all CEWs and CEW probe cartridges can be tracked and accounted for by identifying: assigned officer; CEW unique identifier; number of CEW probe cartridges; and the date and time the CEW and CEW probe cartridges were signed out and returned. This applies to both personal issue CEWs and CEWs available for shared use by any authorized officer within the police force.
- (4) Ensure that there is a person responsible at all times for the control process referred to in Standard (3) above.

Post CEW discharge requirements

- (5) Ensure that, after an operational CEW discharge:
 - (a) The CEW is removed from service;
 - (b) An operational CEW download is conducted;

- (c) A copy of the operational CEW download report is linked to the officer's use-of-force report; and
- (d) If serious injury or death occurred proximate to the discharge, the CEW is not returned to service until it is tested, and repaired and retested if required (see BCPPS 1.3.5 CEW Testing).

Monitoring and review

- (6) Designate a person responsible for internal CEW incident monitoring that would include being responsible for:
 - (a) Ensuring that, for every operational CEW download report there is a corresponding use-of-force report and vice versa; and
 - (b) Accounting for any discrepancies between the operational CEW download report and the use-of-force report.
- (7) Ensure that an administrative CEW download is conducted for each CEW at least annually and a record of the download data is maintained on file.
- (8) Conduct an internal review of CEW controls and the use of CEWs by police officers in the police force to determine compliance with the BC Provincial Policing Standards and the police force's policies and procedures, and to identify potential training or policy development issues, at least quarterly. At minimum, the review should examine and document, both at the officer level and for the police force overall:
 - (a) The circumstances and manner in which CEWs are being used (e.g., imminent bodily harm threshold, number and duration of cycles); and
 - (b) The reporting of CEW use by police officers.

Reporting

- (9) Submit annually a written report to the Minister of Public Safety and Solicitor General and the board that must include:
 - (a) Aggregate counts of CEW displays and operational discharges; and
 - (b) A summary of the quarterly reviews conducted as per Standard 8 above.

Policies and procedures

- (10) Ensure policies and procedures are consistent with these *BC Provincial Policing Standards*.

Medical Assistance to CEW Discharges

Definitions

“Conducted energy weapon” or “CEW” - a weapon that when discharged uses a conducted electrical current in order to incapacitate a person, or to generate compliance through pain.

“Officer” – a constable appointed under the *Police Act* or an enforcement officer appointed under s. 18.1 of the *Police Act*.

“Operational CEW discharge” – the act of firing a CEW in any mode against a person, whether intentional or not, and including when the CEW is discharged but malfunctions or is unsuccessful in reaching the intended person.

Standards

The chief constable, chief officer, or commissioner must:

Automated external defibrillators (AEDs)

- (1) Ensure that, for a rural police force that provides policing to a jurisdiction of less than 5,000 population, CEW operators who have been assigned a CEW while on-duty must also be equipped with an AED that is to be carried in their police vehicle.
- (2) Ensure that, for an urban police force that provides policing to a municipality of greater than 5,000 population, all on-road patrol supervisors must be equipped with AEDs that are to be carried in their police vehicles.
- (3) Ensure that all officers who are authorized to use an AED receive and maintain training in accordance with Emergency and Health Services Commission consent requirements for police use of an AED.

Requests for medical assistance

- (4) Ensure that, if an officer uses an AED on a person, emergency medical assistance, either from paramedics or a hospital, is sought as soon as possible.
- (5) Ensure that officers request paramedic attendance at all medically high-risk incidents before discharge of the CEW or, if that is not feasible, as soon as possible thereafter.

Medically high-risk incidents include when a CEW is discharged in:

- (a) Probe mode across the person's chest;
- (b) Probe mode for longer than five seconds; or
- (c) Any mode against:
 - (i) An emotionally disturbed person,
 - (ii) An elderly person,
 - (iii) A person who the officer has reason to believe is pregnant,
 - (iv) A child, or
 - (v) A person who the officer has reason to believe has a medical condition (e.g., heart disease, implanted pacemaker or defibrillator).

Policies and procedures

- (6) Ensure policies and procedures are consistent with these *BC Provincial Policing Standards*.

CEW Testing

Definitions

“Conducted Energy Weapon” or “CEW” - a weapon that when discharged uses a conducted electrical current in order to incapacitate a person, or to generate compliance through pain.

“Monophasic charge” – the maximum of the absolute values of A and B, where A= the integral of all positive current in a pulse, and B= the integral of all negative current in a pulse.

“Net charge” – the integral of the value of the current waveform for a specified portion of the pulse.

“Officer” – a constable appointed under the *Police Act* or an enforcement officer appointed under s. 18.1 of the *Police Act*.

“Peak current” – the peak of the current waveform for the pulse.

“Pulse repetition rate” – for an interval which contains N pulses, the pulse repetition rate is (N-

1) divided by the time from the first to last pulse.

“Peak voltage” – the peak of the voltage waveform for the pulse.

“Professional engineer” – a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Act of British Columbia*, or the appropriate Act of another province, with training or experience in electrical engineering and who carries out and accepts responsibility for professional activities involving the practice of professional engineering.

“Pulse duration” – the time between the points at which the voltage waveform crosses through a specified start point voltage to a specified end point voltage.

Standards

CEW testing

The chief constable, chief officer, or commissioner must:

(1) Ensure that each CEW in use by the police force is tested in accordance with the following schedule:

- (a) Two years after the CEW was acquired;
- (b) Every year thereafter; and
- (c) Immediately after a CEW is used in an incident where either serious injury or death occurs proximate to its use.

(2) Ensure that:

- (a) Testing is conducted in accordance with the protocols described in the Test Procedure for Conducted Energy Weapons attached to this Standard as Appendix “A”;
- (b) Testing is conducted independent of the manufacturer; and
- (c) The test procedure has been verified to meet the Test Procedure for Conducted Energy Weapons by a professional engineer.

(3) Ensure that if, after testing, a CEW does not meet all the following specifications, the CEW is either destroyed, or repaired and retested, before being put back into service. The CEW must:

- (a) Not have a monophasic charge higher than 180 μC for any individual pulse; and
- (b) Meet the manufacturer’s specifications for the following:
 - (i) Pulse repetition rate,
 - (ii) Peak voltage,
 - (iii) Peak current,
 - (iv) Net charge, and
 - (v) Pulse duration.

Records

(4) Ensure that, for each CEW in use in the police force, a record of testing is maintained showing:

- (a) The dates testing occurred; and
- (b) The results.

Policies and procedures

(5) Ensure policies and procedures are consistent with these *BC Provincial Policing Standards*.

Appendix E - Conducted Energy Weapon (CEW) Public Questionnaire

The Ottawa Police Service (OPS) is conducting a review of its current deployment of Conducted Energy Weapons (CEWs), commonly referred to as 'tasers'.

This follows the release of revised guidelines from the Ontario Ministry of Community and Correctional Services that authorize Police Services Boards to authorize the expansion of the deployment of CEWs to additional officer classes.

As part of the review, the OPS is consulting the public and interested parties to gain a better understanding of community questions and comments related to CEWs.

The following questionnaire has been designed to gather important community input, to be taken into account in the development of future options for CEW deployment.

1. Gender

- Male
- Female

2. Age

- 18 years or younger
- 19-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75 years or older

3. The Ottawa Police Service is consulting the public on the future deployment of Conducted Energy Weapons, commonly referred to as Tasers, to gain a better understanding of community questions and comments. How would you rate your level of knowledge of CEWs?

- Full knowledge
- Moderate knowledge
- Partial / Basic knowledge
- No knowledge (I don't know what a CEW is)

4. As stated, the Ontario Ministry of Community and Correctional Services has authorized expanded deployment of Conducted Energy Weapons (CEW) to additional officer classes (previously, only Tactical Unit members and Front Line Supervisors were permitted to carry a CEW). What are your comments on the revised guidelines?

5. What, if any, questions or concerns do you have regarding the revised Ministry guidelines authorizing the expansion of CEW deployment?

- Adequacy of training
- Overuse of device
- Accountability on use
- Risks associated with vulnerable populations (ex. people in crisis, with mental health issues)

- Safety of the device
- No questions or concerns.
- Other

6. Every time an officer deploys a Conducted Energy Weapon (CEW), a Use of Force Report and a Deployment Report must be submitted. In addition, details regarding the date and time of the deployment, as well as the amount of firings and the duration of firings, is automatically stored in the device and downloaded to corroborate the information in the reports. What do you think about these current accountability measures in place for CEWs?

- I think there is a sufficient amount of accountability in place.
- I don't think there is enough accountability.

Please specify: _____

- Don't know.

7. Currently, only Front Line Supervisors and members of the Tactical Unit carry CEWs at the OPS. If CEW deployment was expanded to other officers, what, if any, additional measures should be implemented to ensure their use remains effective and safe? Check all that apply.

- More training on the devices is needed.
- More training on use of force is needed.
- More communication training related to people in crisis or vulnerable populations (e.g those with a mental illness).
- More de-escalation training is needed.
- Increased testing of the devices for safety purposes should be completed.
- Other (please specify) _____
- Don't know.
- The existing measures are sufficient and can be extended to other officers.

8. Knowing that an officer has ready access to a CEW, how does that effect your feelings of safety?

- Feel more safe and confident.
- Feel less safe and confident.
- No bearing on feelings of safety.
- Unsure.

9. Do you have any suggestions or ideas that you believe would improve CEW deployment at the OPS?

10. How did you hear about the Conducted Energy Weapon (CEW) Questionnaire? Check all that apply.

- TV
- Radio
- Local newspaper
- National newspaper
- OPS website
- Other website / social media
- Word of mouth from a member of the OPS
- Word of mouth from elsewhere
- Other (please specify) _____

Appendix F - Conducted Energy Weapon (CEW) Member Questionnaire

Our Service is conducting a review of current deployment of Conducted Energy Weapons (CEWs), commonly referred to as 'tasers'.

This follows the release of revised guidelines from the Ontario Ministry of Community and Correctional Services that authorize Police Services Boards, in partnership with Chiefs of Police, to expand deployment of CEWs to additional officer classes.

As part of the review, we are consulting our members to gain a better understanding of your opinions, comments and experiences with CEWs.

The following questionnaire has been designed to gather important member input, to be taken into account in the development of future options for CEW deployment.

Please note: While some of the questions are geared to sworn members who use CEWs, others are intended for the entire membership. A "Not applicable – Civilian member" option has been added for questions geared specifically to on-the-job use of CEWs.

1. Are you a sworn or civilian member of the Ottawa Police Service?

- Sworn

- Civilian

- If you are a sworn member, how many years have you been a police officer? _____

2. As stated, the Ontario Ministry of Community and Correctional Services has authorized expanded deployment of Conducted Energy Weapons (CEW) to additional officer classes (as opposed to only Tactical Unit and Front Line Supervisors). What are your comments on this revised guideline?

3. Have you ever witnessed a Conducted Energy Weapon (CEW) being deployed, **not** including in a training environment (e.g. PDC, OPC, etc)?

- Yes

- No

4. Are you currently trained on the use of Conducted Energy Weapons (CEWs)?

- Yes

- No

- Not applicable – Civilian member.

5. Have you ever deployed a Conducted Energy Weapon (CEW)?

- Yes

- No

- Not applicable – Civilian member.

6. Have you ever responded to a call for service where you required a Conducted Energy Weapon (CEW) and one was not readily available on the scene?

- Yes, unable to gain access and/or delayed.

If yes, what happened?

- No
- Not applicable – Civilian member.

7. If you have been issued a CEW, have you ever been forced in an operational environment to present it but not use it?

- Yes
- If yes, how many times and please explain?*
- No

8. Currently, only Front Line Supervisors and members of the Tactical Unit carry CEWs at the OPS. If CEW deployment was expanded to additional officer classes, what, if any, measures should be implemented to ensure their use remains effective and safe? Check all that apply.

- More training on the devices is needed.
- More training on use of force is needed.
- More communication training related to people in crisis or vulnerable populations (e.g. those with a mental illness).
- More de-escalation training is needed.
- Increased accountability measures should be put in place.
- Increased testing of the devices for safety purposes should be completed.
- Other (please specify) _____
- Don't know.
- The existing measures are sufficient and can be extended to other officers.

9. What effect would knowing all officers have ready access to a Conductive Energy Weapon (CEW) have on you in terms of public safety?

- More comfort and confidence in public or officer safety
- Less comfort and confidence in public or officer safety
- No bearing on feelings of public or officer safety
- Unsure.

10. Do you have any other suggestions or ideas that you believe would improve CEW deployment at the OPS?

Appendix G – Ethics Approval



Carleton University Research Ethics Office
Research Ethics Board
509C and 511 Tory, 1125 Colonel By Drive
Ottawa, ON K1S 5B6 Canada Tel: 613-520-2517,
ethics@carleton.ca

Ethics Clearance Form – New Clearance

This is to certify that the Carleton University Research Ethics Board has examined the application for ethical clearance. The REB found the research project to meet appropriate ethical standards as outlined in the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Human, 2nd edition*, and the *Carleton University Policies and Procedures for the Ethical Conduct of Research*.

Date of Clearance: December 12, 2014

Researcher: Erick Laming (Student Research: Master's

Student) **Department:** Faculty of Public Affairs/Law

(Department of) **University:** Carleton University

Research Supervisor (if applicable): Prof. Ron Saunders

Project Number: 102393

Alternate File Number (if applicable):

Project Title: Ontario's De-pacification Decision for CEW Use: A Comparative Analysis of

Provincial and Agency CEW Policies

Funder (if applicable): SSHRC

Clearance Expires: May 31, 2015

All researchers are governed by the following conditions:

Annual Status Report: You are required to submit an Annual Status Report to either renew clearance or close the file. Failure to submit the Annual Status Report will result in the immediate suspension of the project. Funded projects will have accounts suspended until the report is submitted and approved.

Changes to the project: Any changes to the project must be submitted to the Carleton University Research Ethics Board for approval. All changes must be approved prior to the continuance of the research.

Adverse events: Should a participant suffer adversely from their participation in the project you are required to report the matter to the Carleton University Research Ethics Board. You must submit a written record of the event and indicate what steps you have taken to resolve the situation.

Suspension or termination of clearance: Failure to conduct the research in accordance with the principles of the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, 2nd edition and the Carleton University Policies and Procedures for the Ethical Conduct of Research may result in the suspension or termination of the research project.

A handwritten signature in black ink, appearing to read "Andy Adler".

Andy Adler

Chair, Carleton University Research Ethics Board

A handwritten signature in black ink, appearing to read "Louise Heslop".

Louise Heslop

Vice-Chair, Carleton University Research Ethics Board