

Board Minutes

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 20, 2016**

**#P244. TORONTO POLICE SERVICE 2017-2026 CAPITAL PROGRAM
REQUEST**

The Board was in receipt of the following report October 17, 2016 from Mark Saunders, Chief of Police:

Subject: Toronto Police Service 2017-2026 Capital Program Request

Recommendation(s):

It is recommended that:

- (1) the Board approve the Toronto Police Service's 2017-2026 Capital Program with a 2017 net request of \$19 Million (excluding cash flow carry forwards from 2016), and a net total of \$232.5 Million for 2017-2026, as detailed in Attachment A; and
- (2) the Board forward a copy of this report to the City Budget Committee for approval and to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

Capital projects are funded either from the issuance of debt by the City of Toronto (City) or through draws from Reserves established for specific purposes (e.g. the Service's Vehicle and Equipment Reserve).

The Service is continuing its strategy to properly fund the replacement of vehicles, technology and other equipment through contributions to the Vehicle and Equipment Reserve. The Reserves are funded from contributions from the Service's operating budget. The use of Reserves, along with the allocation of City development charges for qualifying Service projects, reduces the Service's reliance on debt funding.

The implementation of capital projects can have an impact on the Service's on-going operating budget requirements. Capital projects and investments usually require maintenance and operational support beyond the initial one-time project cost. Where additional infrastructure and equipment are required, operating budget increases are required to replace the assets in accordance with their life cycle. It is therefore important to determine the ongoing impact of capital investments on the operating budget. As a result, capital spending decisions are not made independently of the operating cost impact; the total cost of ownership must be considered.

Table 1 below provides a summary of the Toronto Police Service's (Service) 2017-2026 Capital Program request compared to the City of Toronto's ten-year debt target.

The Service's 2017-2026 Capital Program meets the City's ten-year debt-affordability target on average over the ten years. Additional details on debt-funded and reserve-funded projects can be found in Attachments A and B respectively.

Table 1. Summary of 2017-2026 Capital Program Request (\$Ms)

Description	2017	2018	2019	2020	2021	5-Year Total	2022-2026 Total	2017-2026 Total
Total On-Going and New projects	24.0	24.0	53.0	46.4	30.5	177.8	101.7	279.5
Reserve-funded projects	22.3	20.9	33.1	24.3	21.6	122.2	129.5	251.6
Total Gross projects:	46.3	44.9	86.0	70.7	52.1	300.0	231.2	531.2
Funding from Reserves	-22.3	-20.9	-33.1	-24.3	-21.6	-122.2	-129.5	-251.6
Funding from Developmental charges	-5.0	-3.2	-13.5	-5.1	-9.1	-36.0	-11.1	-47.1
NET DEBT FUNDING:	19.0	20.8	39.4	41.3	21.3	141.9	90.6	232.5
CITY DEBT TARGET:	21.4	24.3	39.4	31.8	24.9	141.8	90.6	232.5
Variance to target "(over)/under"	2.4	3.5	(0.1)	(9.5)	3.6	0	0	0

Background / Purpose:

The purpose of this report is to provide the Toronto Police Services Board (Board) with details of the Service's 2017-2026 Capital Program request. The request has been reviewed with the Board Budget Subcommittee, and was presented for public deputations at a public meeting of the Board Budget Sub-Committee on October 11, 2016.

Attachment A to this report provides a detailed project listing of debt-funded projects, and Attachment B provides a detailed listing of projects funded from the Vehicle and Equipment Reserve. Attachment C provides a summary of the 2017–2026 program estimated operating impact from capital, excluding reserve-funded projects.

Discussion:

Capital projects, by their nature, require significant initial financial investments. However, they also provide longer-term organizational benefits and impacts. An organization's capital program should therefore be consistent with, and enable, the achievement of the organization's strategic objectives.

Strategic Direction – Making capital investments that modernize the Toronto Police Service

The Service's 2017 – 2026 capital program is transitional. Historically, projects have addressed and improved the Service's aging facility infrastructure, updated technology and maintained existing equipment. The need to maintain existing facilities and equipment continues to exist. However, the need to change and modernize how the Service delivers public safety and internal support services is apparent, and is the overall strategic objective of the Board and the Service. The interim recommendations from the Transformational Task Force (T.T.F.) confirmed the need for more and better information to Service members, realignment of facilities and tools for greater transparency and accountability. As a result, the 2017 – 2026 capital program contains projects that fund continuing needs, but move towards technology and information related initiatives and a realignment and optimization of the facilities infrastructure.

The projects in the capital program will:

- Optimize service delivery, both internally and externally;
- Optimize/reduce our overall facility footprint;
- Achieve additional efficiencies and value-added services in our operations;
- Maintain a working inventory of assets that meet operational requirements and ensure the continued health and safety of our members and the public; and
- Improve the quality, reliability of, as well as access to, information for operational and decision making purposes.

As the T.T.F. interim report indicates, the current Divisional framework is outdated and does not meet the needs of a new service delivery model and a complex, changing city. New divisional boundaries that take into account the needs of Toronto's 140 neighbourhoods are required. The deployment of our members based on where public needs are of highest priority, and city-wide priority response capacity, will permit officers to respond quickly. As a result, the modernized police service will be better engaged and provide public safety services through fewer and differently configured facilities. This will result in lower facility operating and replacement costs. It will also allow the Service to return redundant real estate assets to the City of Toronto that the City can use as it sees fit. For example, it could sell the assets for development purposes, increasing the tax assessment base, and therefore revenue to the City.

Understanding the effects of technological change is a critical issue in contemporary policing. In recent decades, there have been many important developments with respect to information technologies (I.T.), analytic systems, video surveillance systems, Body Worn Cameras, and other technologies that have far reaching implications for policing. Technology acquisition and deployment decisions are high-priority topics for police, as law enforcement agencies at all levels of government consider investments in technology, with the goals of creating greater operational efficiencies and effectiveness.

In addition, there is a technology evolution that changes how the public should be able, and often prefers to access and engage the Service. The T.T.F. recognizes that new options for the public to connect with and access police services and information on a timely basis, can reduce visits to a police station.

The placement of facilities and the choice of technologies to support modern public safety services require significant planning and effort. The Facilities Realignment project in the Service's capital program requests funding for new and modern structures, the placement and quantity as yet to be determined, that meet the needs of a large, evolving and complex city. The selection of sustainable, value-added technology is essential and must involve careful consideration of the specific ways in which new and existing technologies can be deployed and used at all levels of the organization to improve efficiency and effectiveness, as well as public and officer safety. However, the benefits of these initiatives and other opportunities will have to be balanced against the cost, both one-time and on-going. Three technology projects, Enterprise Business Intelligence, Transforming Corporate Support and the Body Worn Camera Initial Phase, will provide increased accountability, promote culture change and enhance member information needs.

In summary, the capital program is evolving into a more technology and information systems focused plan with an emphasis on producing and managing information as well as enabling effective analysis to support public safety operations and services. The program transitions the Service from a facilities-based organization to an information and technology-based service provider.

Development of Cost Estimates and Project Management:

Due to the large cost and complexity of capital projects, the Service has developed and has been following a formal project management framework since 2006. This framework requires the submission of a project charter for each approved project request, and the establishment of a steering committee to oversee the project during its lifecycle.

The cost estimate for each project in the recommended Capital Program has been reviewed to ensure the estimate and annual cash flows are still valid, taking into consideration key project milestones, procurement requirements, any third-party actions/approvals required, as well as other applicable assumptions and information. It is important to note that the Service takes all known factors related to the project cost into account in order to develop accurate cost estimates. However, assumptions can change throughout the project as more information becomes available, and after going through a formal procurement process for the various requirements. Despite due diligence efforts taken in advance of the actual start of the project, issues could come to light as the work progresses, resulting in revised cost estimates.

The Board and City are kept apprised of any changes to cost estimates as soon as they become known. Any required transfers from other projects in the program are fully justified and reported to the Board and City Budget Committee for approval. The Service strives to deliver projects on or below budget, and has been very successful in achieving this objective in the last 10 years. However, even with the best planning and management, there are times when additional funds are required for certain projects, due to required scope changes, unanticipated events or higher than anticipated market prices. The Service is also mindful of operating budget impacts and so, some projects not yet started are being revisited to ensure they are still viable from an overall budget and service delivery perspective.

In 2016, the Service completed a number of initiatives that impact capital spending:

- 4th floor Headquarters modernization
- Renovation of 52 Division
- Fleet reduction of 104 vehicles
- Body Worn Camera pilot project
- Upgrade of the Service's human resource and payroll system and development of the Transforming Corporate Support blueprint

City Debt Affordability Targets:

Corporate targets for Agencies, Boards, Commissions and Departments (A.B.C.D.s) are allocated by the City's Deputy City Manager and Chief Financial Officer (City C.F.O). The Service's 2017- 2026 Capital Program meets the City's overall debt target, on average, over the ten-year program. However, the program does not achieve the City's annual debt target for each year. Given the strategic objectives of the Service's capital program, the Service is proceeding with a full facility reassessment which could result in timing as well as cost and cash flow estimate changes in the facility realignment project.

2017-2026 Capital Program Request:

The 2017-2026 Capital Program is segregated into five categories for presentation purposes:

- A. On-Going Projects
- B. Projects beginning in 2017-2021
- C. Projects beginning in 2022-2026
- D. Projects funded through Reserves
- E. Other projects – below the line

A. On-Going Projects

There are seven projects in progress in the 2017-2026 Capital Program:

State of Good Repair (S.O.G.R.) - ongoing, \$4.9M in 2017

This project includes on-going funding for the S.O.G.R. requirements that are the responsibility of the Service. By definition, S.O.G.R. funds are used to maintain the safety, condition and requirements of existing bricks and mortar buildings. However, beginning in 2016, these funds have been utilized to enhance existing technological assets in order to optimize service delivery and increase efficiencies. In light of the future plans for Service facilities, planned use of these funds will be aligned with the Facilities Realignment, with priority being given to backlogged projects that must continue and will not be impacted by the altered facility footprint.

Transforming Corporate Support - \$9M

The original scope of this project included funding for two separate systems; upgrade of the current Human Resource Management System (H.R.M.S.) and upgrade of the time and attendance system, known as the Time and Resource Management System (T.R.M.S.).

As a result of a business process review and analysis of options, it was evident that a co-ordinated human resource information system was required within the Service. The objective was to develop a new overall solution, with enhanced and value added processes that could be efficiently and effectively enabled by a single cradle-to-grave time and people management system. This in turn would result in lower administration costs and an environment that promotes continuous improvement and provides information to enhance accountability. As a result, scheduling, deployment, time-tracking, human resource information and payroll will be combined into one system that will provide both a tool and information to members and Managers across the Service.

The project strategies are a vision for the delivery of service from Human Resources and Finance and Business Management and the development of a four year blueprint.

The goals for this project are:

- Enhancement of business processes by modernizing and standardizing current processes, based on best practices, in order to foster increased accountability and improve data integrity;
- Optimization of the system through enhanced use of existing modules and the creation of dashboards that provide management information; and
- Development of key competencies to get the right people in the right positions.

This project will result in improved customer service and improved member understanding and satisfaction with administrative services. The overall cost of administration will be decreased as duplicate efforts, manual processing and errors are reduced. This is an investment in one system and one source of the truth for member information that aligns internal services provided by these two pillars with the needs of a modernized police service.

Peer to Peer Site (Disaster Recovery Site) - \$19.9M

The need to ensure that Service members have information available at all times is critical to ongoing operations. This project provides funding for a new peer to peer data centre facility. The Service's current peer to peer data centre is co-located with the City's main data centre in a City-owned and managed facility. The current location has significant space and power requirement issues which impact both the City and the Service. As a result, this mission-critical operation is at risk because the Service is subject to limitations in the existing facility which impair current operations and future growth requirements. In addition, the current line-of-sight distance from the primary site is seven kilometers, which is significantly less than the industry minimum standard of 25 kilometers for disaster recovery sites. This project commenced over a year ago, after an in-depth analysis of various options to meet this business continuity need.

Since approval of this project by the Board, the Service has been working with the City to find a suitable site. A site has now been selected that meets all requirements based on the set criteria, with the exception of required network fiber. The cost of implementing required network fiber will be absorbed within the project without impacting the current budget and/or schedule. City Real Estate is in the process of negotiations with the land owner to acquire the property. The real estate transaction is anticipated to close in October 2016, upon completion of the City's due diligence process.

Enterprise Business Intelligence - \$10.2M

Enterprise Business Intelligence (E.B.I.) technologies represent a set of methodologies, processes, architectures, and technologies that transform raw data into meaningful and useful information used to enable more effective strategic, tactical, and operational insights and decision-making. Police services such as Edmonton, Vancouver, New York and Chicago all have E.B.I. solutions. The Service has identified the need for this system solution for a number of years, but until 2014, the required capital investment was continually deferred due to other priorities and to stay within the City's debt target.

The Service currently runs dozens of application systems, with each database individually structured, and therefore requiring heavy data manipulation and manual data processes. This information environment is inadequate to cost-effectively support the Service's goals of public safety, community policing and fiscal responsibility. The Service requires an integrated analytical and business intelligence platform to support

efficient police officer deployment and performance management, program and policy evaluation, crime analysis and prevention, and justification of expenditures.

This project will transform the Service's raw data from all its key databases into useful, consistent and reliable information stored in a corporate data warehouse, and will build an integrated business intelligence and analytical platform. Consolidated information will be made widely available across the Service, allowing all members to make better information-based decisions. The use of E.B.I. is a critical strategic component to intelligence led public safety and support activities, which will enable more cost-effective and value added policing and public safety services.

This project will continue in future to include additional data sources for investigative work and business analytics reports. Additional funding may therefore be required in future years to enable the continuation of this project. A full justification for any additional investments in this solution will be included in future capital project requests.

TPS Archiving - \$0.7M

This project provides funding for the establishment of an archiving function at the Service's property and evidence site. Legislation requires the Service to store certain documentation for periods beyond the current year. For example, "cold case" files must be retained for a minimum of 25 years; financial records must be retained for seven years; memo books are also stored for a lengthy period of time. The relatively new requirement for video storage is also increasing. Service staff is endeavouring to reduce current holdings, but based on retention periods, the Service is faced with increasing storage requirements.

The Service currently stores its archival records and files at City Archives. However, the City is also experiencing space pressures within its storage facility. Assuming a ten percent growth annually, storage requirements within five years would be substantial. Therefore, using an existing Service facility for the archiving of records is a prudent solution, particularly if the City were to limit space or expand on a cost recovery basis.

There is no on-going operating impact currently assumed as a result of this project. Future analysis will be required to determine if any additional resources will be required, and an update will be provided in future capital programs.

Radio Replacement Project - \$39.4M

The Service's current communication radios were replaced over the period of 2006 to 2012. The lifecycle for these radios is ideally seven years. However, in order to reduce capital costs, the Service has extended the replacement period for these radios to every ten years. . While the extension of this lifecycle to ten years has resulted in some incremental operating costs, there is still an overall cost benefit to the Service.

As a result of reduction of vehicles, the number of radios required within the Service was also reduced, resulting in a project cost reduction of \$0.6M. .

B. Projects beginning in 2017-2021

Expansion of Conducted Energy Weapons (C.E.W) - \$0.75M

Conducted Energy Weapons (C.E.W.) are handheld less-lethal weapons which have proven to be a less injurious force option that has helped to safely resolve violent and potentially violent incidents. The Service currently has 545 C.E.W.s issued to uniform front line supervisors, and selected members of specialized units.

The Service intends to deploy 250 additional C.E.W.s to selected uniform frontline police constables and constables from designated specialized units. This is in response to the continued need for less lethal force options to help safely resolve high risk encounters with community members.

A detailed assessment of the deployment model of C.E.W.s, training and on-going operating requirements are being completed to support the extended roll-out.

A detailed report on the proposed expansion of the CEW program is scheduled to be on the agenda for the October 20, 2016 board meeting.

Body Worn Cameras (B.W.C.) Initial Phase - \$0.5M

The Service recognizes that the decision to implement B.W.C.s will require a significant investment (both one-time and on-going). The decision must therefore be made carefully and take into account the benefits the cameras can provide to enhance accountability and public trust, as well as privacy, disclosure and other important considerations.

Accordingly, in February 2015, the Service started a 12-month pilot project (at a total cost of \$0.432M) to explore the benefits, challenges, and issues surrounding the use of B.W.C. s.

The pilot finished in March 2016, and a report was provided and a presentation made to the Board's September 2016 meeting, The report concluded that B.W.C.s were strongly supported by the community as well as our officers. However, there are significant issues of cost and how the administrative processes (uploading, classification and tagging of videos) impact an officer's public safety responsibilities and productivity. In addition, there were issues around the reliability of the two camera systems piloted. The Service therefore decided not to go forward with either vendor. It is also important to note that when the pilot project started there was no cloud presence in Canada. Consequently, only an on-premise storage solution could be evaluated. That has now changed and cloud based solutions could be proposed and evaluated.

Based on the foregoing, the Service is proposing moving forward very carefully with a potential body worn camera solution, through the issuance of a non-binding Request for Proposals (R.F.P.). This will be a large and complex procurement, as well as a significant long-term investment, and will therefore require a well-crafted R.F.P. that results in the best overall solution, at the best value and that ensures the Service's and the Board's interests are protected, both short and long-term.

The initial cost of \$0.5M is to cover the cost of a fairness commissioner and other external expertise required to effectively oversee, manage and analyse the B.W.C. non-binding Request for Proposals (R.F.P.) process, including the evaluation of proposals reviewed. As technology has evolved significantly since the Service's pilot project started and since cloud solutions are now available, it would be inappropriate and of no value to include a full cost estimate to implement and maintain a B.W.C. program. It will therefore be incorporated into a future capital program request once full information is known.

Facility Realignment – \$181.3M

The 2015 – 2026 capital program request identified funds to replace the 54 Division structure, a building in disrepair that no longer meets the needs of the Service and community and requires considerable operating dollars to repair and maintain. The Board deferred the new construction in anticipation of the KPMG-commissioned review of the Chief's Internal Organizational Review. As a result, \$7M of funding was carried forward to 2016.

In addition, the 2016 – 2025 capital program request contained funding for a number of facility replacement and renovation projects to existing divisions, such as Divisions 41, 32 and 13, Parking Enforcement West and the Public Safety Unit.

The 2016 – 2025 capital request changed the scope of the original 54 Division construction to a Facilities Realignment project, with the goal being the completion of a service-wide review of all facilities. Given the strategic direction of the capital program, the Facilities Review deliverables consisted of:

- A capital renovation and replacement plan for the 2017 to 2026 program, which maximizes service delivery and public value;
- A short and long implementation plan and associated costs; and
- A plan to maximize the use of existing Service facilities and reduce the Service's facility footprint

The T.T.F. recommendations confirm the need for a more strategic review of facilities and the need to reduce the number of facilities in the Service, change how both the Service and public access policing services and expand the use of technology rather than bricks and mortar in a modern service delivery model.

For this reason, the 2017 – 2026 capital program amalgamates previous funding requests into one program, Facilities Realignment. As indicated earlier, the requested funding allows the Service to transition to a new service delivery model and equip itself with facilities and technology required to optimize the delivery of policing services.

At the present time, the Service has engaged an external consultant to perform a demand and workload modelling analysis that will form the basis for a City-wide Divisional boundary restructuring and populate the facilities project. Approximately \$0.5M of the \$7M approved in 2016 was utilized for this purpose.

The current plan contemplates the consolidation of the 54 and 55 divisional facilities into one effectively configured facility that is strategically located. The consolidation of these two facilities will be confirmed once the results of the external consultant's work become known.

The details of the new configuration will require time to obtain input from the City , Service members and the public. Accordingly, the overall facilities optimization plan will be incorporated into the 2018 – 2027 capital program and T.T.F. recommendations implementation plan.

Automated Fingerprint Identification System (A.F.I.S.) – \$3M

The current AFIS system was purchased and implemented in late 2012. Replacement is scheduled to be implemented in early 2019. Replacement maintains vendor support, incorporates all updates and provides more efficient functionality.

C. Projects beginning in 2022-2026

There is one project beginning during the 2022-2026 period.

- Property and Evidence Warehouse Racking for 10 year expansion

D. Projects funded through Reserves

Vehicle and Equipment Lifecycle Replacements

All projects listed in this category are funded from the Service's Vehicle and Equipment Reserve and have no impact on debt financing. Using the Reserve for the lifecycle replacement of vehicles and equipment avoids having to debt-finance these purchases. This approach has and continues to be supported by City Finance. It should be noted, however, that this strategy of funding equipment replacements from the Reserve results in an impact on the operating budget, as it is necessary to make regular annual contributions to replenish the Reserve balance so that future requirements are sustainable.

Based on 2016 utilization and contribution strategies, the reserve balance projected a deficit from year 2018. In the 2017-2026 capital program, the following strategies were employed to extend the life of the reserve:

- reducing the number of vehicles by 104 for reduced contribution of \$600k per year
- reducing/ extending the life of regular furniture replacement
- funding furniture/ locker replacement for new and renovated facilities from projects, not reserve
- funding some projects such as security system replacement from S.O.G.R.
- reducing cash flow requirements for I.T. related projects such as I.T. business resumption and server replacement
- absorb fleet small equipment replacement costs within operating budget

Asset custodians continue to maximize the use of current assets and prolong lifecycle replacements to ensure viability of the Reserve on a long-term basis. However, the Vehicle and Equipment Reserve will be at risk of depletion if contributions are not increased to a level sufficient enough to cover the required equipment replacements. Table 2 below provides a summary of anticipated Reserve activity for 2017-2026.

Table 2 - 2017-2026 Reserve Activity (\$Ms)

	2017	2018	2019	2020	2021	2026
Opening Balance	\$8.6	\$4.0	\$3.8	-\$5.6	-\$3.3		\$2.1
Contribution	\$17.7	\$20.7	\$23.7	\$26.7	\$26.7		\$26.7
Draws	\$22.3	\$20.9	\$33.1	\$24.3	\$21.6		\$22.9
Year-end Balance	\$4.0	\$3.8	-\$5.6	-\$3.3	\$1.9		\$5.9
Incremental Operating Impact	\$0.6	\$3.0	\$3.0	\$3.0	\$0.0		0.0

E. Other Projects – Below the Line

The Connected Officer

The T.T.F. recommended an investment in potential transitioning from Mobile Workstations in vehicles to smart devices carried by all officers. This includes a full application suite and e-notebook, as well as updating existing applications to a mobile environment which allows officers to be connected at all times to the most current operational information.

Research and analysis of best practices, assessing network opportunities, confirming functionalities, developing and costing different options, will be completed. A final design decision, along with the roll-out plan and procurement decision is planned for 2019 with implementation commencing thereafter.

Beyond the current lifecycle funding for Mobile workstations, no new funding is being requested at this point, as the level of funding that would be required is not yet known.

Parking handheld and Administrative Penalty System (A.P.S.) – \$2.55M

Based on a Council decision at its July 2016 meeting, the City is changing the governance and administrative requirements to establish an Administrative Penalty System (A.P.S.) for parking violations (i.e. parking tickets) which will include an Administrative Penalty Tribunal, effective May 15, 2017. This will divert non-complex matters from the provincial courts, freeing up limited court time for more serious matters, which will save the City \$2.8M per year plus seven positions beginning in 2018. An increase in revenue to the City of \$6.3M per year is also expected, starting in 2018.

The total cost of the enhanced handhelds required to support this initiative is \$5.5M. Funding of \$2.97M is currently included in the handheld lifecycle replacement project for the replacement of the existing parking ticket enforcement and management application. However, moving to an A.P.S. program for parking violations will require one-time start-up costs of approximately \$2.2M for incorporating the use of digital photography, plus \$350K for new parking tag books. City Finance requested that this amount be included below the line in the Service's capital budget while the funding source is reviewed for the additional requirement. It should be noted that as a result of this enhancement, the impact on the contribution to reserve for Parking Enforcement will be an additional \$440K per year starting from 2017.

Conclusion:

A detailed review of all projects in the Service's 2017-2026 capital program request has been conducted, to ensure the capital program reflects the priorities of the Service, is consistent with the Service's strategic objectives, and is in line with City provided debt targets. The 2017 - 2026 Capital Program has a 2017 net request of \$19M (excluding cash flow carry forwards from 2016), and a net total of \$232.5M for the ten-year period.

Given the strategic objectives of the Service's capital program, and the modernization initiatives to be included in the T.T.F's January 2017 final report, the Service is proceeding with a full facility reassessment, allowing the business plan and service delivery model to drive the need for facilities, what is in those facilities and the size of the facilities. It should be noted that once that work is complete, the cost estimate for the facility realignment project will very likely change.

The Service's 2017-2026 Capital Program request is for the most part in a transitional state, as the Service awaits information that will allow more informed decision making regarding our facilities and technological requirements. It is anticipated that the 2018-2027 request will be much more detailed with respect to the projects the Service needs to move forward on and implement, to help it modernize and enhance the way public safety services are provided to the City of Toronto.

Mr. Tony Veneziano, Chief Administrative Officer, Corporate Services Command will be in attendance to answer any questions from the Board.

Ms. Sandra Califaretti, Director, Finance & Business Management, delivered a presentation to the Board with regard to the 2017-2026 Capital Program Request. A copy of the presentation slides is on file in the Board Office.

Mr. Kris Langenfeld was in attendance and delivered a deputation to the Board. A written copy of the deputation is on file in the Board Office.

The Board approved the following Motions:

- 1. THAT the Board receive the deputation;**
- 2. THAT the Board conduct community consultations, which will include the Board Mental Health Sub-Committee, and report back prior to the procurement of any additional Conducted Energy Weapons proposed to be deployed to selected front-line officers; and**
- 3. THAT the Board approve the foregoing report.**

Moved by: S. Carroll
Seconded by: C. Lee

2017-2026 Capital Program Request (\$000s)

Project Name	Plan to end of 2016	2017	2018	2019	2020	2021	Total 2017-2021 Request	2022	2023	2024	2025	2026	Total 2022-2026 Forecast	Total 2017-2026 Program	Total Project Cost
Projects In Progress															
State-of-Good-Repair - Police		4,875	4,875	4,875	5,005	4,400	24,030	4,875	4,875	4,875	4,875	4,875	24,375	48,405	48,405
Transforming Corporate Support (TRMS & HRMS) *	2,535	2,500	2,100	1,500	400		6,500				0	0	0	6,500	9,035
Peer to Peer Site (Disaster Recovery Site) *	4,665	4,000	7,759	3,500	0	0	15,259	0	0	0	0	0	0	15,259	19,924
Facility Realignment *	7,000	5,000	5,195	37,572	36,042	20,012	103,821	23,900	19,059	7,200	0	20,288	70,447	174,268	174,268
Enterprise Business Intelligence	6,405	3,811	0	0	0	0	3,811	0	0	0	0	0	0	3,811	10,216
TPS Archiving	50		650	0	0	0	650	0	0	0	0	0	0	650	700
Radio Replacement	14,141	2,531	3,460	2,452	4,949	6,074	19,466	4,544	42	1,026	226		5,838	25,304	39,445
Total, Projects In Progress	34,796	22,717	24,039	49,899	46,396	30,486	173,537	33,319	23,976	13,101	5,101	25,163	100,660	274,197	301,993
Upcoming Projects															
Conducted Energy Weapon (CEW)	0	750	0	0	0	0	750	0	0	0	0	0	0	750	750
Body Worn Camera - Initial phase	0	500	0	0	0	0	500	0	0	0	0	0	0	500	500
AFIS (next replacement)	0	0	0	3,053	0	0	3,053	0	0	0	0	0	0	3,053	3,053
Property & Evidence Warehouse Racking	0	0	0	0	0	0	0	0	1,040	0	0	0	1,040	1,040	1,040
Total, Upcoming Capital Projects:	0	1,250	0	3,053	0	0	4,303	0	1,040	0	0	0	1,040	5,343	5,343
Total Gross Debt Funded Capital Projects:	34,796	23,967	24,039	52,952	46,396	30,486	177,840	33,319	25,016	13,101	5,101	25,163	101,700	279,540	307,336
Total Reserve Projects:	212,902	22,300	20,884	33,062	24,335	21,575	122,156	24,145	20,598	37,234	24,646	22,870	129,493	251,648	464,551
Total Gross Projects	247,698	46,267	44,923	86,014	70,731	52,061	299,996	57,464	45,614	50,335	29,747	48,033	231,193	531,188	771,886
Funding Sources:															
Vehicle and Equipment Reserve	(212,902)	(22,300)	(20,884)	(33,062)	(24,335)	(21,575)	(122,156)	(24,145)	(20,598)	(37,234)	(24,646)	(22,870)	(129,493)	(251,648)	(464,551)
Funding from Development Charges	(21,476)	(5,000)	(3,194)	(13,512)	(5,140)	(9,145)	(35,991)	(5,204)	(5,308)	0	0	(578)	(11,090)	(47,081)	(68,557)
Total Funding Sources:	(234,378)	(27,300)	(24,078)	(46,574)	(29,475)	(30,720)	(158,147)	(29,349)	(25,906)	(37,234)	(24,646)	(23,448)	(140,583)	(298,729)	(533,108)
Total Net Debt-Funding Request:	13,320	18,967	20,845	39,440	41,256	21,341	141,849	28,115	19,708	13,101	5,101	24,585	90,610	232,459	238,779
5-year Average:							28,370						18,122	23,246	
City Target:		21,411	24,345	39,402	31,800	24,891	141,849	23,386	18,956	19,967	16,301	12,000	90,610	232,459	
City Target - 5-year Average:							28,370						18,122	23,246	
Variance to Target:		2,444	3,500	(38)	(9,456)	3,550	0	(4,729)	(752)	6,866	11,200	(12,585)	0	0	0
Cumulative Variance to Target			5,944	5,906	(3,550)	0		(4,729)	(5,481)	1,385	12,585	0			
Variance to Target - 5-year Average:							0						0	0	
Other Projects - Below the line															
Total Other projects - Below the line	0	2,550	0	0	0	0	2,550	0	0	0	0	0	0	2,550	2,550
City Target	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Variance from Target	0	(2,550)	0	0	0	0	(2,550)	0	0	0	0	0	0	(2,550)	(2,550)

* These projects have returned funding to the City due to one year carry forward rule. These amounts are not reflected in the total project cost.

2017-2026 Vehicle and Equipment Reserve (\$000s)

Project Name	Plan to end of 2016	2017	2018	2019	2020	2021	Total 2017-2021 Request	2022	2023	2024	2025	2026	Total 2022-2026 Forecast	Total 2017-2026 Program	Total Project Cost
Other than debt expenditure (Draw from Reserve)															
Vehicle and Equipment (LR)	69,425	5,693	5,354	6,254	5,370	5,370	28,041	5,370	5,372	5,372	5,372	5,373	26,859	54,900	124,325
Workstation, Laptop, Printer (LR)	38,815	3,216	3,782	4,084	4,462	3,414	18,958	3,619	2,372	5,662	5,082	3,826	20,561	39,519	78,334
Servers (LR)	31,716	2,200	3,903	4,241	4,441	3,634	18,419	2,325	4,113	6,512	4,678	3,825	21,453	39,872	71,587
IT Business Resumption (LR)	16,373	624	2,482	1,955	787	2,297	8,145	660	2,716	2,163	831	2,824	9,194	17,339	33,712
Mobile Workstations (LR)/connected officer	15,252		300	9,144	1,000	0	10,444	0	300	9,144	1,000	0	10,444	20,888	36,140
Network Equipment (LR)	10,956	2,900	2,800	2,400	2,900	1,750	12,750	2,250	3,750	3,750	2,900	1,750	14,400	27,150	38,106
Locker Replacement (LR)	3,417	48	48	48			144						0	144	3,561
Furniture Replacement (LR)	7,430	0	0	500	500	500	1,500	500	500	500	500	500	2,500	4,000	11,430
AVL (LR)	1,498	0	0	0	1,551	0	1,551	0	0	0	1,551	0	1,551	3,102	4,600
In - Car Camera (LR)	2,202	2,061	0	0	0	2,202	4,263	2,061	0	0	0	2,202	4,263	8,526	10,728
Voice Logging (LR)	1,127	0	0	350	0	0	350	0	0	350	0	0	350	700	1,827
Electronic Surveillance (LR)	805	900	200	0	0	0	1,100	500	0	0	0	0	500	1,600	2,405
Digital Photography (LR)	758	0	0	0	228	258	486	0	0	0	228	258	486	972	1,730
e Ticketing	125	0			0	0	0			0	0	0	0	0	125
Voicemail / Call Centre (LR)	353	500	0	0	0	0	500	600	0	0	0	0	600	1,100	1,453
DVAMI, II (LR)	2,368	362	362	1,613	263	262	2,862	244	244	1,507	275	362	2,632	5,494	7,862
Asset and Inventory Mgmt System (LR)	23	0	0	0	0	0	0	0	0	0	0	0	0	0	23
Property & Evidence Scanners (LR)	23	0	0	40	0	0	40	0	0	40	0	0	40	80	103
DPLN (LR)	499	0	0	1,500	0	0	1,500	0	0	1,600	0	0	1,600	3,100	3,599
Small Equipment (e.g. telephone handset) (LR)	1,220	0	0	0	750	750	1,500	0	0	0	0	750	750	2,250	3,470
Small Equipment - test analyzers (LR)	870	0	580	580	0	0	1,160	0	0	0	0	0	0	1,160	2,030
Small Equipment - ICC Microphones (LR)	135	0	261	261	261	0	783	0	261	261	261	0	783	1,566	1,701
Small Equipment - Video Recording Equipment (LR)	632	92	78	92	73	92	427	72	86	87	92	92	429	856	1,488
Radar Unit Replacement	614	246	182	0	12	21	461	15	344	256	226	96	937	1,398	2,012
Livescan Machines (LR)	257	0	540	0	0	0	540	0	540	0	0	0	540	1,080	1,337
Wireless Parking System (LR)	1,825	2,973	0	0	0	0	2,973	5,432	0	0	0	0	5,432	8,405	10,230
CCTV	752	0	0	0	275	275	550	0	0	0	300	250	550	1,100	1,852
AEDs	12	0	12	0	112	0	124	12	0	30	0	12	54	178	190
Fleet Equipment	500						0						0	0	500
Security System (LR)	1,600						0						0	0	1,600
Conducted Energy Weapon (CEW) Replacement	1,320	0	0	0	1,350	750	2,100	0	0	0	1,350	750	2,100	4,200	5,520
Marine Vessel Electronics Replacement	0	485	0	0	0	0	485	485	0	0	0	0	485	970	970
Total Reserve Projects:	212,902	22,300	20,884	33,062	24,335	21,575	122,156	24,145	20,598	37,234	24,646	22,870	129,493	251,648	464,551

2017-2026 CAPITAL BUDGET REQUEST (\$000s)
INCREMENTAL OPERATING IMPACT FROM CAPITAL

Attachment C

Project Name	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	Comments
Facility Realignment	0.0	0.0	0.0	72.0	73.4	73.4	78.0	153.7	5.3	5.5	Building Operations, Service Contracts and Utilities; starting half a year 2020. Included estimated increase of 2% per year
Transforming Corporate Support	22.0	69.0	-227.0	75.0	0.0	0.0	0.0	0.0	0.0	0.0	Incremental maintenance cost of \$22K per year from 2017
Peer to Peer Site	0.0	175.0	175.0	4.0	4.0	4.0	4.0	4.0	3.7	3.7	Building Operations, Service Contracts and Utilities; starting mid-2018
Business Intelligence Technology	0.0	500.0	538.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	\$0.6M for salaries for 5 people; \$0.5M for maintenance
Total Projects- Incremental Operating Impact	22.0	744.0	486.0	151.0	77.4	77.4	82.0	157.7	8.9	9.2	
Total Reserve Operating Impact											Based on current assumptions
Total Operating Impact from Capital	22.0	744.0	486.0	151.0	77.4	77.4	82.0	157.7	8.9	9.2	

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 07, 2013**

#P259. EXPANDED DEPLOYMENT OF CONDUCTED ENERGY WEAPONS

The Board was in receipt of the following report October 07, 2013 from William Blair, Chief of Police:

Subject: EXPANDED DEPLOYMENT OF CONDUCTED ENERGY WEAPONS

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

As a result of a recent announcement by the Ministry of Community Safety and Correction Services (Ministry), the Service is exploring the opportunity to expand the deployment of its conducted energy weapons (CEW).

The initial deployment plan is to issue 184 additional CEWs to frontline police constables. The estimated cost for this expanded deployment of CEWs is approximately \$320,000. This includes 200 TASER X26 (the CEW approved by the Ministry) complete with holster, warranty, and 3 cartridges. In addition, training costs based on a 12 hour training day, as well as funds for Inert Training Cartridges amount to about \$66,000.

Therefore, the total cost for the increased deployment is approximately \$386,000. If the decision is made to expand the deployment in 2013, the required funding is available in the Service's 2013 operating budget.

Background/Purpose:

On August 27, 2013, the Ministry announced that it will authorize the expanded deployment of conducted energy weapons (CEW) in Ontario. The Ministry explained that:

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

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

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

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

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

The Ministry of Community Safety and Correctional Services will continue to monitor and review the use of CEWs and will assess the impact of expanded use going forward. In addition, the Ministry will continue to working with our community partners to review de-escalation and review use-of-force training, including best practices for police officers interacting with people in crisis (mcscs.jus.gov.on.ca).

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

At its meeting of September 12, 2013, the Board approved the following motion:

That the Board request the Chief to provide a report for its November 7, 2013 meeting containing all the steps, including training, that the TPS is undertaking with respect to the potential expansion of the deployment of CEWs (Min. No. P224/13 refers).

Discussion:

Since 2007, the Service has deployed CEWs to members of the Emergency Task Force (ETF), uniform frontline supervisors and supervisors of high-risk units such as Public Safety and Emergency Management, the Intelligence Division, Organized Crime Enforcement (including Hold-Up and Toronto Drug Squad) and the Provincial Repeat Offender and Parole Enforcement (ROPE) and Fugitive Squad. As of December 31, 2012, a total of 571 TASER X-26s have been issued.

In Toronto, in accordance with Ministry standards the CEW is only used in full deployment or drive stun mode (direct application) when the subject is assaultive as defined by the *Criminal Code*, which includes threatening behaviour if the officer believes that the subject intends and

has the ability to carry out the threat, or where the subject presents an imminent threat of serious bodily harm or death which includes suicide threats or attempts. Therefore, direct application of the device is only utilized to gain control of a subject who is at risk of causing harm, not to secure compliance of a subject who is merely resistant.

Each year the Service reports to the Board on the use of the CEW. The Service's record consistently demonstrates that officers are using good judgement under difficult circumstances and are making appropriate decisions to use only the force reasonably necessary to resolve tense and dangerous situations. Moreover, the CEW has proven to be an effective tool that has helped avoid injuries to the public and police officers. Consequently, the Service believes that through proper policy, procedures, training, and accountability, the CEW is an appropriate use of force option that can help maintain public and officer safety.

Expansion:

Based upon operational needs and community safety, the Service has explored the opportunity to initially expand the deployment of CEWs to two (2) officers from each platoon in each Division and Traffic Services, and four (4) officers from the TAVIS Rapid Response Team. This would amount to 184 officers equipped with a CEW in addition to the supervisors who are already equipped. As a result, each shift would have up to 5 CEWs available (3 sergeants and 2 constables), which are two more than is currently available.

To achieve this initial managed expansion, the Service will need to acquire 200 more CEWs. This number also allows for the immediate replacement of weapons in the event of malfunctions or damage.

Officer Selection:

The careful selection of police constables who would be provided a CEW is critical to maintain the confidence of the public. Officers will be chosen by their Unit Commander based upon a proven record of judgement, competence and professionalism.

Training:

Each of these officers will be issued a CEW only after they have completed the Ministry approved user training. The Service expects that this training will consist of 12 hours of study and scenario based exercises - four (4) hours longer than is currently the case. The training will include practical and written examinations. The officers will need to demonstrate knowledge and proficiency on the legislation and regulatory framework, the community context surrounding the weapon's development and introduction, and the structure and function of the weapon and its effects. The four additional hours are dedicated to judgement training and the CEW Training Team of the Toronto Police College has re-designed the practical scenario training to continue to emphasize that officers must use sound judgement along with effective communication and de-escalation techniques when deciding whether to use force and what force options to use.

The training is based on a set of principles that foster the responsible and accountable use of CEWs, while recognizing that they are an appropriate tool for officers who must resort to use of force. These guiding principles are that:

- the decision to use force is the fundamental decision to be made before deciding what force option to use;
- CEWs should be used as a weapon of need, not a tool of convenience.
- officers should not over-rely on CEWs in situations where more effective and less risky alternatives are available; and
- CEWs are just one of a number of tools that police have available to do their jobs, and are considered one part of TPS's overall use-of-force policy.

Recertification training takes place every 12 months, in accordance with Ministry training standards and all CEW training is conducted by Ministry certified use of force instructors.

The Service can start the training in late November and early December so that the extra CEWs can be deployed before the end of the 2013.

Conclusion:

Since 2007, the CEW has been widely deployed with the Service. During this time the Service's record consistently demonstrates that officers are using good judgement under difficult circumstances and that they are making appropriate decisions to use force only when reasonably necessary to resolve tense and dangerous situations. The Service is confident that the CEW is an effective tool and believes that through proper policy, procedures, training, and accountability, the CEW is an appropriate use of force option that can help maintain public and officer safety. Consequently, based on the recent Ministry announcement that it will lift the current restrictions on CEW deployment, the Service is exploring an initial and managed expanded deployment across the Service.

Funds are available in the Service's 2013 operating budget to purchase an additional 200 CEWs as well as the cost for training and other requirements.

Deputy Chief Mike Federico, Corporate Command, will be in attendance to respond to any questions that the Board may have regarding this report.

The following were in attendance and delivered deputations to the Board:

- **Peter Rosenthal ***
- **Neal St. Jacques ***
- **Deb Quiggin**
- **John Sewell, Toronto Police Accountability Coalition ***

- **Miguel Avila ***
- **Linda Beaudoin**
- **Laura Berger, Canadian Civil Liberties Association**
- **Chaitanya Kalvar**

***written submission also provided; copy on file in the Board office.**

Following the deputations, Chief Blair responded to questions by the Board.

While noting that the deployment of CEWs is an operational matter, the Board said that it is also a public policy and governance issue. The Board also noted that the Ministry of Community Safety and Correctional Services has not yet released the amended Use of Force Guidelines and training standards with respect to CEWs.

The Board approved the following Motions:

- 1. THAT the Board receive the deputations and the written submissions;**
- 2. THAT the Board receive the report from the Chief; and**
- 3. THAT the Board direct the Chief not to proceed with the expanded deployment of CEWs as outlined in his report at this time.**

Moved jointly by: A. Mukherjee and M. Thompson,

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 07, 2013**

**#P260. SUBMISSION FROM COMMUNITY MEMBERS OF THE BOARD'S
MENTAL HEALTH SUB-COMMITTEE REGARDING EXPANDED
DEPLOYMENT OF CONDUCTED ENERGY WEAPONS**

The Board was in receipt of the following report October 08, 2013 from Alok Mukherjee, Chair:

Subject: SUBMISSION FROM COMMUNITY MEMBERS OF THE BOARD'S
MENTAL HEALTH SUB-COMMITTEE REGARDING EXPANSION OF
CONDUCTED ENERGY WEAPONS (CEWs)

Recommendation:

It is recommended that the Board receive this report.

Financial Implications:

There are no financial implications arising from the recommendation contained in this report.

Background/Purpose:

Creation of the Mental Health Sub-Committee

At its meeting on September 24, 2009, the Board approved the establishment of a sub-committee to examine issues related to mental health (Min. No. P265/09 refers). The Mental Health Sub-Committee was created to deal with the complex and multi-faceted issues of mental health that have consistently come before the Board and involve a variety of stakeholders, including the Service, the Board, the community and the government (both municipal and provincial).

The Board noted that it would be advantageous for the Board to create a mechanism that facilitates ongoing liaison with the community and other stakeholders and thereby enables the Board to deal with mental health issues in an informed, systematic and effective manner. The Sub-Committee is tasked to review important issues from a governance perspective, gather pertinent information, advise the Board on needed action, recommend effective strategies to deal with issues of intersectionality and assist the Board in facilitating discussion and coordination among the various partners working in this area.

The Board's Mental Health Sub-Committee is comprised of members of the Board, members of the Service and members of the community. In creating the Sub-Committee, the Board noted that it is important that the Sub-Committee's membership reflect the diversity of Toronto with representatives from major as well as more locally-based groups or organizations serving youth and specific ethno-cultural groups.

The Sub-Committee's mandate is *to create a mechanism that facilitates ongoing liaison with the community and other stakeholders and thereby enables the Board to deal with mental health issues in an informed, systematic and effective manner.*

I am the Co-Chair of the Mental Health Sub-Committee, along with Pat Capponi, a community member.

Broadening of the Sub-Committee's Role

At the Board's meeting of August 13, 2013, I read a statement regarding the death of Sammy Yatim. As part of this statement, I noted the following:

As many of you know, police interaction with people experiencing mental health issues is of the greatest concern to the Board. This is why the Board has established a permanent Mental Health Sub-Committee. We are grateful for the readiness with which so many knowledgeable members of the community, including consumers/survivors and representatives of a whole host of mental health providers, have come forward to assist us in finding the right approaches to respond to calls for service. The Toronto Police Service has fully cooperated in the work of this sub-committee. And we believe there have been good changes as a result.

Clearly and sadly, our work is far from over and even one death is one too many. The Board accepts that our goal should be to prevent deaths, to the maximum extent possible.

Therefore, the Board will look to the Sub-Committee to broaden its scope of work. Specifically, the Board will extend full support to the Sub-Committee engaging in a broad-based, independent community consultation to elicit concerns, issues and experiences as well as ideas and advice with respect to further strengthening policies, programs and systems of accountability.

Discussion:

On August 27, 2013, the Ministry of Community Safety and Correctional Services (MCSCS) announced that it would be permitting local police services to expand the use of Conducted Energy Weapons (CEWs), commonly known as Tasers. Currently, the province restricts the use of these devices to certain designated positions and police teams such as members of tactical units (like the Emergency Task Force), hostage rescue teams, containment teams and front-line supervisors.

On September 24, 2013, the Toronto Police Services Board, through its Mental Health Sub-Committee, sought community input into the wider use of CEWs and held a public meeting for this purpose. At this meeting, more than 40 members of the public made deputations and a number of written submissions were also provided.

At its meeting of October 8, 2013, members of the Mental Health Sub-Committee reviewed the deputations and written submissions and considered the issue of CEW expansion.

This review resulted in a report, which includes a recommendation; this report is attached. The Motion that was put forward was unanimously approved by the community members of the Mental Health Sub-Committee in attendance. It should be noted that the community members of the Sub-Committee voted in favour of this Motion as individuals, rather than on behalf of agencies or organizations. In addition, representatives from the Toronto Police Service, the Toronto Police Services Board and the Ministry of Health, who sit as members or subject-matter experts on the Sub-Committee, abstained from this vote.

Conclusion:

Therefore, it is recommended that the Board receive this report.

The Board noted that it considered the foregoing report in conjunction with a report from Chief Blair regarding the proposed expanded deployment of CEWs. The Board subsequently directed the Chief not to proceed with the expanded deployment of CEWs at this time (Min. No. P259/13 refers).

The Board received the foregoing report.

Moved jointly by: A. Mukherjee and M. Thompson

Submission by the Community Members of the Toronto Police Services Board's Mental Health Sub-Committee on the Issue of the Expansion of Conducted Energy Weapons (CEWs)

Background

On August 27, 2013, the Ministry of Community Safety and Correctional Services (MCSCS) announced that it would be permitting local police services to expand the use of Conducted Energy Weapons (CEWs), commonly known as Tasers. Currently, the province restricts the use of these devices to certain designated positions and police teams such as members of tactical units (like the Emergency Task Force), hostage rescue teams, containment teams and front-line supervisors.

On September 24, 2013, the Toronto Police Services Board, through its Mental Health Sub-Committee, sought community input into the wider use of CEWs and held a public meeting for this purpose.

As was noted in the press release publicizing this meeting, the Board was interested in hearing answers to questions such as the following:

- Do you think that there should be an expansion of CEWs to front-line officers in Toronto?
- What conditions do you think should be attached to the use of CEWs?
- Do you have specific suggestions regarding training in CEW use?
- What measures do you think could help ensure accountability with respect to use of CEWs by police?

The meeting was chaired by the Mental Health Sub-Committee Co-Chairs, Alok Mukherjee and Pat Capponi. A number of members of the Mental Health Sub-Committee were also in attendance. In addition, Board Members Marie Moliner, Andy Pringle and Councillor Michael Thompson were in attendance.

Major Points and Themes Emerging from the Public Meeting

The public meeting included deputations by more than 40 individuals, as well as a number of written submissions (on file in the Board office). The main points and themes can be summarized as follows:

- Vast majority of deputants do not support the expansion of CEWs to front-line officers in Toronto
 - Many think that no officers should have CEWs
- Officers should focus on de-escalation techniques and use better communication skills
 - Need to ensure these are emphasized during training
- Lack of independent scientific and medical reviews of safety of CEWs

- Concern that having CEWs may lead police officers to overlook other non-force options (de-escalation etc.)
- If CEWs are used, the threshold for use must be higher than the one currently employed; they should not be used for compliance. (Braidwood recommendations were cited as a suggestion)
- CEWs could be linked with video capability
- Concerns about the cost of expanded CEW acquisition
- Mobile Crisis Intervention Teams (MCITs) should be in every police division
- MCITs should operate 24 hours a day

Recommendation by Community Members of Mental Health Sub-Committee on CEW Expansion

At its meeting of October 8, 2013, members of the Mental Health Sub-Committee reviewed the deputations and written submissions and considered the issue of CEW expansion.

At that time, Pat Capponi put forward the following Motion:

In concert with the overwhelming negative response heard at the public consultation meeting on CEW expansion held on September 24, 2013, the community members of the Mental Health Sub-Committee strongly recommend that the Board not approve the wider distribution of CEWs at this time.

This Motion was unanimously approved by the community members of the Mental Health Sub-Committee. It should be noted that the community members of the Sub-Committee voted in favour of this Motion as individuals, rather than on behalf of agencies or organizations. In addition, representatives from the Toronto Police Services Board and the Ministry of Health and Long-Term Care, who sit as members on the Sub-Committee abstained from this vote. Those individuals representing the Toronto Police Service noted that they are non-voting members of the Sub-Committee and that the Service supports the expanded deployment consistent with the Ministry's announcement.

It should also be noted that the inclusion of the phrase “at this time” is of significance; Sub-Committee members are interested in the various reviews and studies that are now taking place and the position may change as a result of the outcome of these reviews and studies.

Further, the Sub-Committee members are interested in exploring a number of other issues related to CEW use, including:

- The threshold to be employed for CEW use and whether the current TPS (and Ontario) threshold should be changed
- Questions about where the CEW falls within the Use of Force spectrum and whether it is properly positioned on this spectrum (an issue of both training and practice)
- Concerns about CEWs being used as a tool of compliance
- The emphasis given to de-escalation in both training and practice and whether this training is adequately reinforced

- Supporting the expansion of Mobile Crisis Intervention Teams (MCIT) to serve as first-responders, across the city, 24-hours a day

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON SEPTEMBER 12, 2013**

**#P224. TORONTO POLICE SERVICE: 2014-2023 CAPITAL PROGRAM
REQUEST**

The Board was in receipt of the following report August 29, 2013 from William Blair, Chief of Police:

Subject: TORONTO POLICE SERVICE 2014-2023 CAPITAL PROGRAM REQUEST

Recommendations:

It is recommended that:

- (1) the Board approve the 2014-2023 capital program with a 2014 net request of \$19.9 Million (excluding cash flow carry forwards from 2013), and a net total of \$253.6 Million for 2014-2023, as detailed in Attachment A; and
- (2) the Board forward a copy of this report to the City Budget Committee for approval and to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

Table 1 below provides a summary of the Toronto Police Service's (Service) 2014-2023 Capital Program request compared to the City of Toronto's ten-year affordability debt target.

The Service's 2014-2023 Capital Program request is below the City's affordability debt target by \$4.8 Million (M) for the first five years of the program, and \$8.4M for the full ten-year program. Additional detail on debt-funded and Reserve-funded projects can be found in Attachments A and B respectively.

cont...d

Table 1. Summary of 2014-2023 Capital Program Request (\$Ms)

	2014	2015	2016	2017	2018	5-Year Total	2019-2023 Total	2014-2023 Total
Total On-Going and New Projects	24.6	21.7	49.8	35.2	37.9	169.3	118.6	287.9
Reserve-funded projects	21.4	17.8	18.6	24.9	30.0	112.7	118.5	231.2
Total gross projects:	46.0	39.6	68.4	60.1	67.9	282.0	237.1	519.1
Other-than-debt funding	-26.0	-21.2	-23.0	-29.0	-32.7	-131.8	-133.7	-265.6
NET DEBT FUNDING:	19.9	18.4	45.5	31.0	35.3	150.2	103.4	253.6
CITY DEBT TARGET:	23.9	30.1	36.3	31.1	33.5	155.0	107.0	262.0
Variance to target	4.0	11.7	-9.2	0.1	-1.8	4.8	3.6	8.4

The implementation of capital projects can have an impact on the Service’s on-going operating budget requirements. In addition, the Service is continuing its strategy to properly fund the replacement of vehicles, technology and other equipment through contributions to the Vehicle and Equipment Reserve (Reserve). Attachment C provides a summary of the estimated operating impact from capital excluding Reserve-funded projects. The 2014 incremental operating impact is \$1.7M. Approval of the 2014-2023 program, as requested, will result in an estimated annualized pressure to the Service’s operating budget of \$5.9M by 2023, mainly due to increased system maintenance and building operational requirements. These operating impacts will be included in future operating budget requests, as required.

Background/Purpose:

The purpose of this report is to provide the Board with details of the Service’s 2014-2023 Capital Program request. The recommended Capital Program has been reviewed by the Board’s Budget Sub-Committee (BSC) and is now being presented to the Board for consideration and approval. Attachment A to this report provides a detailed project listing of debt-funded projects, and Attachment B provides a detailed listing of projects funded from the Vehicle and Equipment Reserve. Attachment C provides a summary of the estimated operating impact from capital, excluding Reserve-funded projects in the 2014-2023 program.

Discussion:

Capital projects, by their nature, require significant financial investments and result in longer-term organizational benefits and impacts. An organization’s capital program should therefore be consistent with and enable the achievement of the organization’s strategic objectives.

Strategic Direction:

The Service's 2014-2023 Capital Program request continues to focus on improving and updating the Service's ageing facility infrastructure, and ensures our key information and technology needs are appropriately addressed. The program also reflects strategies to maximize the use of existing Service facilities by relocating units in leased locations or consolidating Service units so that the sites they currently occupy can be returned to the City for whatever use it deems appropriate.

The projects in the capital program will:

- ensure our facilities are in a reasonable state of good repair and replaced/renovated, as necessary;
- enable operational effectiveness/efficiency and service enhancement;
- result in improved information for decision making and to better meet operational requirements;
- help enhance officer and public safety;
- contribute to environmental protection/energy efficiency; and
- ensure our fleet and equipment are properly replaced.

Development of Cost Estimates and Project Management:

Due to the large cost and complexity of capital projects, the Service has developed and has been following a formal project management framework since 2006. This framework requires the submission of a project charter for each approved project request, and the establishment of a steering committee to oversee the project during its lifecycle.

The cost estimate for each project in the recommended Capital Program has been reviewed to ensure the estimate and annual cash flows are still valid, taking into consideration key project milestones, procurement requirements, any third-party actions/approvals required, as well as other applicable assumptions and information. It is important to note that the Service does its best to develop accurate cost estimates. However, these estimates are developed based on assumptions at the time, often without full information and more importantly, before going through a procurement process for the various requirements. Consequently, the estimates could change as the project progresses through the project lifecycle.

The Board and City are kept apprised of any changes as soon as they become known. Any required transfers from other projects in the program are fully justified and reported to the Board and City Budget Committee for approval. The Service has done a relatively good job at delivering projects on or below budget. However, even with the best planning and management, there are times when additional funds are required for certain projects, due to unanticipated events or higher than anticipated market prices. The Service is also mindful of operating budget impacts and so, some projects not yet started are being revisited to ensure they are still viable from an overall budget perspective.

2013 Accomplishments:

Key accomplishments and developments related to the implementation and management of the capital program in 2013 are as follows:

- The renovation of the Service's new Property and Evidence Management facility has been achieved, with a move-in date of September 2013;
- The Integrated Records and Information System (IRIS) project is currently under budget and is expected to go live in November 2013;
- The eTicketing solution (closely linked with IRIS) is also anticipated to be completed in November 2013, and on budget;
- The upgrade to Microsoft 7 is complete;
- The Radio Replacement and 14 Division projects, with small carry forwards to 2013, are complete.

The Service currently anticipates that 81% of net debt funding will be spent in 2013, resulting in a carry forward amount of \$4.5M to 2014. The majority of the carry forward amount relates to the Property and Evidence Management Facility (\$2.2M) and IRIS (\$1.1M). Updates on the status of projects will continue to be provided in the 2013 quarterly capital variance reports.

City Debt Affordability Targets:

Corporate targets for Agencies, Boards, Commissions and Departments (ABCDs) are allocated by the City's Deputy City Manager and Chief Financial Officer (City CFO). The Service's 2014-2023 Capital Program is below the City's debt target for the five-year and ten-year program; however, in some years it does not meet the debt target (see Table 1).

2014-2023 Capital Program:

The 2014-2023 capital program is segregated into four categories for presentation purposes:

- A. On-Going Projects
- B. Projects beginning in 2014-2018
- C. Projects beginning in 2019-2023
- D. Projects funded through Reserves

- **On-Going Projects**

There are three projects in progress in the 2014-2023 capital program:

1. *State-of-Good-Repair (SOGR) – ongoing*

This project provides funding for the SOGR requirements that the Service is responsible for. A detailed SOGR backlog list and ten-year plan has been provided to City Finance staff.

2. *Parking East – anticipated 2014 completion*

This project provides funding to relocate the Parking Enforcement East (PKE) and Parking Headquarters Management (PHQ) operations to the Progress Avenue site, after required renovations are completed at that facility. The current PKE and PHQ lease has a five-year term, expiring June 30, 2014.

Moving PKE and PHQ to the Progress Avenue site will realize annualized savings of approximately \$0.6M. This has allowed the Service to partially fund this project from recoverable debt.

The move from leased facilities to the City-owned Progress Avenue site will also make better use and get a greater return on the investment in the Progress site and avoid potential large lease rate increases as well as the uncertainty of being in a leased facility for the PKE and PHQ operation.

3. *Integrated Records and Information System (IRIS) – anticipated 2014 completion*

This project provides funding for the implementation of Versadex, a commercial off-the-shelf integrated records and information system. This is the core operations system for the Service. eJust is an Electronic Disclosure System (EDS) that is part of the IRIS project. When implemented, the eJust system will reduce time spent on manual/paper preparation of court disclosure and increases efficiencies envisioned as an outcome of the IRIS project.

The full implementation for Versadex and eJust is scheduled to start in November 2013, with a minimum three-month stabilization/production support period ending February 2014. The Board has been kept updated on the status of this large and complex project through the quarterly capital variance reports.

• **Projects Beginning in 2014-2018**

New 54 Division Facility (\$36.3M, beginning in 2014)

This project provides funding for the construction of a new 54 Division. A business case for this facility was provided to the Board's Budget Sub-Committee (BSC) in August 2013. The current facility was built in 1951 as a light industrial building and subsequently was retrofitted for police use and occupied by the Service in 1973. The project has been in the Service's capital program for the last several years based on the long-term facilities plan.

There are both physical and operational issues with the existing site and building:

- Space for members occupying this facility is insufficient;
- The building is in a general state of disrepair. Both the Service and the City of Toronto perform ongoing maintenance and repair. However, due to the age and condition of the building, there are issues with respect to the heating, ventilation and air condition system,

the electrical system, plumbing, and the fire protection and alarm system. The building and site are prone to flooding, and the building does not meet current Accessibility for Ontarians with Disabilities Act (AODA) accessibility standards;

- The site is not easily accessed by visitors and members, as there is no direct access to public transit, and there are limited parking spaces; and
- There are issues with respect to locker room facilities, firearms storage, front counter security, detention cells, investigative and response areas.

One of the Chief's Internal Organization Review initiatives considered the potential closing or consolidation of 54 Division. The review concluded that this division should not be closed, and the Board has been updated on this matter. Consequently, the project remains in the Service's capital program.

The budget includes funding for land acquisition, construction and other costs. Service staff are working with City Real Estate to acquire a suitable property. The budget assumes the construction of a 55,000 square foot facility built to LEEDS Silver standards, although the Service no longer seeks LEEDS Silver certification. Costing assumptions are based on construction costs of previous divisional projects, updated for a construction inflation rate. The project cash flow assumes the acquisition of land would begin in 2014 with construction starting in 2015.

It should be noted that the project cost could change as a result of several factors, including the cost of the site ultimately acquired, the size and design of the facility as well as market conditions with respect to the construction services required. The facility size and design will be reviewed and confirmed to identify any potential reductions, once the site is selected. The Board will be kept apprised through the quarterly capital variance reporting process.

An operating cost impact of \$144,000 per year is estimated for additional building operations and utilities costs, beginning in mid-2017.

Human Resource Management System Upgrades (\$1.1M, beginning in 2014)

Human resources information and payroll administration for the Service is managed using the PeopleSoft Human Resource Management System (HRMS).

This project provides funding for an anticipated upgrade to HRMS beginning in 2014. This upgrade is necessary to reduce the risk associated with relying on outdated software and avoids the risk of losing vendor support. This is particularly important with a payroll system which needs to be able to implement annual (or more frequent) tax updates and HR regulations.

Estimates are based on the costs incurred during the last HRMS upgrade, and future project costs will be refined as more information becomes available with respect to requirements at that time (e.g., will the system require upgrading or replacement, will there be any changes to the Service's architecture, etc.).

The operating budget impact is an estimate for incremental maintenance costs of \$22,000 annually, beginning in 2016. Funding for further upgrade or replacement for this product has been added to 2020 and 2021, at an estimated cost of \$1.2M.

Time Resource Management System (TRMS) Upgrade (\$4.1M, beginning in 2015)

The Service uses TRMS, which went live in August 2003, to collect and process time and attendance-specific data, administer accrual bank data, assist in paid duty administration, and in the deployment of members. From August 2006 to May 2008, the Service was engaged in upgrading TRMS to upgrade the existing functionality and de-customize the application to reduce and avoid maintenance costs.

This project provides funding to upgrade TRMS beginning in 2015, to ensure continued vendor support, as well as to examine additional functionality that can assist the Service in achieving further efficiencies in its business processes. The Service's involvement in the PanAm Games in 2015 precludes the Service from implementing this project sooner.

Estimates are based on the costs incurred during the last upgrade, and future project costs will be refined as more information becomes available with respect to requirements at that time (e.g., will the system require upgrading or replacement).

However, prior to committing to the upgrade, the Service will also determine whether it is more beneficial and cost-effective to replace, rather than upgrade, TRMS. The City of Toronto is looking at an enterprise-wide time and attendance system, and Service staff will continue to communicate with City staff to ensure any potential collaborative efforts with the City are considered and pursued, if feasible. To this end, the Board will be kept apprised through the quarterly variance reporting process.

The annual operating budget impact for incremental maintenance costs is estimated at \$22,000 beginning in 2017. Funding for further upgrade or replacement for this product has been added to 2022 and 2023, at an estimated cost of \$4.3M.

Peer-to-Peer Data Centre (\$18.8M, beginning in 2014)

This project was formerly referred to as "Disaster Recovery (DR) Site." A DR data centre is set up as a duplicate of a primary data centre with full computer systems and near-complete backups of all data. It is not used unless primary systems fail. A Peer-to-Peer data centre is a model where each site has the same capabilities; both sites are used and each site backs up the other in the event of a disaster. The project has been renamed to more clearly identify that the new site would be completely Peer-to-Peer.

The Service has a primary data centre as well as a secondary site, and is experiencing several issues with the secondary site:

- The secondary site, which provides backup to the primary site, in the event of a disaster or disruption is too close to the primary site. Best practice standards require that the secondary site be a minimum of 25 km away from the primary site, and ideally at least 40 km away. The current secondary site is only 7 km from our primary site.
- The current secondary site is limited with respect to UPS (uninterruptible power supply) and space: The current site is co-located with the City of Toronto's data centre operations, and there are competing demands for available power and cooling. The Service has had to negotiate extra power, and there is concern that future requirements will not be accommodated or will be costly, as both City and Service requirements increase.

As a result of these challenges, the Service commissioned an assessment of our Data Centre in 2011. That report identified numerous shortcomings at our secondary site, and identified the basic principles for the selection of a facility that would satisfy the Service's need to have distinctly isolated and dedicated information technology infrastructure that does not rely on non-Service systems for continuity. The report also identified a design that allows the Service to maintain control over its own security.

The Service and City Real Estate are looking for a suitable location. The current budget is based on the estimated cost of acquiring a property and building a new Peer-to-Peer site. The Service is concurrently exploring other options for its Peer-to-Peer site – sharing with the City or with other police services; establishing a modular, portable site; colocation with other sites, and outsourcing (although the latter two have security issues that may render them impractical).

The cash flow for this project reflects the introduction of consulting and engineering services in 2014, to conduct a feasibility study for, and to design, the best solution regarding site and sharing potential. Land acquisition and construction costs start in 2015. The estimated cost of the project could change depending on what possible solutions are identified as well as market and other conditions at the time. The project cost could also change as a result of several factors, including the cost of the site ultimately acquired and the size and design of the facility. The facility size and design will be reviewed and confirmed to identify any potential reductions, once the site is selected. The Board will be kept apprised accordingly.

An operating cost impact of \$350,000 per year is estimated for building operations and utilities costs, beginning in mid-2017.

52 Division Renovation (\$8.3M, beginning in 2014)

This project requests funding for the renovation of 52 Division. Initially, this facility was scheduled to be renovated after the construction of all required new facilities. The initial schedule for replacement and renovation has been deferred for many years, due in part to budget pressures and in part to site identification and acquisition issues for other facility projects. The many problems with the current 52 Division dictate renovation occur sooner rather than later.

A sample of the issues surrounding 52 Division include: an inadequate HVAC system; AODA non-compliance; and occupational health and safety issues related to accessibility. A key issue is related to officer and prisoner safety, whereby prisoners must be escorted through administrative areas when being moved. The budget is based on an initial feasibility study, and will be refined once the exact scope of work is identified.

New 41 Division Facility (\$38.9M, beginning in 2016)

This project provides funding for the land acquisition and construction for a new 41 Division. Land costs could change significantly based on the actual location chosen and market values at the time of purchase. The Service will also explore the feasibility of constructing a new facility on the current 41 Division site. This could reduce the cost estimate for this project significantly, as there would be no land-acquisition cost. However, it would also make the project more complicated in terms of relocating existing staff during construction of the new facility and will add to the time required to complete the project. Some of the land savings would be re-directed to the costs of temporary re-locating 41 Division staff during the construction process. The project cash flow assumes the acquisition of land would begin in 2017 with construction beginning in 2018.

The budget assumes the construction of a 55,000 square foot facility built to LEEDS Silver standards, although the Service no longer seeks LEEDS Silver certification. Costing assumptions are based on construction costs of previous divisional projects, updated for the construction inflation rate. The project cost could change as a result of several factors, including the cost of the site (if one is acquired) as well as the size and design of the facility. The facility size and design will be reviewed and confirmed to identify any potential reductions, once the site is selected. The Board will be kept apprised through future capital budget processes.

The additional operating cost impact of \$144,000 per year is a high-level estimate for building operations and utilities commencing from mid-2019.

Radio Replacement (\$36.5M, beginning in 2016)

The Service's current communication radios were replaced over the period of 2006 to 2012. Although the lifecycle for these radios is ideally seven years, the Service has decided to replace these radios every ten years to reduce costs. However, the extension of this lifecycle to 10 years has resulted in some incremental operating costs. This project provides funding for the replacement of radios beginning in 2016 (for radios purchased in 2006) to 2022.

TPS Archiving (\$0.8M in 2017)

This project requests funding for the establishment of Archiving at the Service's Progress Avenue site. Legislation requires the Service to store "cold case" files for a minimum of 25 years. Memo books are also stored for a lengthy period. The relatively new requirement of

video storage is also increasing. Service staff are endeavouring to reduce current holdings, but based on retention periods, the Service is faced with increasing storage requirements.

The Service currently stores its archival records and files at City Archives. However, the City of Toronto is experiencing space issues within its storage facility. In 2011, City Archives indicated also that there would be a newly introduced charge for storing and retrieving boxes. The Service has not yet been required to begin paying this fee. However, based on initial discussions and assuming a ten-percent growth annually (based on 2011-2013 estimates), storage costs would grow to \$300,000 or more annually, within five years.

There is no on-going operating impact currently assumed as a result of this project. Future analysis will be required to determine if any additional resources will be required, and an update will be provided in future capital programs.

32 Division Renovation (\$7.0M, beginning in 2017)

This project requests funding for the renovation of 32 Division as per the Service's long-term facility plan for replacement and renovation of facilities. An amount for required renovations has been estimated, but a feasibility study will be conducted as we come closer to the project start date, to determine a more precise budget.

New 13 Division Facility (\$38.9M, beginning in 2018)

This project provides funding for the land acquisition and construction of a new 13 Division facility. Land costs could change significantly based on actual location chosen and market values at the time of purchase. The project cash flow assumes planning in 2018, acquisition of land in 2019 and construction beginning in 2020.

The budget assumes the construction of a 55,000 square foot facility built to LEEDS Silver standards, although the Service no longer seeks LEEDS Silver certification. Costing assumptions are based on construction costs of previous divisional projects, updated for the construction inflation rate. The project cost could change as a result of several factors, including the cost of the site (if one is acquired), the size and design of the facility, and construction market conditions at the time. The facility size and design will be reviewed and confirmed to identify any potential reductions, once the site is selected. The Board will be kept apprised through future capital budget processes.

- The additional operating cost impact of \$144,000 per year is a high-level estimate for building operations and utilities commencing from mid-2021.

Automated Fingerprint Identification System – AFIS (next replacement - \$3.1M in 2018)

The current AFIS system was purchased and implemented in late 2012. The system has an estimated lifecycle replacement of five years. It will therefore be due for replacement in early 2018. There is no operating impact from this project.

Business Intelligence (BI) Technologies (\$8.2M, beginning in 2015)- project formerly identified as Data Warehouse

BI Technologies represent a set of methodologies, processes, architectures, and technologies that transform raw data into meaningful and useful information used to enable more effective strategic, tactical, and operational insights and decision-making. Services such as Edmonton, Vancouver, New York and Chicago have BI solutions.

The objectives of this project include developing a strategy and architecture for building and maintaining a data warehouse environment, and provide appropriate query tools, interfaces and data mining tools. In turn, this will provide an environment where users will be able to make more effective business decisions, provide improved customer service, spend less time on searching, acquiring and understanding data. In a policing environment, improved data management can lead to improved crime analysis, based on identification of unrecognized data relationships and trends; improved deployment of resources; ability to better prioritize investigation of crimes or incidents; etc.

It is necessary for the Service to begin exploring these technologies, but additional investigation is required to refine project costs, benefits and plans. In particular, the Service has been conducting research to better define and articulate the operational value associated with business intelligence. Furthermore, in our review of our capital program with the City's Director, Financial Planning, the Director indicated that a meeting would occur to determine if a solution can be developed in cooperation with the City. An update will be provided in the capital variance reports as more information becomes known, as well as in the 2015-2024 capital program.

Electronic Document Management(EDM) (\$0.5M, beginning in 2015)

An enormous collection of paper-based information exists throughout the Service. It is expensive to create, collect, file, archive, retrieve, reproduce and transport the information. The primary goal of an EDM system is to store, control, monitor, and report on a repository of electronic document files. These documents come from various sources, including office productivity suites, document workflow applications, and other applications that create, edit, update, or delete documents.

In its simplest form, an EDM system represents a group of files as a folder or directory. However, given the size and diversity of large enterprises, and of the documents that they produce, EDM systems provide sophisticated capabilities to manage large repositories of documents through the use of metadata and rules that determine what content can be created, read, updated, or deleted and any workflows associated with these activities.” EDM provides a range of benefits, including improved efficiency, productivity, information access and customer service. Reduced operating costs are anticipated through the reduced use of paper and printing, and reduced physical storage space.

The scope of the project includes conducting a high-level assessment of today's paper-based information across the entire Service, evaluating potential electronic document management and workflow solutions, establishing electronic document standards, conducting a pilot and planning for a Corporate-wide solution. The Service has been conducting research to better define and articulate the operational value and savings associated with EDM. Furthermore, Service and City IT staff are working together to determine if a solution could be developed in cooperation with the City.

The latter two projects (BI Technologies and EDM) were previously included in the Service's capital programs, but removed during the 2013-2022 program because of lack of detail. The Service has identified a need to proceed with these projects, and has therefore reintroduced them in the 2014-2023 program. The Service's Chief Administrative Officer (CAO) will be discussing this approach with the City Manager, in keeping with City guidelines.

Placeholder Project – Next Generation 911 (NG911) – cost to be determined

The current system for 911 calls works on an analog platform and can only receive voice calls. Bell Canada owns the 911 telecom infrastructure for Toronto. Next Generation 911 (NG911) will upgrade existing systems to accept digital Internet Protocol (IP) information instead of analog information. This will enable Public Safety Answering Points (PSAP) to accept text and other digital mediums. All PSAPs will need to upgrade their call centre technology to ensure continued service for the new platform.

Three main phases of enhanced functionality are predicted: replacement of the current 911 system; change from voice to IP format; and, acceptance of multimedia formats. This is an emerging issue that staff continue to investigate, together with other police services in Ontario. Staff are also engaging City of Toronto staff on this subject, as NG911 is an issue for Toronto Fire and Emergency Medical Services as well.

Due to the many unknowns related to this project, no funding can be estimated at this time. However, the project has been included in the 2014-2023 program to ensure the Board is aware of this emerging requirement. It is anticipated that movement on this project will be required in 2014. The Board will be kept apprised of any developments as they become known.

Conductive Energy Weapons (CEWs)

On August 27, 2013, Community Safety and Correctional Services Minister Madeleine Meilleur announced a change to the Ontario government's rules regarding the use of CEWs. Effective immediately, the province is allowing police services to put CEWs in the hands of frontline officers if the police services choose to increase the deployment of these units.

There would be both capital and operating cost impacts if the Service were to begin equipping frontline officers with CEWs. The cost per unit, including ancillary equipment such as holsters, cartridges, etc. is estimated at \$1,500 per unit (or approximately \$1.5M per

1,000 officers). There are also related operating costs for annual training of officers that are equipped with CEWs as well as replacement of cartridges, maintenance and subsequent replacing of the units. A detailed assessment would be required to determine exactly how many officers would be equipped and what the training and on-going operating requirements would be. The capital program does not include a budget for CEWs at this time. However, the Service's current capital program is below the City's debt targets. As such, there is an opportunity to include the increased deployment of CEWs as a project within the program.

Projects beginning in 2019-2023

There are six projects beginning during the 2019-2023 period. The majority of these projects relate to the continuation of the Service's long-term facility plan for replacement and renovation of facilities.

- **Reserve-Funded Projects**

All projects listed in this category are funded from the Reserve, and have no impact on debt financing. Using the Reserve for the lifecycle replacement of vehicles and equipment avoids having to debt-finance these purchases. This approach has and continues to be supported by City Finance. It should be noted, however, that this strategy of funding equipment replacements from the Reserve results in an impact on the operating budget, as it is necessary to make regular annual contributions to replenish the Reserve.

Every effort has been made to reduce expenditures in this Reserve in 2013, in order to address the \$5M reduction to reserve contributions made by the Board at its December 10, 2012 meeting, when it approved the Service's 2013 operating budget. Expenditure deferrals have been identified for the workstations/laptops/printers, server replacement and information technology/business resumption equipment projects. The replacement of in-car cameras system has been deferred from 2013 to 2016. The Service has done a detailed review of its lifecycle projects and extended lifecycles, wherever it is possible and without increasing risks and/or adversely impacting operations. For example, the Mobile Workstations (MWS) lifecycle replacement has been extended from four to five years. The Service has also completed a computer equipment review and has been able to reduce the number of standard computer workstations by approximately 10%.

The impact of these deferrals and reductions have been reflected in planned expenditures in the Reserve. Estimates for all projects are revised annually based on up-to-date information, and new replacement plans are included as they become known. Attachment B identifies all of the currently identified Reserve-funded projects.

It is important to note, however, that deferrals of expenditures create pressures in future years. Furthermore, the \$5M reduction to contributions in 2013 has created a significant pressure on the Reserve, in terms of its ability to meet future year requirements. In order to begin relieving these pressures, the 2014 operating budget request, to be reviewed with the Board's Budget Sub-committee (BSC), will include a \$6M increase to contributions for this Reserve. This is comprised of the reinstatement of the \$5M reduction in 2013, and a \$1M

increase to begin recovering from the deferral and to reflect previously planned increases. Contributions will continue to grow by \$1M annually over the next several years.

Even with these planned contributions, current planned spending would leave the Reserve in an overdrawn position in 2014, 2018-2020 and 2023. It is anticipated that the 2014 pressure can be addressed through further in-year deferrals, and Service staff will continue to review all projects' planned expenditures to address the 2018 and future pressures.

Table 2, below, provides a summary of anticipated Reserve activity for 2014-2023:

Table 2. 2014-2023 Reserve Activity (\$Ms)

	2014	2015	2016	2017	2018	...	2023
Opening balance:*	(\$0.2)	(\$2.2)	\$0.4	\$3.3	\$0.8		\$1.9
Contributions:**	\$19.4	\$20.4	\$21.4	\$22.4	\$23.4		\$23.4
Draws:***	\$21.4	\$17.8	\$18.6	\$24.9	\$30.0		\$32.4
Year-end Balance:	(\$2.2)	\$0.4	\$3.3	\$0.8	(\$5.7)		(\$7.1)
Incremental operating impact	\$6.0	\$1.0	\$1.0	\$1.0	\$1.0		\$23.4

Conclusion:

A detailed review of all projects in the Service's 2014-2023 capital program request has been conducted, to ensure the capital program reflects the priorities of the Service, is consistent with the Service's strategic objectives, and is in line with City provided debt targets. The 2014-2023 capital program has a 2014 net request of \$19.9M (excluding cash flow carry forwards from 2013), and a net total of \$253.6M for the ten-year period. The 2014-2023 Capital Program request is below the City's total debt affordability target for the five-year and ten-year program. However, the program does not achieve the City's annual debt target for each year. This is due to the fact that there is limited flexibility to adjust cash flows to meet the annual City targets, as the funds required for each project vary and are tied to a construction or other schedule.

The Service will continue to review some of the projects in the program that have not yet started to ensure the business case for moving forward on these projects is strong, justified and can be accommodated within the City's debt envelope.

This Capital Program request has been reviewed with the Board's BSC and is being tabled with the Board for approval and submission to the City.

Mr. Tony Veneziano, Chief Administrative Officer, Administrative Command will be in attendance to answer any questions from the Board.

Mr. Tony Veneziano, Chief Administrative Officer, and Ms. Sandra Califaretti, Director, Finance and Administration, were in attendance and delivered a presentation to the Board on the 2014-2023 capital program request. A paper copy of the presentation is on file in the Board office.

Chief Blair responded to questions by the Board about the placeholder project for Conducted Energy Weapons (CEWs).

The Board approved the following Motions:

- 1. THAT the Board request the Chief to provide a report for its November 7, 2013 meeting containing all the steps, including training, that the TPS is undertaking with respect to the potential expansion of the deployment of CEWs; and**
- 2. THAT the Board receive the foregoing report regarding the TPS 2014-2023 Capital Program Request and refer it to the Board's Budget Subcommittee for further review and to determine an appropriate time to submit it for or prior to the next Board meeting.**

Moved by: D. Noria

Agenda

October 18th, 2017

Public Consultation Meeting

Achieving Zero Harm/Zero Death – An Examination of Less-Lethal Force Options, including the Possible Expansion of Conducted Energy Weapons (CEWs)

Toronto Police Services Board – Public Consultation

October 18, 7:00- 10:00 PM

Toronto Central Grosvenor Street YMCA Centre, Auditorium

Facilitator	Supt. Peter Lennox, Toronto Police Service (TPS)
Welcome and Introductions	Andy Pringle, Chair, Toronto Police Services Board
Presentation	Deputy Chief Barbara McLean -TPS Sgt. Darren Sutcliffe -TPS Dr. Peter I. Collins, Forensic Psychologist Mr. Ron Bain, Executive Director - Ontario Association of Chiefs of Police Ms. Dilnaz Garda – Toronto Beyond the Blue
Deputations	
Concluding Remarks	Andy Pringle

Presentations



Toronto Police Services Board – Public Consultation

*Examination of Less-Lethal Force Options,
Including the Possible Expansion of Conducted Energy Weapons (CEWs)*

Ron G. Bain
Executive Director
Ontario Association of Chiefs of Police

October 18, 2017

The purpose of this document is to offer a provincial perspective for the public consultation initiated by the Toronto Police Services Board on the possible expansion of Conducted Energy Weapons (CEWs) by the Toronto Police Service. We commend the Board for ensuring that the citizens of Ontario's capital city have an opportunity to consider the facts regarding the deployment of CEWs by front-line officers. The citizens of Toronto deserve to know the facts when it comes to use-of-force options and policing.

As the voice of Ontario's police leaders, the Ontario Association of Chiefs of Police (OACP) has a strong interest in seeing that all police services carefully consider and implement use-of-force options and tools that allow our officers to keep themselves and the citizens they serve as safe as possible. Our Board of Directors reflects the diversity of policing in Ontario. Federal, provincial, municipal, and First Nations police services are represented on our Board (including a seat for the Toronto Police Service's Chief Mark Saunders) to ensure that the full spectrum of policing needs are considered at our table.

The OACP believes that every police service in Ontario polices by *consent*. This means that all police organizations and their personnel, as public services, must secure the trust and confidence of the members of communities in which they work. All police personnel are entrusted by the community with extraordinary powers to enforce the laws passed by governments. The use of any kind of force by police is highly regulated by legislative instruments such as the federal *Criminal Code of Canada* and Ontario's *Police Services Act*, and its Regulations, as well as policies and procedures at the police-service level. Police officer training is extensive and constant at the Ontario Police College and through in-service training and it is mandated by the Government of Ontario, largely through Regulation.

This is why we commend the Toronto Police Services Board for its consideration of use of less-lethal force options, including expanding the use of CEWs. The OACP is pleased to provide a Provincial context in terms of our support and advocacy for CEW expansion and the experience of police services across Ontario with CEWs.

OACP Supports Less-Lethal Force Options

The broad use-of-force continuum used by law enforcement and public safety personnel and approved by the Ministry of Community Safety and Correctional Services ranges from the physical presence of an officer to the use of deadly force. CEWs are just one of several options on this continuum.

Ontarians want their police officers to have use-of-force options that are appropriate to the situations they face in carrying out their duties. These situations are dynamic and require not only a variety of options in order for an officer to respond appropriately, but also extensive training.

While verbal de-escalation remains the primary goal of less-lethal options, CEWs are recognized as an important less-lethal option that officers should have. These devices use electric energy to induce pain or to immobilize or incapacitate a person. They are typically used to facilitate arrests of uncooperative individuals who are resisting by inducing the loss of voluntary muscle control, causing the individual to fall to the ground, where they can be

subdued and taken into custody. Individuals are not meant to, and mostly do not experience any lasting effects after application of the device.

As an intermediate weapon like pepper spray and impact weapons, a CEW is used in situations where there is an imminent need for control and other options have been ruled out by the officer, who must assess the totality of the situation. It needs to be noted, and the OACP acknowledges that there is risk associated with any use-of-force by a police officer.

According to the Ministry of Community Safety and Correctional Services' *Use of Force Guideline*, an officer is allowed 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 and the officer believes it is reasonably necessary to use a conducted energy weapon. The *Guideline* stipulates 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 (i.e., head, neck, genitals), and on a subject in control of a moving vehicle, bicycle or other conveyance."

OACP Position on Use of CEWs by Ontario Police Personnel

The OACP has long supported the deployment of CEWs for Ontario police personnel, including front-line officers. On June 22, 2005, OACP members passed a resolution at its Annual General Meeting (Addendum A), which called upon the Government of Ontario to keep its stated intention and immediately establish a cost-sharing program for those police services that choose to purchase the X-26 less lethal conducted energy weapon (the approved model at that time).

In June, 2007, OACP members passed another resolution (Addendum B), which noted that many police services purchased X-26 based on assurances made by the Minister of Community Safety and Correctional Services in 2005 that the Government of Ontario would commit to using proceeds-of-crime funding to fund the purchase of CEWs on a cost-shared basis with police services. The resolution also called for the amendment of regulations to allow for the expansion of CEWs for front-line police officers.

In October 2008, the OACP issued a report entitled "*Report on Conducted Energy Weapons*". The report contained a series of recommendations on various issues related to CEWs and helped build the case for Provincial changes to allow police personnel to have access to CEWS. The result of a one-day forum on CEWs involving 19 police services, representatives of the then, Ontario Civilian Commission on Police Services (OCCOPs), and the Ministry of Community Safety and Correctional Services on April 25, 2008, the report outlined recommendations on:

- Deployment
- Training
- Threshold issues
- Accountability, individual event reporting and data collection
- Internal controls (equipment storage and maintenance)
- Nomenclature.

The report made six recommendations that guided the OACP's position on CEWs from that time forward:

1. Establish a threshold justifying the use of a CEW at the assaultive level of subject behaviour in the context of the Ontario Use of Force Model
2. Advocate for the expansion of the deployment of CEWs to all primary (first) response uniform constables
3. Encourage police services to report publicly at least once a year to their police services board on their use of CEWs
4. Encourage police services to include in their public reports the number of times demonstrated force presence was used
5. Harmonize the duration and content of the CEW training and re-qualification curriculum
6. Refer to the instrument as a "Conducted Energy Weapon" (CEW) in all official communications instead of the term "TASER".

Other Reports

Other academic and law enforcement groups as well as multiple Coroner's Inquests have also supported the expansion of CEWs throughout the years. In 2009, the Canadian Association of Chiefs of Police (CACCP) and the Canadian Police Association (CPA) released a joint position document supporting the use of CEWs by police services. The two national police associations stressed the need for greater public awareness about the various use-of-force options available to police in Canada, and the factors that police take into account when deciding which one to use.

The document was the result of a meeting held in Orillia in late January 2009. Police representatives from the Royal Canadian Mounted Police, Ontario Provincial Police (OPP), Sûreté du Québec, and municipal police services across Canada, as well as police training specialists, researchers, and technical experts were present at this workshop organized by the CACCP. It outlined the police community's position on CEWs, including policy, training, accountability and testing, and reflected the OACP's own position in these areas.

In 2013, a study by an expert panel (Canadian Council of Academics) Chaired by Justice Stephen Goudge from the Ontario Court of Appeal looked at the health effects of CEWs. This study provided police leaders with further assurance that the deployment of the devices could enhance public safety without risking the death of an individual.

From 2005 until now, 18 Coroner's Inquests have made recommendations that included either introducing CEWs to policing or expanding their deployment to all front-line officers. Eleven of the 18 inquests recommended full deployment to front-line officers.

Finally, the Police Association of Ontario (PAO), which represents front-line police personnel, has consistently supported the expanded availability of CEWs in all police organizations. The PAO passed a least two resolutions and wrote several letters over the years to the Ministry of Community Safety and Correctional Services urging the government to allow police services to provide the devices to front-line personnel.

Ontario Government Allows Expansion of CEWs Deployment

The OACP's persistent advocacy work met with success when the Provincial restrictions on the use of these devices to certain designated positions and police teams such as members of tactical units, hostage rescue teams, containment teams, and front-line supervisors, were amended to allow police services choose whether or not to provide CEWs to front-line officers.

According to the Government of Ontario's announcement in 2014, "The new approach is based on evidence that shows CEW use results in fewer significant injuries to both subjects and police officers when compared to other use-of-force options. Since CEWs were first introduced in Ontario in 2002, the government has been carefully reviewing independent research, stakeholder input, and the recommendations of several coroners' inquest juries, all of which contributed to this decision".

The change by the Province was made after consultations with police and community groups, and the government introduced changes that:

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

The OACP strongly supported permitting local police services to expand CEWs deployment along with a requirement for police services to report back to police service boards, and the communities, about their use.

Provincial Experiences with CEWs

All Ontario police services that employ CEWs have policies and procedures, training, and supervision, to ensure they are used in the right circumstances, for the right reasons. Within those policies and procedures, there are clear guidelines for accountability and transparency. With clear policies and procedures, a well-trained police officer with a CEW, properly supervised and fully accountable for all use-of-force decisions, can save lives.

Since the Provincial expansion of CEWs, most police services in Ontario have opted for providing this less-lethal force option for front-line officers. All large police services, including the OPP, have made the right decision and provided CEWs to their front-line officers.

In a study of the OPP's CEWs usage trends from 2011 to 2016, the Provincial service indicated that the number of CEWs in circulation rose from 737 in 2011 to 2,815 in 2016, representing an increase of 282 percent over a six-year period. The significant increase in 2014 and 2015

is linked to the deployment of CEWs to all front-line officers beginning in late 2013, following a change in Provincial legislation. However, the report also found that, “traditional use-of-force is consistently linked to more injuries than are CEWs, even once CEWs were deployed to all front-line members in 2014”.

The OPP study also found that:

- In 2016, traditional use of force was linked to 55 percent of all use-of-force related injuries, while CEWs were linked to 45 percent of all use-of-force related injuries
- Use of CEWs increased significantly in 2014 when CEWs were deployed to the front-line, with more than five times the reported total usage of CEWs compared to 2013
- Traditional use-of-force on persons decreased by 54 percent between 2013 and 2015 with the increased availability of CEWs, but subsequently increased by 80 percent in 2016 over 2015
- The increase in both traditional use-of-force and CEW use in 2016 is believed to be linked to the launch of the enhanced, electronic use-of-force reporting in March 2016
- CEWs consistently have a superior effectiveness rate as a use-of-force option.

Effectiveness on Persons: CEW Displayed vs. CEW Deployed

OPP Key Findings

- CEWs are a highly-effective use of force option. Statistics show the effectiveness rate for ‘displayed’ was higher than for ‘deployed’ in every year except 2011.
- “Displayed” effectiveness was consistently very high, between 87 percent and 93 percent from 2011 to 2015, but dipped by 13 percent in 2016 to 80 percent effectiveness when electronic use of force reporting began.
- A theory for the decrease in “displayed” effectiveness of CEWs in 2016 is that the recent focus on de-escalation training and tactical communication mean that officers are more often employing verbal skills to defuse situations. In circumstances when these verbal tactics fail and the CEW must be used, it is less likely that the ‘force display’ of the CEW will be effective.
- “Deployed” effectiveness ranged from 74 percent to 96 percent, though the latter figure dates from 2011 when relatively few CEWs were deployed. In 2015 and 2016, ‘deployed’ effectiveness remained the same at 74 percent for both years.
- There are sub-types of CEW “displayed” (i.e., Probe Deployment, Three-Point Contact, Drive Stun, Multiple Deployment Types); however, the manner in which these sub-types were reported varied between 2011 and 2016, hindering accurate year-over-year analysis.

The OPP’s experience with CEWs is consistent with the experiences of other police services who have provided CEWs to their officers. The OACP has no knowledge of any serious injury or death which may be directly attributable to the use of a CEW as a force option. We are unaware of any serious increase in the number of complaints related to the abuse by a police officer deploying or displaying a CEW.

The OACP is also not aware of any unsafe failures of the weapon, nor of any officer safety issues. In our opinion, the Toronto Police Services Board should consider the expansion of the less-lethal force option for public safety and officer safety reasons, and to ensure that public safety is enhanced by the expansion of less-lethal force options in general.

Conclusion

Non-lethal force is and should be the standard according to the Ministry of Community Safety and Correctional Services' *Use of Force Guideline*, while lethal force is the exception and should only be used where it is necessary to protect against loss of life or serious bodily harm and where there is no reasonable alternative.

The OACP also takes the position that there is a clear need to educate the public. Our communities need to understand, appreciate, and accept that while non-lethal force is the standard. While we have developed and enhanced the emphasis on de-escalation, there will be occasions when our police officers must and will use deadly force. Relatively very few in numbers, these incidents, driven by timing and circumstances, will happen. In those cases, Ontario has a well-established and proven-effective system and process of oversight.

All police services in Ontario – Provincial, Municipal, and First Nations – are committed to ensuring the safety of the public and our police officers. As police leaders, our members continue to believe that CEWs remain an important public safety tool for police officers and the citizens they protect. CEWs offer safety benefits to both police and individuals being apprehended in situations where the officer(s) should have access to a less-than-lethal use-of-force option.

In our view, the CEW is a valuable less-lethal use-of-force option that should be made available to all front-line police officers across Ontario. The fact that all front-line officers in the City of Toronto do not have this force option means that there is currently a risk to the safety and well-being of both individuals being apprehended and to police personnel themselves. The Toronto Police Services Board has the power and the authority to remedy this situation.

Addendum A

Resolution 2005-03: Cost Sharing Program for Conducted Energy Devices (Tasers)

Adopted at the OACP Annual General Meeting on Wednesday, June 22, 2005

WHEREAS Conducted Energy Devices (or TASERS as they are commonly known) deliver a powerful five-second electrical jolt that overrides the human nervous system, causing a temporary loss of muscle control and are a less-lethal alternative to the use of firearms in apprehending an extremely disturbed suspect; and

WHEREAS police officers selected to use TASERS receive special training on the safe use of these less-lethal weapons and, as with firearms or any other instrument of force available to police, their use is subject to rules and safeguards; and

WHEREAS 71 law enforcement agencies in Canada equipped with CED, with this number is growing steadily; and

WHEREAS the Ministry of Community Safety and Correctional Services has approved the use of the X-26 less lethal conducted energy weapon by Ontario police services; and

WHEREAS many police services have purchased the weapon or are in the process of doing so based on assurances by the Minister of Community Safety and Correctional Services to the OACP leadership that the Ontario Government would commit to using proceeds funding (POC grants approximately \$800,000) to fund the purchase of the X26s on a cost-shared basis with police services; and

WHEREAS the Ontario Government appears to now be reluctant to fulfill its cost-sharing promise to Ontario's police services and the communities they serve.

THEREFORE BE IT RESOLVED that the Ontario Association of Chiefs of Police calls upon the Government of Ontario to keep its stated intention and immediately establish a cost sharing program for those police services that choose to purchase the X-26 less lethal conducted energy weapon.

Addendum B

Resolution 2007-04: Cost-Sharing Program and Expansion of Conducted Energy Devices for Ontario Police Services

Adopted at the OACP Annual General Meeting on June 27, 2007

WHEREAS police officers selected to use conducted energy devices (CEDs or "TASERS" as they are often referred to) receive special training on the safe use of these less-lethal weapons and, as with firearms or any other instrument of force available to police, their use is subject to rules and safeguards; and

WHEREAS the Ministry of Community Safety and Correctional Services has approved the use of CEDs by front-line supervisors and tactical units in Ontario police services; and

WHEREAS many police services purchased the devices based on assurances by the Minister of Community Safety and Correctional Services in 2005 to the OACP leadership that the Ontario Government would commit to using proceeds funding to fund the purchase CEDs on a cost-shared basis with police services.

THEREFORE BE IT RESOLVED that the Ontario Association of Chiefs of Police calls upon the Government of Ontario to establish a cost-sharing program for those police services that choose to purchase CEDs.

BE IT FURTHER RESOLVED that the OACP calls upon the Ministry of Community Safety and Correctional Services to amend regulations to allow for the expansion of CEDs for frontline police officers.



Achieving Zero Harm/Zero Death

An Examination of Less-Lethal Force Options, including the Possible Expansion of Conducted Energy Weapons (C.E.W.s)

Discussion Paper for Public Consultation

October 18, 2017

Near midnight on July 5, 2015, Toronto Police were dispatched to 502 Gilbert Avenue to respond to a 911 call regarding a man armed with a hammer who had threatened to kill the caller's friend. Police issued several verbal commands to the man to drop his hammer but he failed to do so and advanced toward the two officers continuing to hold the hammer at which time one of the officers fired his pistol.

A coroner was called and a post-mortem examination was conducted which revealed that the man died as a result of gunshot wounds to the left chest.

The jury for the inquest into the death of Andrew Loku heard from 28 witnesses, considered 37 exhibits and deliberated for 23.5 hours before making several recommendations including:

11. Ensure that all patrol cars are equipped with less lethal weapons, e.g., CEW, sock or beanbag guns and that all officers are trained in the use of such weapons along with defensive equipment such as shields and helmets.

The Coroner's Comment with respect to this recommendation:

The jury heard that some of the less lethal weapons provided to

first response officers are carried in some but not all first response police cars. They felt that such equipment should be carried in all cars and that all officers should be trained in its use.

The Toronto Police Service strive every day to achieve zero harm/zero death in all of their interactions with the public they serve in their mission to deliver police services in partnership with their communities to keep Toronto the best and safest place to be.

The Toronto Police Service (the Service) has deployed less lethal tools and continues to explore other options but at the same time proposes to expand the deployment of Conducted Energy Weapons (C.E.W.) to on-duty Primary Response Unit constables and to on-duty constables from designated specialized units.



This proposal is in response to identified needs from our community including but not limited to Coroner's Inquest recommendations. This proposal also aligns most closely with one of the

Service's three goals; to **Focus on the complex needs of a large city.**

Coroner's Recommendations

From 2005 to 2017, eighteen inquests in Ontario have had similar recommendations that also include either introducing C.E.W.s to policing or expanding their deployment to all frontline officers.



Eleven of the eighteen Inquests recommended full deployment to the frontline including the most recent concluded inquest into the death of Andrew Loku, 2017

The death of Jerry Knight, 2004:

"Use of a Taser, particularly in full deployment (probe) mode, has proven highly effective in gaining rapid control of subjects, avoiding prolonged and potentially dangerous physical confrontations. (Lucas, Dr. William, Office of the Chief Coroner, Inquest into the death of Jerry Knight, deceased July 17, 2004, June 20, 2008)."

Similarly, Justice Frank Iacobucci, in his independent report to the Service, Police Encounters with People in Crisis (2014), recommended, with some

conditions (CEW/body cameras), expanding deployment in the Toronto Police Service to more frontline police officers (recommendation # 59).

De-escalation and negotiation

The Service has increased the emphasis on de-escalation and negotiation as a primary means of resolving potentially confrontational situations. **Specifically, it has added three weeks of judgement and decision-making training to its recruit training and a third day to its annual in-service training, all of which focus on de-escalation.**

In addition, the Service has made further investments in de-escalation training by participating in the Ministry of Community Safety and Correctional Services working group responding to the Ontario Ombudsman's Report, A Matter of Life and Death.

The Ombudsman recommends, among other things, that the Ontario police Use of Force Model be revised to ensure that it clearly identifies de-escalation options rather than just force options, and that there should be more recruit and in-service police training that emphasizes de-escalation instead of force. This new model has not been finalized as of yet. That said, the Service will both contribute to the results and incorporate the findings into its training and procedures.

Shields

The Service is studying the feasibility of equipping Primary Response Unit (P.R.U.) officers with shields as part of their protection equipment.

The Service is examining situations where the shield would be helpful while observing for effectiveness and the prevention of unintended harm to the public or the officers using the shield.

Intuitively, there are both limitations and opportunities with this tool. For example, introducing shields to an event that does not require immediate intervention might give officers the means to contain the person while other officers without shields wait to disarm and apprehend the person when it's safe.

When dealing with emotionally disturbed persons, officers are already encouraged to de-escalate situations by attempting to build rapport. Presenting a shield from the outset could be perceived as a barrier and prevent officers from accomplishing this goal.

By providing some measure of protection, shields might allow officers to move closer to a threat without increasing the likelihood of using lethal force. However, at some point officers have to take physical control and disarm the person.

Without adequate back-up in attendance, using a shield is a risky tactic because carrying a shield makes it difficult for officers to access their

handcuffs or other force options or even defend themselves if the shield is grabbed and the officer's arm gets trapped. Dropping the shield, of course, defeats its purpose.

To test this tool, the Service has acquired shields and the Toronto Police College assessing them for applicable tactics and training. It will then determine whether it should pilot the shields in an operational capacity, in a cross section of experiences with potentially confrontational situations, and in areas where the Service experiences some of the highest calls for service involving emotionally disturbed persons.

This trial will be evaluated based on the Service's experience and informed by any assessments from other jurisdictions. At this time, the Service is not aware of any police service in Canada that has issued shields to its Primary Response Unit. It is aware that the New York City Police Department was exploring the use of shields for their P.R.U. but is not aware of any decision having been made to date.

Reportedly, Police Scotland have shields that are kept in most patrol vehicles for use against unarmed assaultive persons. According to the Police Executive Research Foundation, Critical Issues in Policing Series: Guiding Principles on Use of Force 2016,

Police Scotland officials explained that the personal protection

shields would not be used to proactively confront a subject with a knife. (The shields offer limited knife protection and have no ballistic capability.) Rather, the shields are considered an extra measure of protection for surrounding and containing a subject who is unarmed (p.101).

So far the Service has not found any published evaluations of the effectiveness of shields for P.R.U. officers, including from Scotland. That said, the Service is committed to an objective review of shields for their practicality and effectiveness for Primary Response officers, and their ability to assist in achieving the goal of zero harm/zero death.

SOCK rounds



In 2016 the Service increased the less lethal options available to officers through the introduction of the soft-nosed, impact round (SOCK). A specially designated, easily distinguishable shotgun (high visibility orange butt and fore-stock) is used by specially trained constables of the P.R.U.

On the basis that distance equals time, and time allows officers to explore multiple options to safely resolve a potentially violent situation, the SOCK round gives officers a longer range, less lethal weapon that can help them keep an assaultive person from advancing or at least slow the person down. This gives the officers the time and confidence to consider other options, including time to try more de-escalation techniques.

So far the SOCK round has been used in 74 situations. Each time the weapon was used (fired 12 times - displayed 62 times) it allowed the officers to transition to another option and bring the situation to a conclusion without resorting to lethal force.

The Toronto Police Service has deployed less lethal tools and continues to explore other options but at the same time proposes to expand the deployment of Conducted Energy Weapons to on-duty Primary Response Unit constables and to on-duty constables from designated specialized units.

Ministry of Community Safety

Since 2007 the Service has issued C.E.W.s to members of the Emergency Task Force (E.T.F.), frontline sergeants, and sergeants/detectives in specialized units such as Public Order, Intelligence, Organized Crime, Hold-Up, Drugs, and the Provincial Repeat Offender and Parole Enforcement and Fugitive Squad.

Currently, 545 members are issued C.E.W.s; however, on any given shift only about 58 are available because of scheduled and unscheduled absences (days-off, annual leave, court, special assignments, sickness/injury, separations).

In August 2013, the Ministry allowed police services to determine which officers should be permitted to carry C.E.W.s, based on their local needs and circumstances, effectively approving the expansion as proposed by the Service.

Included in their announcement was a commitment to openness and accountability in policing. After consulting with police and community groups, the government introduced changes that:

- **Provide direction** and guidance as to when a C.E.W. would be deemed to be appropriate
- **Increase reporting** provisions (i.e., C.E.W. use will be reported in an open and transparent manner, including when a C.E.W. is displayed with the intention to achieve behaviour compliance)
- **Enhance training**, including scenario-based training and training for interactions with people with mental health issues, to assist in ensuring the safe, appropriate and effective use of C.E.W.s and

- *Expect that police services should **engage local communities** prior to deciding to expand C.E.W. deployment in their jurisdiction.*

Medical Research

The Ministry of Community Safety and Correctional Services considered medical research in its Review (2009, pp.10-11). It reviewed 10 studies and found that:

... a significant body of research has developed over time examining medical issues relating to CEWs such as cardiac, respiratory and metabolic effects, and the benefits and risks associated with use of this weapon.

According to a Calgary study entitled Police/Public Interaction: Arrests, Use of Force by Police, and Resulting Injuries to Subjects and Officers – A Description of Risk in One Major Canadian City (2008), CEWs scored high in safety for both suspects and officers in 562 use-of-force incidents over a two year period.

The study found that “the use of CEWs resulted in fewer citizen and officer injuries than either physical control or the baton.

Thirteen percent of CEW use was associated with subject injury requiring some treatment

in hospital, and 87% of all CEW uses resulted in no or minor subject injuries (pp. 151-152)."

Furthermore, in 96.7% of all CEW uses, "officers received either no or only minor injuries. There were 9.6% fewer officer injuries requiring medical treatment when a CEW was used when compared to when a baton was used (ibid, p 152)."

The report goes on to state that: "The commonly held belief that the conducted energy weapon carries a significant risk of injury or death for the population of interest is not supported by the data. Within the force modality framework most commonly available to police officers, the CEW was less injurious than either the baton or empty hand physical control (ibid, p 153)."

A study published in the Annals of Emergency Medicine in 2008 examined CEW uses in 1,201 subjects in six U.S. law enforcement agencies during a 36-month period. The study found that 99.75% of subjects "experienced no injuries or mild injuries only" (Bozeman, et.al. Safety and Injury Profile of Conducted Electrical Weapons Used by Law Enforcement Officers Against Criminal Suspects., Annals of Emergency Medicine, (2008, p. 5) and of the 492 mild injuries identified, "the

majority (83%) were superficial puncture wounds from conducted electrical weapon probes (ibid, p 5)." Other mild injuries occurred in 5.2% of subjects and were primarily related to blunt trauma from falls (ibid, p 5).

The study concludes that: The primary finding that 99.75% of subjects experienced mild or no injuries represents the first assessment of the safety of this class of weapons when used by law enforcement officers in field conditions.

This injury profile compares favorably with other intermediate force options available. These findings support the continued use of conducted electrical weapons in settings in which they can be safely substituted for more injurious intermediate force or lethal force options (ibid p 6)."

The report, The Health Effects of Conducted Energy Weapons was published in 2013. The assessment was conducted by a panel of 14 experts, chaired by the Honourable Stephen T. Goudge, of the Court of Appeal for Ontario. It is considered an in-depth analysis of the state of knowledge regarding the medical and physiological impacts of C.E.W.s and is described as one of the most comprehensive assessments of national and international evidence to date (Council of Canadian Academies, 2013).



Overall the report observed that while C.E.W.s are intended to be safe and to reduce injury compared with other force options they are not necessarily risk free and that further research is needed. On the other hand, the expert panel found that the most common injuries from C.E.W.s, such as puncture wounds from the projectile probes, are unlikely to pose serious medical risks, and that

... available studies suggest that while fatal complications are biologically plausible, they would be extremely rare (viii).

In Toronto, in accordance with Ministry standards, the C.E.W. is only directly applied (used in full deployment or drive stun mode) when the subject is assaultive as defined by the *Criminal Code*, which includes threatening behaviour, or if the officer believes that there is an imminent need to control the person (e.g. the person is attempting or threatening suicide).

Therefore, the direct application of the weapon is only used to gain control of a person who is at risk of causing harm,

not to secure compliance of a person who is merely resistant.

Dr. Dirk Huyer, Chief Coroner for Ontario, spoke at the Ministry's announcement authorizing wider deployment and said,

"As you have already heard, today's decision was in part informed by several recommendations that arose during Coroners inquests... I am pleased to see that following careful consideration and research the Ministry is implementing recommendations to allow expansion of CEW use by police officers."

Dr. Pollanen, Chief Forensic Pathologist for Ontario, added,

First of all, as a physician and a scientist I can tell you that this [the Ministry's authorization] does represent evidence-based public policy at its best. A lot of input has gone into this that has been multi-disciplinary, recommendations from many coroner's inquests, review of the literature, and other modalities that are important to make decisions of a medical type or that encroach on medical issues.

The second thing is, the direct medical issues related to the use of CEWs: And what we know is that sometimes people die in

police custody after altercations with police in a struggle. This is a very rare outcome. We also know that based upon all the published literature that sudden and unexpected death after the deployment of a Taser is unusual and quite rare.

In those circumstances where there has been a link between the deployment of the CEW and a fatal outcome, there is no clear evidence through, for example, verdicts from a coroner's jury, that the deployment of the device has been the primary cause of death.

At best it's been contributory, and the contributory nature of the cause of death has to do with pre-existing medical conditions that may not be outwardly apparent.

On this basis, when you look at the small number of anecdotal cases relative to the larger scope of medical evidence, the results are fairly clear, in other words, it suggests that an evidence-based public policy approach such as the one that the government is endorsing is the way to go.

Commissioner Thomas Braidwood, in his report Restoring Public Confidence (2009), remarked that

I am satisfied that, on balance, our society is better off with these weapons in use, than without them (p.294).

Indeed he went on to say that

I would find it hard to justify recommending a restriction on the assignment of conducted energy weapons if no such restriction applies to the assignment of a service pistol (p.313).

Experience

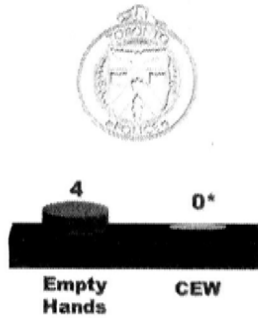
The C.E.W. is a battery powered, hand held, less lethal weapon, that when used in full deployment mode is designed to immobilize.

The Service's record consistently demonstrates that the C.E.W. has proven to be an effective tool that has helped avoid injuries, perhaps even death, to the public and police officers. Indeed, evidence shows that the C.E.W. is a less injurious force option when compared to other options even empty hand techniques, which are generally considered to be one of the minimal force options available to an officer.

Since 2007, when the Service started submitting annual reports to the Toronto Police Services Board on C.E.W. use, it has used the C.E.W. more than 2,800 times. During that period, 2 people have received an injury serious enough to invoke the Special Investigations Unit's (S.I.U.) mandate, and 1 person has died (*the cause of death, however, has yet

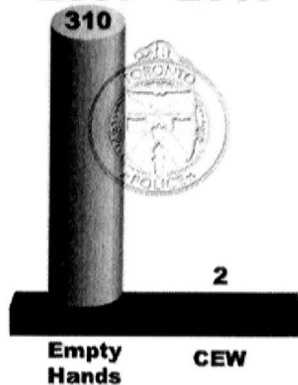
to be reported by the S.I.U [Nabico, 2017]).

**INVOLVED DEATH
2007 - 2017**



Yet after struggling or fighting with an officer when the officer used only empty hand techniques in those same years, 310 people received an injury serious enough to invoke the S.I.U.'s mandate, and 4 have died.

**INVOLVED
SERIOUS INJURY
2007 - 2017**



While the manufacturer has credited the C.E.W. with saving lives, it is the Service's experience that it has been an alternative to lethal force and its use has prevented people from seriously injuring or killing themselves.

Although not promoted as a substitute for lethal force when facing an active potentially lethal attack, it has been used as an alternative by Toronto Police officers when lethal force would otherwise have been justified.

In the last 2½ years alone, officers used the C.E.W. on at least three occasions to try to stop persons, armed with knives, from seriously injuring or killing themselves. In each case the person was saved from further harm when the C.E.W. immobilized them allowing the officers to take them safely to the hospital for help.

Overall, therefore, it can be said that in Toronto the C.E.W. has averted the use of lethal force by the police, and perhaps even saved lives.

Expansion proposal

This deployment will be part of a suite of responses to potential use of force situations that emphasizes de-escalation, includes other less lethal force options like the soft-nosed shotgun-fired impact round (SOCK), and explores enhanced officer protection such as shields.

This means that the officers who are typically the first responders to emergency (9.1.1.) calls-for-service, the calls that are often higher risk, and officers from specialized units who attend planned events where potentially confrontational situations often arise, will have the C.E.W. available when they

need them to help them safely resolve the incident.

Toronto Police officers had approximately 2.2 million documented contacts with members of the public last year. Of those, the Service used force 1177 times, or about 0.05% of encounters. This is about average for the Service. This demonstrates that in the overwhelming percentage of cases, officers are successful in resolving incidents safely without resorting to force. The Service wants to reduce even these low numbers where it is safe to do so; the Service's goal is Zero Harm/Zero Death.

Since 2002, governed by the restrictions of the Ministry of Community Safety and Correctional Services (the Ministry), the Service has deployed C.E.W.s, first to its tactical unit, the Emergency Task Force (E.T.F.), and, thereafter, to its frontline supervisors (sergeants and some detectives).

In 2013, the Ministry lifted its restrictions and on September 12, 2013, the Service submitted its 2014-2023 Capital Program Request to the Board that included an amount to fund the expanded deployment of C.E.W.s.

On November 25, 2013, the Ministry released its amended C.E.W. Use of Force Guidelines and training standards. To date, except for authorizing the deployment of C.E.W.s to other classes of officers, the Guidelines are largely unchanged from 2010; however, the training standards now specify

increased judgement training for new users and, as a result, the length of training increased from 8 to 12 hours.

The Service believes that through proper policy, procedures, training, and accountability the C.E.W. is an appropriate use of force option that can help maintain public and officer safety. The Service also believes that it should be available to non-supervisory frontline officers.

Training

Each of the officers who will be issued a C.E.W. will only receive one after they have completed the Ministry approved user training. This training will consist of **16 hours of study and scenario based exercises - four (4) hours longer than was previously the case.** The training will include practical and written examinations. The officers will need to demonstrate knowledge and proficiency on the legislation and regulatory framework, the community context surrounding the weapon's development and introduction, and the structure and function of the weapon and its effects.

The four additional hours are specifically dedicated to judgement training and the C.E.W. Any officer failing to meet the standard is re-engaged with the curriculum with a goal of developing the skill sets necessary to achieve the standard.

Ontario Use of Force Model



The officer continuously assesses the situation and selects the most reasonable option relative to those circumstances as perceived at that point in time.

The training team of the Toronto Police College has re-designed the practical scenario training to continue to emphasize that officers must use sound judgement along with **effective de-escalation techniques** when deciding whether to use force and what force options to use.



The training is based on a set of principles that foster the responsible and accountable use of C.E.W.s, while recognizing that they are an appropriate tool for officers who must resort to force. These guiding principles are that:

- The **decision to use force** is the fundamental decision to be made before deciding what force option to use;
- C.E.W.s should be used as a weapon of need, **not a tool of convenience**.
- **Officers should not over-rely on C.E.W.s** in situations where more effective and less risky alternatives are available; and
- C.E.W.s are but just one of a number of tools that police have available to do their jobs, and are considered **one part of the Service's overall use-of-force response**.

In accordance with Ministry training standards, recertification takes place every 12 months and all C.E.W. training is conducted by Ministry certified use of force instructors.

As well, the Service is enhancing how it evaluates its training and whether members follow their training. It has partnered with Dr. Nancy McNaughton of the University Of Toronto Faculty Of Medicine to further develop an academically and scientifically sound methodology. Preliminary assessments are underway.

Transparency and Accountability



To ensure that C.E.W.s are used lawfully and effectively, the Service has several accountability systems in place such as:

- a **specific procedure** (15-09) that governs the use of the weapon, including when its use is permitted and not permitted;
- a **specific report** that must be submitted by the officer each time the officer uses it against a person, justifying its use;
- a **review** of that report by a supervisor to identify any breaches of law, policy, or

procedures, or any training concerns;

- a **further review** of that report by the Use-of-Force Analyst to identify trends and issues for training, policy and procedural purposes;
- **daily testing** of the weapon before each tour of duty to ensure proper functioning
- a **regular inspection** of the weapons to make sure they are functioning properly; and
- a **regular download and audit** of each weapon's internal data system to confirm usage and its condition.

Transparency, is achieved through public reporting and public oversight to ensure that C.E.W.s are used appropriately and any improper use is dealt with through discipline and/or training.

Lastly, each year, the Service submits a comprehensive report to the Toronto Police Service Board that describes the circumstances and use of the weapon including a description of the person against whom the weapon was used.

Conclusion

The Toronto Police Service has deployed less lethal tools and continues to explore other options, but at the same time proposes to expand the deployment of Conducted Energy Weapons to on-duty Primary Response Unit constables and to on-duty constables from designated specialized units.

The C.E.W. has been in use by the Service since 2002. During this time, the record consistently demonstrates that officers are using good judgement under difficult circumstances and that they are making appropriate decisions to use force only when reasonably necessary to resolve tense and dangerous situations.

The Ministry of Community Safety and Correctional Services as the governing body for policing in Ontario has approved its expanded deployment; numerous Coroner's juries across the province have recommended an expanded use of the C.E.W; and medical research has supported their effectiveness with little resulting injury. The Toronto Police Service has increased de-escalation training for officers, as well as training specific to the use of C.E.W.s. Accountability for the use of the C.E.W. is captured through day to day supervision as well as mandatory reporting, aligned with the C.E.W.s' data retention capabilities.

Finally, the acquisition of the C.E.W. is part of a suite of responses to potential use of force situations that emphasizes de-escalation, includes other less lethal force options like the soft-nosed shotgun-fired impact round (SOCK), and explores enhanced officer protection such as shields.

The Service is confident that based on the evidence, the C.E.W. is a less injurious, effective force option. It believes that through proper **policy, procedures, training, and accountability**, the C.E.W. is an important use of force option that can help maintain public and officer safety, and assist with its goal of zero harm/zero death.



Achieving Zero Deaths

Request to expand the deployment of
Conducted Energy Weapons (C.E.W.)
To Front Line Officers

Public Consultation Wednesday October 18, 2017

1

Achieving Zero Deaths



Agenda

1. Mr. Ron Bain, Executive Director, Ontario Association of Chiefs of Police
 - *The experience of Ontario Police Services*
2. Dr. Peter Collins – Forensic Psychiatrist
 - *Complex Mental Illness Program at the Centre for Addiction and Mental Health*
3. Ms. Dilnaz Garda – Toronto Beyond the Blue
 - *Sister of Police Constable Darius Garda – Impact on a Police Officer when we have to take a life*
4. Deputy Chief Barbara McLean – Human Resources Command
Sergeant Darrin Sutcliffe – Toronto Police College



2

Achieving Zero Deaths



The Toronto Police Service has applied the following principles to frame today's request:

1. The police are subject to civilian authority; we serve at the will of the public
2. The police must be given appropriate tools to do their jobs
3. The police must use the least amount of force necessary to manage the risk presented by the situation, and
4. The force used must be proportional to the seriousness of the situation



3

Achieving Zero Deaths



Use of force situations are often dynamic, requiring a variety of options in order to respond safely

The Service's request to expand the deployment of CEWs to front line officers is based on the following key messages:

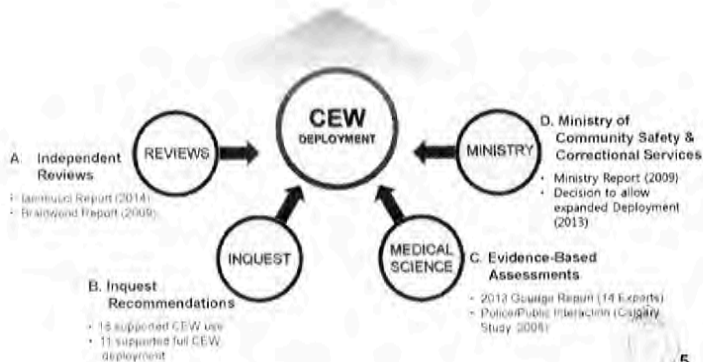
1. Officers should have more options, not fewer
2. There is a duty to the public to provide officers with a suite of responses to safely address situations involving the application of force
3. There is a duty to police officers to provide them with a suite of responses to safely address situations involving the application of force
4. The suite of responses must be governed by continued emphasis on training, supervision, innovation, and accountability through public reporting



4

Achieving Zero Deaths Support for CEW Deployment

Support for CEW deployment comes from various sources



5

Achieving Zero Deaths Inquest Recommendations

Ontario Inquest Recommendations

- 18 recommended either introducing CEWs to policing or expanding their deployment to all frontline officers
- 11 recommended full deployment to the frontline
 - Andrew Loku (2017)
 - Scott Jones (2012)
 - Dennis Melton (2012)
 - Gino Petralia (2011)
 - Jeffrey Black (2009)
 - Trevor Graham (2009)
 - Michael Douglas (2008)
 - O'Brien Christopher-Reid (2007)
 - Otto Vass (2006)
 - Peter Lamonday (2005)
 - Jerry Knight (2004)

6

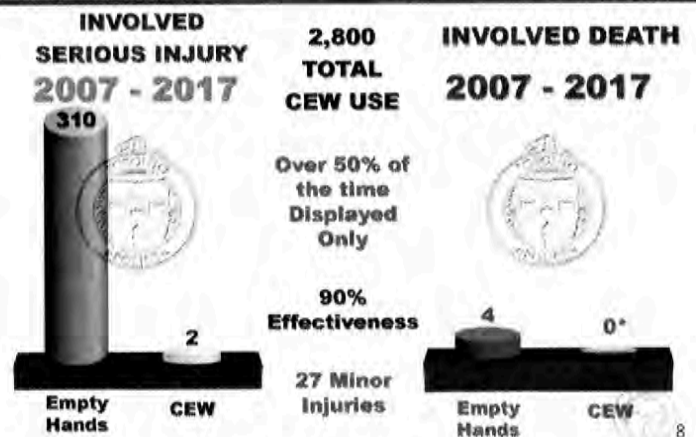
Achieving Zero Deaths TPS History of CEW

CEW Timeline in TPS



7

Achieving Zero Deaths CEW Data:



8

Achieving Zero Deaths Accountability



Not "Substitute" to Lethal Force

"The purpose of issuing CEWs is not to increase the use of force by officers, but rather to provide officers with an additional option within the use of force continuum in an effort to reduce fatalities and serious injuries..."

• TPS Rules and Procedures 15-09



The officer continuously assesses the situation and selects the most reasonable option relative to those circumstances as perceived at that point in time.

Displayed Subject Behaviour(s)

- Threatening Assaultive
- Assaultive
- Imminent Threat of Serious Bodily Harm or Death (including suicide threats or attempts)



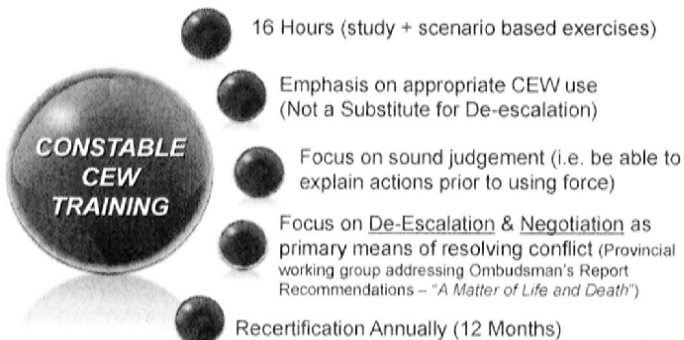
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Achieving Zero Deaths Accountability: Instructor Qualifications



10

Achieving Zero Deaths Officer Training Standards



11

Achieving Zero Deaths Transparency / Public Oversight

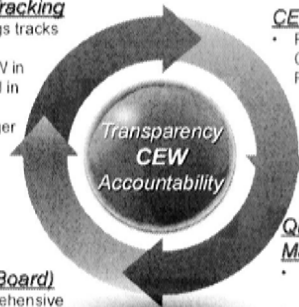


Built-In Device Tracking

- Internal system logs tracks officer use
- Initiates when CEW in "armed" mode until in "safe" mode
- Records each trigger pull along with duration

Oversight (Command / Board)

- Annual comprehensive Board Report on each CEW use by TPS



CEW Reports & Review

- Requirement after every CEW use to submit CEW Report / Use of Force / Notes
- Review by Supervisor / Unit Commander / UOF Analyst
- Ensure each CEW use is justified

Quality Control / Risk Management

- Daily testing Regular downloads of CEW
- Audits of each CEW device
- ID any breach of law/policy or training concerns

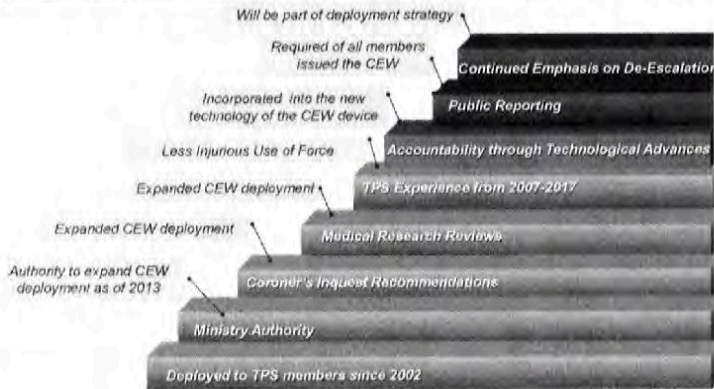


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Achieving Zero Deaths Summary



Achieving Zero Deaths



Thank you



Deputation List

**Toronto Police Services Board
CEW Consultation
October 18, 2017**

**** Order of Speakers ****

Deputations & Written Submissions:

Deputations

1. Peter Rosenthal*
2. Don Weitz
3. Jennifer Chambers, Empowerment Council
4. Pat Capponi, Voices from the Street
5. Douglas P. Zipes*, Indiana University School of Medicine
6. Kevin Wolf*, Wolf Kimelman
7. Edwin Upenieks, Lawrence Lawrence Stevenson LLP
8. Marilyn McNeil*
9. Joanne MacIsaac
10. Nigel Barriffe, Urban Alliance on Race Relations
11. Kris Langenfeld
12. D!ONNE Renée
13. Derek Moran
14. Norman Gardner
15. Lesley Wood*, York University Department of Sociology
16. Carlyn Bezic
17. Brian DeMatos
18. Scout Ruben*
 - D!ONNE Renée
19. John Sewell, Toronto Police Accountability Coalition
 - Richard Hudler
 - Marco LaMacchia
20. Miguel Avila-Velarde, Copwatch Toronto
21. Deborah Quiggin, LAMP Community Health Centre
22. Mathieu St. Jean
23. Desmond Cole

*written submission also provided; copy attached.

Written Submission Only:

Camille Quenneville & Steve Lurie, Canadian Mental Health
Association - Ontario Division
Ontario Human Rights Commission
Steve Tuttle, Axon

Deputations & Written Submissions

PETER ROSENTHAL, BARRISTER

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October 18, 2017

To the Toronto Police Services Board
Sent on line

Dear Members of the Toronto Police Services Board,

Re: discussion paper on Tasers

It is my view that your "Discussion Paper for Public Consultation" that purports to be in furtherance of "Achieving Zero Harm/Zero Death" gives a misleading impression of the risks and benefits of using Tasers (also known as "Conducted Energy Weapons", or "CEW's"). Your paper [henceforth, "the Paper"] therefore does not provide a suitable basis for determining the question at hand.

I request that you picture yourself being Tasered as you evaluate this weapon. When a Taser works properly, two darts, connected to the Taser by wires and having fish-hook-like barbs, are shot into the victim. Then electric current is discharged so that it flows through one of the wires, then the victim's body and back through the other wire. The victim is immobilized and falls to the ground. It is apparent that being Tasered is a very traumatic experience.

Any meaningful study of whether Taser use should be expanded would have to include acknowledgement of the following facts about firing Taser darts into people:

1. Tasers sometimes kill people.
2. Tasers almost always cause substantial pain.
3. Tasers almost invariably cause at least minor injuries and sometimes cause very serious injuries.
4. Tasers will almost never be used as an alternative to a firearm.
5. In Ontario, there are very mild restrictions on police use of Tasers.
6. Tasers disproportionately harm people who have mental health issues.

7. The circumstances in which inquest juries recommended increased availability of Tasers should be considered in determining the weight to be given to such recommendations.
8. De-escalation would save lives.

Below, I will discuss some of the evidence in support of each of the above propositions and will indicate the manner in which the Paper fails to adequately address the issues.

Let me begin, however, with the following.

On page 2, the Paper asserts that “Justice Frank Iacobucci, in his independent report to the Service, *Police Encounters with People in Crisis* (2014), recommended, with some conditions (CEW/body cameras), expanding deployment in the Toronto Police Service to more frontline police officers (recommendation # 59).” This is very misleading. Recommendation 59 of Justice Iacobucci's report reads “59. Conduct a pilot project to assess the potential for expanding access to conducted energy weapons.”

Conducting a pilot project is very different from simply “expanding deployment.” The Toronto Police urged Mr. Justice Iacobucci to recommend wider deployment of Tasers. He declined. Instead, he recommended a pilot project and outlined parameters for such so that information might be obtained that could help to weigh the risks against the benefits of Tasers. It might be reasonable to initiate such a pilot project; it is unreasonable to expand use of Tasers without having done so.

In the following, I use “Taser International” to refer to the company that manufactures and sells Tasers. In fact, the company changed its name to Axon this past spring because, its CEO explained, it wanted to provide other products under a “less polarizing brand.” However, most of the references to the company are still to “Taser International”.

1. Tasers sometimes kill people.

Hundreds of people have died shortly after being Tasered. Reuters has recently reported on their investigation of Taser use. They conclude that the number of deaths

caused by Tasers has previously been underestimated. They also report on a number of successful lawsuits against police forces for Taser-caused deaths and injuries. In each such case, there is the question of whether or not the Taser contributed to the death.

The general question of how Taser can contribute to deaths has been controversial. In my view, most of the controversy has been due to obfuscation by researchers and others associated with Taser International. As the Goudge Report indicates on page 59, "Some researchers have specifically examined the phenomenon, reporting that 23 of the 50 studies (46 per cent) in their literature sample were disclosed as TASER®- funded or TASER®-affiliated, and that these studies had 17.6 times greater odds than independent studies to conclude that a TASER® is safe (Azadani et al., 2011)."

There have been several studies that conclusively demonstrated that pigs can be killed by suffering cardiac arrest from being Tasered. The beating of a heart depends on electrical activity. The electricity that a Taser causes to flow through a body can disrupt the heartbeat of the victim, and this has been conclusively confirmed by experiments on pigs. Of course, placing Taser darts so as to try to disrupt the heart rhythm of a human being would not be permitted. (Perhaps it would no longer be permitted on any mammals.) Pigs were chosen because their hearts are similar to human hearts. I have not read any compelling arguments concluding that the pig studies do not establish that there is at least some chance that a person would suffer cardiac arrest as a result of being Tasered.

After many years of denial, the manufacturer of Tasers finally started admitting some of the harms. In addition to acknowledging that Tasers can cause all sorts of injuries, Taser now states (see "Law Enforcement Warnings" on Axon's website); (accessed September 28, 2017 at https://prismic-io.s3.amazonaws.com/axon%2F100852d3-e500-4903-811b-70237da3946d_law-enforcement-warnings+8-5x11.pdf) that Taser "use causes physiologic and/or metabolic effects that may increase the risk of death or serious injury." They also write that Taser "exposure in the chest area near the heart has a low probability of inducing extra heart beats (cardiac capture). In rare circumstances, cardiac capture

could lead to cardiac arrest. When possible, avoid targeting the frontal chest area near the heart to reduce the risk of potential serious injury or death."

(Given all the difficulties of aiming Tasers, officers are supposed to try to "avoid targeting the frontal chest area"? The only way to realistically avoid targeting the frontal chest area is to aim the Taser at the victim's back, which cannot be done if the subject is facing the officer.)

Why does your Paper not mention Taser's Law Enforcement Warnings?

Your Paper quotes Dr. Michael Pollanen, Chief Forensic Pathologist for Ontario, at some length. He says, in part:

"In those circumstances where there has been a link between the deployment of the CEW and a fatal outcome, there is no clear evidence through, for example, verdicts from a coroner's jury, that the deployment of the device has been the primary cause of death. At best it's been contributory, and the contributory nature of the cause of death has to do with pre-existing medical conditions that may not be outwardly apparent."

I suggest to you that Dr. Pollanen's assertions are very troubling in several respects. First, he seems to think that "verdicts from a coroner's jury" are "clear evidence". A coroner's jury consists of five lay people who make findings on a majority basis. Should we base our assessments of the danger of Tasers on whether or not lawyers representing Taser International can convince a jury that Taser was not the primary cause of death? Shouldn't we prefer the findings of independent cardiologists who examine the deaths?

In addition, shouldn't we be concerned about deaths in which Taser was a secondary cause? For example, we must try to prevent deaths of people who are Tasered while they are in very agitated states in the course of struggles with police, even in cases where it would be found that the primary cause of death was the agitation and the Taser was a secondary cause.

Similarly, Dr. Pollanen is dismissive of cases where Tasers contribute to deaths of people with "pre-existing medical conditions that may not be outwardly apparent." For example, a person with a heart condition might be killed by a Taser in circumstances in which a healthier person would have survived. However, the person

with the heart condition might have lived for another twenty years if she or he had not been Tasered.

Your Paper gives no hint of the fact that Dr. Pollanen himself made a finding that Tasering was a primary cause of a death. In his 2010 autopsy report on the death of Aron Firman, Dr. Polannen wrote that the cause of death was "Cardiac arrhythmia precipitated by electronic control device deployment in an agitated schizophrenic man with cardiomegaly and SCN5A polymorphism." The "electronic control device" was a Taser.

The distinguished American cardiologist Douglas P. Zipes asserts that "there is absolutely no doubt in my mind that deployment of the CEW was the primary cause of death in some cases." Similarly, the distinguished researcher James Brophy, Professor of medicine at McGill University and Staff Physician in the Division of Cardiology and member of the committee that prepared the Goudge report, writes "My view is that there is a danger that Tasers cause cardiac arrest; probably small but definitely not zero. It would seem appropriate that high quality research be done to better quantify these risks."

Did whoever prepared your Paper consult with any experts in cardiology like doctors Zipes and Brophy?

I implore you to await the results of the necessary "high quality research" and of any pilot project before expanding Taser use.

2. Tasers almost always cause substantial pain.

Barbed darts entering a person cause varying amounts of pain, depending upon where they land. But that pain is rarely very noticed because it is usually masked by the very serious pain caused by the huge electric shock of the Tasering.

3. Tasers almost invariably cause at least minor injuries and sometimes cause very serious injuries.

Of course, darts embedded in a person always cause puncture wounds, some more serious than others. They may cause serious injury if they land in a sensitive

area, such as an eye. Taser International admits that Tasering may cause seizures. They also acknowledge that the muscle contractions caused by Tasering can cause bone fractures.

It is apparent that there are many injuries caused by people falling when immobilized by a Taser; Taser International has acknowledged that there have been deaths from head and neck injuries caused by such falls.

4. Tasers will almost never be used as an alternative to a firearm.

Of course, it is much better to stun people than to shoot them. However, police use of Tasers is very unlikely to reduce police use of firearms; a Taser is NOT a replacement for a firearm. The reason is clear: Tasers are not reliable enough to ensure protection if a subject presents an immediate threat of serious injury or death, which are the only circumstances in which a police officer in Ontario is permitted to use a firearm. Tasers are not effective unless both darts land properly, and it is very difficult to aim Tasers, especially if the target is in motion (as the suspect can move substantially during the time the darts fly through the air). If the darts do not land appropriately, it takes time to ready the Taser to fire again.

At the Eligon Inquest, Taser training expert John Zayen was a witness. Coroner's counsel urged upon him that Tasers could be used to prevent serious injury or death if there were other officers present with drawn firearms as back-up. Mr. Zayen responded "Never say never, but it would be very rare."

Recently retired Toronto Deputy Police Chief Mike Federico was one of the main Toronto police spokespeople in favour of wider deployment of Tasers. However, at the Eligon Inquest, he acknowledged that he had said the following at the Braidwood Inquiry and that it was still true:

"In encounters where a uniformed officer might have to use lethal force, it's not recommended the Taser be used."

He said the only exception was the Emergency Task Force, since they have heavy armour and operate in teams of at least five officers. (It should be noted that the Emergency Task Force does have Tasers, shields and other weapons.)

Your Paper states (on page 9) “Although not promoted as a substitute for lethal force when facing an active potentially lethal attack, it has been used as an alternative by Toronto Police officers when lethal force would otherwise have been justified.” The slim possibility of such a use contrary to training is not a sufficient reason to allow widespread Taser use in other circumstances.

5. In Ontario, there are very mild restrictions on police use of Tasers.

Deployment of Tasers cannot be evaluated without consideration of the threshold or thresholds that are required to justify an officer's use of the weapon. Police use of firearms is restricted by regulation 926 pursuant to the *Police Services Act* to situations where it is necessary to protect against serious injury or death. In Ontario, use of Tasers is not restricted by statute or regulation; there is only the "guidance" of the Policing Standards Manual. Moreover, the threshold for Taser (CEW) use in the Policing Standards Manual is absurdly low: "assaultive behaviour" (which includes threatening behaviour) or an officer's belief there is an imminent need to control a person.

Mr. Justice Braidwood of British Columbia, who conducted an extensive inquiry into Tasers, was quoted in the *Globe and Mail* of October 4, 2013 as saying about the current Ontario threshold for Taser use: "That is so vague, who knows what it is. 'Assaultive behaviour'? I don't like that. It can mean whatever you want it to mean."

As your Paper acknowledges (on page 7), "assaultive" includes "threatening behaviour". In many encounters between police officers and people in an emotional crisis, the person engages in threatening behaviour. We should not allow officers to Taser such people unless they are threatening serious harm that cannot be prevented by less force.

Officers often believe there is an imminent need to control a person. They generally achieve control by talking to the person and then, if necessary, handcuffing them, without exposing them to the trauma and danger of a Taser. Wider Taser availability will lead to less talking and more Taser use.

The Eligon Inquest, which seems to have been the only inquest in Ontario that was provided with substantial evidence about the variety of dangers of Tasers, recommended

“Study and evaluate the threshold for use of conducted energy weapons.”

I submit that it is imperative there be more stringent thresholds for Taser use. Those who think Tasers should be used as an alternative to firearms should be satisfied if their deployment was permitted only to prevent serious injury or death. In any event, the present guidelines must be replaced before Tasers are more widely used.

Your Paper asserts (on page 12) “Transparency is achieved through public reporting and public oversight to ensure that C.E.W.s are used appropriately and any improper use is dealt with through discipline and/or training.” This assertion is belied by two very well-known cases. Sammy Yatim was Tasered as he lay dying alone on the floor of a streetcar. The Toronto Police Sergeant who Tasered him was neither disciplined nor retrained by the Toronto Police Force. At the behest of Sammy Yatim's father, the Office of the Independent Review Director has recommended discipline. Another case that has been reported in the press is that of Rodrigo Almonacid Gonzalez, a man who was Tasered eight times by Toronto police officers as he lay in a bathtub on November 6, 2015. Though the S.I.U. determined that the Tasing was not what killed Mr. Gonzalez (that determination might be revised as the death is further investigated by the family), it is absolutely clear that the Tasing was excessive. There has been no indication of any discipline or retraining of the officers who Tased Mr. Gonzalez. How many similar incidents have there been that have not come to public attention?

6. Tasers disproportionately harm people who have mental health issues.

The Goudge Report contains references (on pages 48 and 49) to some studies that should, in my opinion, make you particularly concerned about use of Tasers against people who have mental health issues. These studies show that Tasers are 2.7 times more likely to be deployed in apprehension of people in mental health crises than in criminal arrests, and that people with mental health issues are twice as likely

as others to die proximate to Taser use. The Goudge Report states that the data in these studies "has limitations", and that this is a priority area for research. Since a disproportionate number of the people Tased by Toronto Police have mental health issues, it is my submission that Taser use should be restricted until such research has been concluded.

The Eligon Inquest jury recommended that there should be "a study of CEWs to determine if there are any special risks or concerns associated with the use of this device on EDPs." ("EDP" is the shorthand that police use for "emotionally disturbed person".)

7. The circumstances in which inquest juries recommended increased availability of Tasers should be considered in determining the weight to be given to such recommendations.

Many police officers and organizations have urged inquest juries to recommend increased availability of Tasers. Like all of us, inquest jurors would prefer that people be Tasered to being shot with a firearm so they are therefore pre-disposed to make such recommendations. However, to appropriately determine the question of the extent to which Tasers should be available to police officers requires an understanding of the overall effects of Tasers. In particular, the factors that I have discussed above must be considered. None of the inquest juries that recommended increased Taser use were provided with evidence of how likely it is that Tasers would be used instead of firearms, of what other situations Tasers will be used in, or of the possible harms caused by Tasers. I am aware of only one inquest in which such evidence was provided, the Eligon inquest. In that inquest, the Toronto Police Service strongly urged the jury to recommend expanded Taser availability; they refused.

8. De-escalation would save lives.

Many inquest juries have recommended that officers be required to attempt verbal de-escalation before they shoot someone in situations where such attempts can be made consistent with maintaining officer and public safety. As opposed to the

question of how widely Tasers should be available, such recommendations have been based on substantial evidence. Moreover, there is no possible downside to implementation of de-escalation recommendations. The Toronto Police Service has said that they accept such recommendations, and that de-escalation is incorporated into training of their officers. Nonetheless, it is striking that no verbal de-escalation was attempted in any of the cases in which Toronto police officers shot someone to death. In particular, videos that are available on YouTube show that Michael Eligon and Sammy Yatim were each confronted by a number of officers, none of whom made any attempt whatsoever at verbal de-escalation.

Verbal de-escalation has a much greater likelihood of saving lives than Tasers do. I urge you to ensure that your officers try verbal de-escalation before killing someone, in all situations in which they can safely do so. This requires strict training and, where necessary, appropriate discipline.

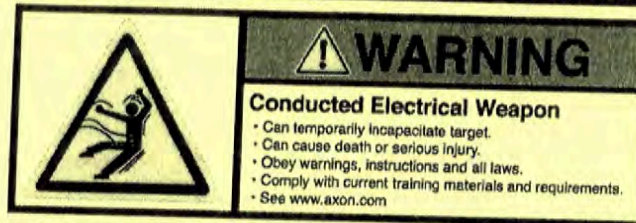
In my opinion, it would be bizarre for you to permit increased Tasers before you ensure that verbal de-escalation is attempted whenever it is feasible.

I would be pleased to provide any further information that you may request.

Thanks very much for your anticipated consideration of these submissions.

Sincerely,

Peter Rosenthal

**IMPORTANT SAFETY AND HEALTH INFORMATION**

This document presents important safety warnings, instructions, and information intended to minimize hazards associated with the use of Axon Enterprise, Inc. ("Axon") TASER Conducted Electrical Weapons (CEWs). These instructions and warnings are for your protection as well as the safety of others. **Read the entire document before using a CEW.**

When used as directed in probe-deployment mode, CEWs are designed to temporarily incapacitate a person from a safer distance than some other force options, while reducing the likelihood of death or serious injury. However, any use of force, including the use of a CEW, involves risks that a person may get hurt or die due to the effects of the CEW, physical incapacitation, physical exertion, unforeseen circumstances, or individual susceptibilities. Following the instructions and warnings in this document will reduce the likelihood that CEW use will cause death or serious injury.

These warnings and instructions are effective **May 19, 2017**, and supersede all prior revisions and relevant Training Bulletins. **Immediately distribute this document to all TASER CEW users.** The most current warnings are also available online at www.axon.com.

- 1. Complete training first.** Significant differences exist between different TASER CEW models. Do not use or attempt to use any CEW model unless you have been trained by a Certified TASER Instructor on that particular model.¹
- 2. Read and obey.** Read, understand, and follow all current instructions, warnings, and relevant TASER training materials before using TASER CEWs. Failure to do so could increase the risk of death or serious injury to the user, force recipient, or others.
- 3. Obey applicable laws, regulations, and agency Guidance.** Use of CEWs must be legally justified and comply with applicable federal, state, and local laws and regulations. The decision to use a CEW in a particular manner or circumstance must follow applicable law enforcement agency Guidance.²

Always follow all current instructions, warnings, and TASER training materials to minimize CEW risks.

This document uses a signal word panel to mark specific warnings:

WARNING This signal word panel indicates a **potentially hazardous situation which if not avoided could result in death or serious injury.**

Warnings may be followed by instructions and information to help avoid the hazard and improve CEW safety.

SAFETY INFORMATION: CEW RISKS AND RISK AVOIDANCE

WARNING **Cumulative Effects.** CEW exposure causes certain effects, including physiologic and metabolic changes, stress, and pain. In some individuals, the risk of death or serious injury may increase with cumulative CEW exposure. Repeated, prolonged, or continuous CEW applications may contribute to cumulative exhaustion, stress, cardiac, physiologic, metabolic, respiratory, and associated medical risks

¹ A Certified TASER Instructor is not an Axon agent, but maintains a current TASER instructor certification and complies with Axon's most current training requirements, materials and license agreement. Representations inconsistent with this document made by any Certified TASER Instructor are expressly disclaimed.

² Law enforcement agencies are force experts and are solely responsible for their own Guidance. "Guidance" includes policy, custom, procedure, rule, order, directive, training, continuum, and standard. Axon has no authority to mandate Guidance, set policy, require training, or establish standards of care or conduct.



which could increase the risk of death or serious injury. Minimize repeated, continuous, or simultaneous exposures.

Physiologic and Metabolic Effects. CEW use causes physiologic and/or metabolic effects that may increase the risk of death or serious injury. These effects include changes in blood chemistry, blood pressure, respiration, heart rate and rhythm, and adrenaline and stress hormones, among others. In human studies of electrical discharge from a single CEW of up to 15 seconds, the effects on acid/base balance, creatine kinase, electrolytes, stress hormones, and vital signs were comparable to or less than changes expected from physical exertion similar to struggling, resistance, fighting, fleeing, or from the application of some other force tools or techniques.

Some individuals may be particularly susceptible to the effects of CEW use. These susceptible individuals include the elderly, those with heart conditions, asthma or other pulmonary conditions, and people suffering from excited delirium, profound agitation, severe exhaustion, drug intoxication or chronic drug abuse, and/or over-exertion from physical struggle. In a physiologically or metabolically compromised person, any physiologic or metabolic change may cause or contribute to sudden death.

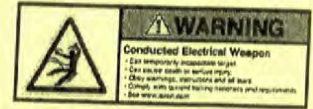
Stress and Pain. CEW use, anticipation of use, or response to use can cause startle, panic, fear, anger, rage, temporary discomfort, pain, or stress which may be injurious or fatal to some people.

To reduce the risk from CEW exposure:

1. **Minimize the number and duration of CEW exposures.** Most human CEW lab testing has not exceeded 15 seconds of CEW application, and none has exceeded 45 seconds. Use the shortest duration of CEW exposure objectively reasonable to accomplish lawful objectives, and reassess the subject's behavior, reaction, and resistance before initiating or continuing the exposure. If a CEW deployment is ineffective in incapacitating a subject or achieving compliance consider alternative control measures in conjunction with or separate from the CEW.
2. **Avoid simultaneous CEW exposures.** Do not use multiple CEWs or multiple completed circuits at the same time without justification. Multiple CEWs or multiple completed circuits at the same time could have cumulative effects and result in increased risks.
3. **Control and restrain immediately.** Begin control and restraint procedures, including during CEW exposure ("cuffing under power"), as soon as reasonably safe and practical to minimize CEW cumulative effects and the total duration of exertion and stress experienced by the subject.
4. **Avoid touching probes/wires during CEW discharge.** Controlling and restraining a subject during CEW exposure may put the CEW user and those assisting at risk of accidental or unintended shock. Avoid touching the probes and wires and the areas between the probes during the electrical discharge.

WARNING **Cardiac Capture.** CEW exposure in the chest area near the heart has a low probability of inducing extra heart beats (cardiac capture). In rare circumstances, cardiac capture could lead to cardiac arrest. When possible, avoid targeting the frontal chest area near the heart to reduce the risk of potential serious injury or death.

Cardiac capture may be more likely in children and thin adults because the heart is usually closer to the CEW-delivered discharge (the dart-to-heart distance). Serious complications could also arise in those with impaired heart function or in those with an implanted cardiac pacemaker or defibrillator.



To reduce the risk of injury:

- 1. Use preferred target areas.** The preferred target areas (blue) are below the neck area for back shots and the lower center mass (below chest) for front shots. The preferred target areas increase dart-to-heart distance and reduce cardiac risks. Back shots are preferable to front shots when practicable.
- 2. Avoid sensitive areas.** When practicable, avoid intentionally targeting the CEW on sensitive areas of the body such as the face, eyes, head, throat, chest area (area of the heart), breast, groin, genitals, or known pre-existing injury areas.



WARNING **Muscle Contraction or Strain-Related Injury.** CEWs in probe-deployment mode can cause muscle contractions that may result in injury, including bone fractures.

WARNING **Higher Risk Populations.** CEW use on a pregnant, infirm, elderly, or low body-mass index person or on a small child could increase the risk of death or serious injury. As with any force option, CEW use has not been scientifically tested on these populations. Use a CEW on such persons **only** if the situation justifies an increased risk.

CEWs in probe-deployment mode can cause muscle contractions resulting in injuries similar to those from physical exertion, athletics, or sports, including hernia rupture, dislocation, tear, or other injury to soft tissue, organ, muscle, tendon, ligament, cartilage, disc, nerve, bone, or joint; or injury or damage associated with or to orthopedic or other hardware. Fractures to bone, including compression fracture to vertebrae, may occur.

These injuries may be more serious and more likely to occur in people with pre-existing injuries, orthopedic hardware, conditions or special susceptibilities, including pregnancy; low bone density; spinal injury; or previous muscle, disc, ligament, joint, bone, or tendon damage or surgery. Such injuries may also occur in drive-stun applications or when a person reacts to the CEW deployment by making a rapid or unexpected movement.

WARNING **Secondary Injury.** The loss of control resulting from a CEW exposure may result in injuries due to a fall or other uncontrolled movement. When possible, avoid using a CEW when secondary injuries are likely.

Loss of control associated with CEW use can have several causes:

- **Seizure.** Repetitive stimuli (e.g., flashing light or electrical stimuli) can induce seizure in some people, which may result in death or serious injury. This risk may be increased in a person with epilepsy, a seizure history, or if electrical stimuli pass through the head. Emotional stress and physical exertion, both likely in incidents involving CEW and other uses of force, are reported as seizure-precipitating factors.
- **Fainting.** A person may experience an exaggerated response to a CEW exposure, or threatened exposure, which may result in fainting or falling.
- **Muscle contraction, incapacitation, or startle response.** CEW use may cause loss of control from muscle contraction, incapacitation, or startle response.

To reduce these risks, consider the person's location before using a CEW. When practicable, avoid using a CEW on a person in the following circumstances unless the situation justifies a higher risk.

When practicable, avoid using a CEW on a person who:

- is on an elevated or unstable surface (e.g., tree, roof, ladder, ledge, balcony, porch, bridge, or stair);
- could fall and suffer impact injury to the head or other area;
- could fall on a sharp object or surface (e.g., holding a knife, falling on glass);
- is less able to catch or protect self in a fall (e.g., restrained, handcuffed, incapacitated, or immobilized);
- has impaired reflexes (e.g., from alcohol, drugs or certain medications);
- is running, in motion, or moving under momentum;



- is operating or riding any mode of transportation (e.g., vehicle, bus, bicycle, motorcycle, or train), conveyance (e.g., escalator, moving walkway, elevator, skateboard, rollerblades), or machinery; or
- is located in water, mud, or marsh environment if the ability to move is restricted.

SAFETY INFORMATION: INJURY OR INFECTION

A CEW may cause injury as a result of the probe or electrical discharge. The nature and severity of these effects depends on numerous factors including the area of exposure, method of application, individual susceptibility, and other circumstances surrounding CEW use, exposure, and after care. Medical care may be required.

WARNING **Eye Injury Hazard.** A TASER probe, electrode, or electrical discharge that contacts or comes close to an eye can result in serious injury, including permanent vision loss. **DO NOT** intentionally aim a CEW, including the LASER, at the eye of a person or animal without justification.

LASER Light Hazard. CEWs use a LASER targeting aid. LASERS can cause serious eye injury, including permanent vision loss. **NEVER** aim a LASER at an aircraft or the operator of an aircraft or moving vehicle.

WARNING **Probe or Electrode Injury, Puncture, Scarring, or Infection Hazard.** CEW use may cause a permanent mark, burn, scar, puncture, or other skin or tissue damage. Infection could result in death or serious injury. Scarring risk may be increased when using a CEW in drive-stun mode. Increased skin irritation, abrasion, mark, burning, or scarring may occur with a CEW with multiple cartridge bays when used in drive-stun or three-point deployment modes.

WARNING **Penetration Injury.** The TASER probe has a small dart point which may cause a penetration injury to a blood vessel or internal organ, including lung, bone, or nerve. The probe or dart point (which may detach or break) can puncture or become embedded into a bone, organ, or tissue, which may require immediate medical care, surgical removal, or may result in scarring, infection, or other serious injury.

To reduce the risk of serious or permanent injury:

1. **Provide medical care as needed.** Injury due to penetration of a probe or dart point into a blood vessel, organ, nerve, or bone may require medical care. A probe, dart point, or barb embedded in a sensitive area such as the eye, genitals, breast, neck, throat, or vascular structure may cause serious injury and require medical care. CEW use may cause skin irritation, puncture wound, abrasion, mark, rash, burn, or other scar or infection, which may require medical care and may be permanent. As with any injury of this type, infection or tetanus and resulting complications may occur. In accordance with your agency's Guidance, ensure access to medical care if needed.
2. **Follow agency Guidance for removing probes.** Probe removal may cause injury. Leaving a probe in the body may result in pain or injury. Follow your agency's Guidance and biohazard protocols for probe removal. In the case of embedment, organ or bone penetration, or probe, dart point, or barb detachment, immediate medical care and possible surgical removal may be required.
3. **Follow biohazard protocols.** Use appropriate biohazard protocols including isolation procedures and protective equipment (e.g., gloves, masks, and washing of hands and exposed areas as necessary). Follow your agency's Guidance and appropriate biohazard, waste, and evidence protocols when dealing with biohazards.

SAFETY INFORMATION: CEW DEPLOYMENT AND USE

WARNING CEWs and cartridges are weapons and as with any weapon follow safe weapon-handling practices and store your CEW securely. Follow practices herein and additional requirements in your agency's Guidance. Failure to follow these warnings may result in death or serious injury to the user or others.



WARNING **Confusing Handgun with CEW.** Confusing a handgun with a CEW could result in death or serious injury. Learn the differences in the physical feel and holstering characteristics between your CEW and your handgun to help avoid confusion. Always follow your agency's Guidance and training.

WARNING **Trigger Hold-Back Model Differences.** If the trigger is held back, most CEWs will continue to discharge until the trigger is released or the power source is expended. With an APPM installed, the X2 and X26P can be programmed to stop a CEW discharge at 5 seconds *even if the user continues to hold back the trigger*, requiring a deliberate action to re-energize the deployed cartridge. Know your model and how it works. Avoid repeated, prolonged, or continuous CEW applications when practicable.

WARNING In stressful or noisy circumstances, the APPM's audible warning may not be heard.

1. **Use properly.** Use a CEW only for its intended purpose, in legally justifiable situations, and in accordance with your agency's Guidance. Do not use for torture.
2. **Store in a secure location.** Store CEWs, cartridges, and accessories in secure locations inaccessible to children and other unauthorized persons to prevent inappropriate access or use.
3. **Use the safety switch.** Place the CEW safety switch in the down (SAFE) position when the CEW is not in use. Remember to place the CEW safety switch in the up (ARMED) position when you intend to use the CEW.
4. **Assume CEW is loaded.** Always assume that a CEW is loaded and capable of discharging. To help avoid unexpected discharge, ensure that no live cartridge is in the CEW when inserting a battery pack; TASER CAM or TASER CAM HD recorder; or while performing spark tests (except when function testing the X2 or X3), maintenance, data downloading, or battery charging.
5. **Be aware of CEW trigger.** Keep your finger off the trigger until it is legally justifiable to use the CEW and you are ready to deploy.
6. **Know how the CEW works.** Significant differences exist between different TASER CEW models. Before using any CEW, including a multi-shot CEW, ensure you understand the functioning and effects of that model.
7. **Be aware of X2 and X3 deployment mode.** Be aware of which deployment mode (manual or semi-automatic) is set on the X2 and X3 before use.
8. **Be Aware of X2 Static (Fixed) LASER Sight Mode.** The X2 has static dual LASERS. One LASER is intended to approximately align with the top dart and the other with the bottom dart, both of which are set-up for 15' (4.6 meters (m)) and 25' (7.62 m) cartridges at a 15' distance from the target. The trajectory of the 35' (10.7 m) long range cartridge will not line up with the bottom LASER when placed in the X2.
9. **Use simulation (training) cartridges ONLY for training or practice.** DO NOT use a CEW loaded with a simulation training cartridge for field use or self-defense. Simulation cartridges are intended for practice only and will have no incapacitating effect on a subject. Simulation cartridges use non-conductive wires and will not transmit electrical pulses to the probes.

SAFETY INFORMATION: CEW EFFECTIVENESS

A CEW, like any weapon or force option, does not always function as intended and is not effective on every subject. As with any use of force, if a particular option is not effective, consider using other force options, disengaging, or using other alternatives per agency Guidance. **Always have a back-up plan.**

WARNING **Subject Not Incapacitated.** An ineffective CEW application could increase the risk of death or serious injury to the user, the subject, or others. If a CEW does not operate as intended or if subject is not incapacitated, disengage, redeploy the CEW, or use other force options in accordance with agency Guidance.

A CEW's effects may be limited by many factors, including absence of delivered electrical charge due to misses, clothing disconnect, intermittent connection, or wire breakage; probe locations or spread; subject's



muscle mass; or movement. Some of the factors that may influence the effectiveness of CEW use in effecting or achieving control of a subject include:

- **Subject may not be fully incapacitated.** Even though a subject may be affected by a CEW in one part of his body, the subject may maintain full muscle control of other portions of his body. Control and restrain a subject as soon as possible, and be prepared in case the subject is not fully incapacitated.
- **Subject may recover immediately.** A subject receiving a CEW discharge may immediately regain physical or cognitive abilities upon cessation of the delivered CEW discharge. Control and restrain a subject as soon as possible, and be prepared in case the subject immediately recovers.
- **Drive-stun mode is for pain compliance only.** The use of a handheld CEW in drive-stun mode is painful, but generally does not cause incapacitation. Drive-stun use may not be effective on emotionally disturbed persons or others who may not respond to pain due to a mind-body disconnect. Avoid using repeated drive-stuns on such individuals if compliance is not achieved.
- **Probes may deviate.** CEWs are not precision-aimed weapons. Probe discharge, flight trajectory, and impact location can be affected by numerous factors, including cartridge or probe accuracy; failure of cartridge to properly deploy; strong air movements; user and subject movements; or probe striking subject, clothing, or object with insufficient force or trajectory to penetrate or adhere to subject. Deviations can result in limited or lack of effectiveness due to misses, failure to complete or maintain the electrical circuit, a small probe spread, or failure to deliver a sufficient charge to the subject.
- **CEW or cartridge may fail to fire or operate.** No weapon system, force option, or CEW is always operational or effective. If a CEW, cartridge, or accessory is inoperable or fails to function, consider reloading and redeploying, using other force options, disengaging, or using other alternatives per agency Guidance.

SAFETY INFORMATION: OTHER HAZARDS

WARNING

Probe Recoil or Ricochet. If your target is farther away than the length of the probe wire, or if one or more probes miss the target, the probe can recoil and bounce back to strike the user or a bystander, causing injury. Probe recoil is more likely with simulation cartridges because of the nylon probe wire used.

Always be sure your target is within range. Wear protective eyewear when deploying any CEW in training or for practice. Be sure practice targets have a firm backing that will allow the probes to stick and not bounce off and strike an unintended person, animal, or object, or continue through the backing and strike objects behind the target.

WARNING

Untethered Discharged Probe. A discharged probe that does not impact a subject or target may become untethered from the wire and travel a significant distance causing serious injury. Always be sure your target is within range.

WARNING

Fire and Explosion Hazard. CEW use can result in a fire or explosion when flammable gases, fumes, vapors, liquids, or materials are present. Use of a CEW in presence of fire or explosion hazard could result in death or serious injury. When possible, avoid using a CEW in known flammable hazard conditions.

A CEW can ignite explosive or flammable clothing or materials, liquids, fumes, gases, or vapors (e.g., gasoline, vapor or gas found in sewer lines or methamphetamine labs, butane-type lighters, flammable hair gels or some self-defense sprays). Do not knowingly use a CEW in the presence of any explosive or flammable substance unless the situation justifies the increased risk.

SAFETY INFORMATION: GENERAL PRECAUTIONS

WARNING

Unintentional CEW Deployment or Discharge Hazard. Unintentional CEW activation or unexpected cartridge discharge could result in death or serious injury to the user, subject, or others.



To reduce the risk of unintentional deployment or discharge:

1. **Avoid static electricity.** Keep cartridge away from sources of static electricity. Static electricity can cause a CEW or X26, X26P, or M26 cartridge to discharge unexpectedly, possibly resulting in serious injury.
2. **Keep body parts away from front of CEW or cartridge.** Always keep your hands and body parts away from the front of the CEW and cartridge. If the CEW discharges unexpectedly you could be injured.
3. **Avoid electronic equipment interference.** Electronic transmission equipment close to a CEW could interfere with the proper CEW operation and cause the CEW to deploy or discharge. Keep the CEW at least several inches away from other electronic equipment. Place the CEW safety switch in the down (SAFE) position whenever it is near electronic equipment, including transmitting radios and cell phones. Remember to place the CEW safety switch in the up (ARMED) position before use.
4. **Avoid dropping CEW or cartridge.** If a CEW or cartridge is dropped or damaged it may unintentionally deploy or discharge, become inoperable, or fail to function, making it unsafe for continued use. If a CEW or cartridge has been dropped or damaged refer to the procedure recommended in the current version of the TASER Training materials.

SAFETY INFORMATION: MAINTENANCE



Failure to maintain a CEW as instructed may cause the CEW to malfunction or fail to function optimally, increasing the risk of death or serious injury. Follow recommended maintenance procedures.

To reduce these risks:

1. **Safely perform spark (function) test before each shift.** Testing helps verify that the CEW is functioning properly. See the current version of the TASER Training materials for further information on testing.
2. **Avoid using a damaged CEW or cartridge.** Do not use a cartridge with a missing blast door unless facing an immediate threat. CEW repair or modification by an unauthorized person may cause the CEW to fire or malfunction, will void the warranty, and may put the user or other person at risk of death or serious injury. Cartridges with blast doors that have been repaired should only be used for training and not for field use.
3. **Update CEW software.** Some CEWs have updateable software. Current CEW software may be obtained by contacting Axon's Customer Service Department or following instructions at www.evidence.com or www.axon.com.
4. **Use only Axon-approved components, batteries, accessories, and cartridges.** The CEW is a sophisticated electronic system. For proper function, use only Axon-approved components, batteries, accessories, and cartridges with your CEW. Use of anything other than Axon-approved components, batteries, accessories, and cartridges will void the warranty, may cause malfunction, and may put the user or other person at risk of death or serious injury.
5. **Avoid exposure to wet conditions.** If the CEW is drenched or immersed in water or other liquid, **DO NOT** use or attempt to use the CEW until completing the procedure recommended by the manufacturer.
6. **Keep Smart Cartridge contacts clean.** If the contacts on the Smart Cartridge or inside the Smart Cartridge bay of the X2 or X3 are not kept clean the CEW may fail to deploy the Smart Cartridge.
7. **Know CEW and cartridge expected useful life.** Under normal storage, handling, and operating conditions, a CEW and cartridges have a 5-year expected useful life. Use or attempted use of a CEW or cartridge after its expected useful life may result in malfunctions and lack of effectiveness. Failure to properly care for and maintain a CEW or cartridge may substantially reduce or eliminate the expected useful life of the product.

SAFETY INFORMATION: DISASSEMBLY AND DISPOSAL



Do not disassemble. Refer to your agency's Guidance for proper handling and disposal.

18 OCT 2017

PAT Capponi - Deputation

So its been a few nights since you've slept, maybe more than a few, your mind is sparking with lights and new thoughts, brilliant discoveries, cures for what ails the world, but perking through are real fears they will try and stop you, turn out the lights, put you back there. You hear them talking about you, warning each other about you, so you break out, run across the street, immune to cars and horns, still listening to them defame you. Sirens break into your head, the noise louder and closer and threatening, you want to run faster, you feel you should be able to win gold with your sprinting, but there, cutting you off, are a couple of uniforms. You turn back, more uniforms behing you. You can't let them confine you, you are so close to..something..something more real than them. They are yelling but drowned out by your own voices, yelling, yelling, you turn towards them, walk towards them to tell them to stop shouting, and then:

1. you are hit by something very hard, red covers your blouse, confused you fall to your knees, then your face breaks on the pavement. (person refused to stop when ordered, presented a threat to officers)

2. You are hit by prongs that dig through your clothing, and then your system goes haywire, your heart, already beating way to fast, already erratic, seems to burst, and you fall. (Taser a contributing factor to death, is the verdict of the coroner).

3. One of the uniforms smiles at you, waving the others away, he says his name, his first name, you think, and then "having a bad day? how can I help. It stops your forward movement, it puzzles you, confuses you, but you want to listen cause this is all very scary, and suddenly you're feeling really tired, and you answer, I need some sleep. And speaking together, he and you find a way out, zero harm, zero deaths.

under Andy's leadership
MUCH
Though this board has done ~~more~~ in its time to address long-standing issues, and has shown courage and readiness to deal with the burgeoning police budget and problems, it is falling short when it comes to its responsibility towards the vulnerable.

Motives are complex, we state our strong desire to save lives, and I don't question that, but it is not the only imperative at play. Eighteen inquests in twelve years, the time and expense involved , the tarnished

reputation of the Service and lists of demands from juries also impinge on decision making.

We have a responsibility to listen to the weakest of voices, those unaccompanied by experts and statistics and charts and assurances, for it is we who are being asked to bear the consequences of the failure of the service to imbed, implement, prioritize, and most of all hold accountable, those who break their training. And if we have been unable to enforce training in de-escalation, assurances that training in CEW's, and the invocation of the SIU as guarantor, are laughable.

However much the Service and the Board concentrate on the potential of CEW'S to save lives, in our communities, statistics pale before the vision of Sammy Yatin being tasered while dying, and the months long justification of that action by senior officers, tells us that we have no real protection from abuse, when it's not even recognized as such by those who perpetrate it. The expansion of CEW's is nothing less than an admission that those enduring the symptoms of MI need protection from those who are supposed to provide it. It will spell the end of the good efforts of many people to teach and

demonstrate the value and effectiveness of de-escalation, expediency, rationale, some of which we've heard tonight (*pause now* ~~in which those suffering are a hair's breath away from becoming the Incredible Hulk~~) will rule the day, the psychological harm to the individual, and to the communities of lived experience who already struggle with prejudice and false beliefs about mental illness, will be profoundly harmed.

Pat Capponi, C.M., O.Ont

Achieving Zero Harm/Zero Death? An Examination of Less-Lethal Force
Options, including the Possible Expansion of Conducted Energy Weapons (CEWs)

Comments by Douglas P Zipes MD

On page 8 of the discussion paper, it is claimed that "In those circumstances where there has been a link between the deployment of the CEW and a fatal outcome, there is no clear evidence ... that the deployment of the device has been the primary cause of death."

It is my opinion that this statement is totally incorrect. There is absolutely no doubt in my mind that deployment of the CEW was the primary cause of death in some cases. Based on my and other research and my several testimonies as a (paid) plaintiff's expert against Taser, Taser International issued warnings acknowledging that cardiac deaths are a possible outcome of Taser use. As I state in my paper published in the journal Circulation:

"The porcine studies show that the mechanism by which the X26 provokes cardiac arrest is by capturing the heart and increasing its rate to values too rapid for maintenance of organized electric activity, resulting in VT/VF (Figures 6 and 7). Runaway pacemakers years ago produced the same phenomenon, as does rapid pacing during electrophysiological studies. Thus, it should come as no surprise that transcutaneous rapid pacing from an X26 can accomplish the same thing. Ischemia from very low blood pressure could contribute to developing VF. The animal and clinical data clearly support the conclusion that a TASER X26 shock can produce VF in humans by the mechanisms elaborated above. Although the risk may be low, its number cannot be known without universal record keeping and the creation of a national database. Because of this risk, it has been suggested that law-enforcement experts reassess ECD use to maintain a balance of safety for subjects and officers while still achieving the goal of maintaining law and order."

Opinion: In the appropriate clinical setting and in the susceptible individual, to a reasonable degree of medical probability and certainty, it is my opinion that a Taser shock to the chest can provoke cardiac arrest. Taser users must be aware of this possibility, no matter how uncommon, and avoid chest shots if possible, avoid long or repeated Tasere trigger pulls, and be prepared to resuscitate an individual who becomes nonresponsive following a Taser shock.

WOLF · KIMELMAN

BARRISTERS & SOLICITORS

(Practising in Association)

Kevin Wolf, LL.B.* – Jason M. Kimelman, LL.B.* – Margaret Louie, J.D.
Frank K. Gomberg, LL.B., Counsel to the Firm

October 17, 2017

FILE: KW-523

Toronto Police Services Board
40 College Street
Toronto, Ontario
M5G 2J3

Dear Sir/Madam:

Re: Our client: Hector Gonzalez (Estate)
Incident: November 6, 2015
Deputation for Public Consultation of October 18, 2017

I am counsel to the family of Rodrigo Almonacid Gonzalez, who was fatally injured on the above-noted date, after Toronto police officers discharged tasers at him eight times while he was partially submerged in a bathtub.

The SIU determined that the subject tasing was not the cause of death, which finding is vigorously disputed by the family of the deceased. Regardless of whether the multiple tasing played a role in his death, it is apparent that the tasing of Mr. Gonzalez was excessive and improper.

To my knowledge, there has been no disciplinary action or police re-training in response to Mr. Gonzalez's death. The police officers involved in the tasing and subject to the SIU investigation remain unidentified to date.

The discussion paper presented by the TPS gives assurances that the Toronto police will carefully monitor taser use. However, the evidence to date, including multiple prior coroner inquest recommendations regarding excessive police force, suggests just the opposite.

There remains serious concerns governing the appropriate use of tasers, if any, and when they should be properly deployed by police officers. It is my submission that tasers should not be made more readily available to the police until there is a greater body of information and study as to the physiological effect of tasing, particularly multiple tasers, on an individual.

Yours very truly,

Kevin Wolf

/

Chairman Pringle, Board Members, Members of the Public



On a summer night in July, 2013, Toronto Police Services Officer, James Forcillo, was the first officer on the scene, responding to a call regarding an 18 year old boy, Sammy Yatim, who was alone on a stopped streetcar on Dundas Street West.

Within seconds, Officer Forcillo shot Sammy three times from close range. Five and a half seconds later, as Sammy lay dying on the floor of the streetcar, Officer Forcillo shot again, 6 more times.

Fifty seconds after the first volley of shots, Sergeant Pravica arrived at the scene, pulling out his taser as he was putting his cruiser into park. He tasered Sammy in the chest, twice.

There was public outrage.

Sergeant Pravica tasered Sammy because other officers had called for an officer with a taser. There were already about a dozen officers on scene and Sammy had been shot multiple times and was breathing his last few breaths, when Sergeant Pravica got out of his police cruiser.

Ontario's Chief Forensic Pathologist, Dr. Pollanen, determined that Sammy was already dead when he was tasered. Dr. Pollanen so concluded because there was no blood on the inside of the taser barbs, indicating that Sammy's heart had stopped beating.

The Toronto Police Services has an early intervention process, aimed at identifying officers who may be at risk of entering the disciplinary process. An officer who points his Glock

semi-automatic pistol at a person three times within a rolling 12 month period is the trigger for the Toronto Police Services early intervention to kick in and issue an alert.

Officer Forcillo was red-flagged because in his short career as a police officer, he had pulled his gun an inordinate number of times. Officer Forcillo pulled his gun 12 times in 3 and a half years on the job. It is unclear what happened with the disciplinary process for Officer Forcillo after the first alert was issued late in 2012.

If the Toronto Police Services could not heed the red-flag with Officer Forcillo, how can they possibly monitor taser use by all officers?

Sammy Yatim was laying on the ground, motionless and dying, yet he was tasered twice. Is that good policing? And, consideration is being given to providing every front line officer a taser?

- Would we not expect Sergeant Pravica to pause and assess the situation and perhaps ask a question or two of other officers before he used his taser?
- What happened to common sense and judgment?
- What guidelines were in force regarding the use of a taser?
- What additional training have officers undergone since?
- What lessons have been learned?

Tasers are dangerous :

- the manufacturers' safety warnings say so – they clearly say tasers “can cause death or serious injury”.

In the United States, officers carrying both a gun and a taser have mistakenly reached for and fired the wrong weapon. Thinking they are grabbing a taser, they have instead grabbed and fired their hand gun.

Before you consider expanding the use of tasers, consider the root problem.

The problem lies with:

- police training and retraining;
- identifying and weeding out bad cops.

That's where money and resources should be spent, not on buying more tasers and putting them in the hands of bad cops.

Deputy Chief Federico has testified in court about proper de-escalation techniques. De-escalation has to be the emphasis. Today's first speaker, Mr. Ron Bain, Executive Director Ontario Chiefs of Police, tonight said, "Verbal de-escalation is the primary goal!" Police officers need to be properly trained and retrained on de-escalation techniques. They do not need another weapon.

Please devote the time, attention and care where it belongs, in training and de-escalation.

As Dr. Collins said, tonight de-escalation is our goal.

Don't throw money at buying more tasers. Do the right thing, spend it where so many have recommended, on teaching de-escalation.

From the very outset, the Yatim family has indicated that they have three goals in the aftermath of Sammy's death:

- First – Determine what happened;
- Second – Hold those responsible accountable
for their actions; and
- Third – Do whatever is possible so that such a tragedy is not repeated.

No other family should have to endure such a tragedy. For Sammy's sake, do the right thing!

Submissions by Ed Upenieks,
Counsel for Bill Yatim and Sara Yatim.

TORONTO POLICE SERVICES BOARD DEPUTATION ON TAZER USE

October 18th, 2017

Name: Marilyn McNeil, I am a 72 year old woman and a mental health "survivor"
Address: #318, 205 Morningside Ave. Scarborough M1E 3E2 (416) 578-6859

On two occasions, during psychotic episodes of my own, police were called by those by-standers who were unaware that I was only a threat to myself and that I was accompanied by several members of my 12-Step Recovery Group who had my safety and theirs well under control. When the police arrived, the officers wanted to intervene and a senior member of my group had the opportunity to explain what was happening to me and to convince the officers that they would take me to the hospital. The officers agreed to stand aside and observe, as well as follow us to the hospital. All went well and without incident. This was in 1986.

I had been behaving in an irrational manner because my perception of reality had become "undone" and my judgements about my environment were distorted. Intervention by the police in the manner they had suggested to my companions (handcuffs) would only have escalated the fears that had already taken over within my mind. Imagine what would have happened if a tazer had been used on an already hyper-sensitive person who was disconnected to reality? The body's physiology is such that a reaction to physical trauma at this point may have caused more damage and increased my suffering, perhaps taking me beyond the point-of-no-return.

Sadly, in spite of volumes of money and research into mental health, little has been done except to develop bigger and better drugs, with unpredictable side-effects, leading the authorities to adapt a theory that bigger and better weapons are required in order to "neutralize" the situation.

The fact is that most who suffer from mental health issues have already been traumatized by someone or some event in their life and to use force against those already fragile souls, is inhumane and unnecessary. Compassion, patience and some time spent speaking to a fellow human being are the main ingredients for de-escalation outcomes. Put yourself in their shoes for a moment. Many are without a safe place to sleep; shelters are not a great option. Many sleep outside in all kinds of weather, as it is actually seen to be less fearful than a night in a shelter. Some are not taking medications for all sorts of reasons; they lose track of time and forget, they have no water to wash the meds down with, someone stole their meds..thinking they might get "high" on them or selling them to someone else for cash needed for a place to sleep indoors for themselves. The situation is a cycle that often begins early in life and spirals downward until an incident occurs that requires police attendance. Such attendance does not always mean intervention by force. Often, the person just wants someone to listen and show some concern and take them to a place of safety. The foundation of most mental illness is fear.

In 2011, while working as an assistant to the Property Manager at the building where I live, I had occasion to call 911 after being chased by a tenant who objected to me reading a threatening and vulgar sign he had taped to his apt. door. I placed the 911 call at about 2pm on a weekday afternoon. The tenant had chased me into the Management Office and was pounding on the door

~2~

and verbally threatening me. After 90 minutes or so, it had been quiet for a time but I did not feel safe enough to leave on my own. I called my 45 year old son, who lived with me and asked that he come and get me and take me to our apt in the next building.

At 4:30pm that afternoon, the police called and wanted to know "if I still wanted them to come?" I said that I did because I wanted a report filed and a complaint made against the threatening tenant. Two officers arrived about 20 minutes later. My adult son was resting in his room and I greeted the officers at the door and asked them to come in. I showed them the Tenant File, which contained a photo copy of the tenant's photo ID as well as his Birth Certificate. They looked at each other and commented, "Yes, we know this guy. He is a neighbourhood nut." I asked what action they planned to take. They said the tenant would get a warning about his behavior.

At this point, my adult son appeared in the doorway to the living room where the police and I were talking. As soon as my son made his presence known, both officers turned and drew their weapons and pointed them at my son, who had enough sense to remain still, with hands raised. My son then, spoke calmly and slowly to the officers to assure them that he was not a threat to them and that perhaps they were nervous and should not be feeling unsafe. After I pleaded with them, they holstered their weapons, took the Tenant file and left. They did not file a report nor take my complaint seriously, in spite of my Manager paying a visit to 43 Division to protest the lack of response.

This situation could have had a different ending had my son not received adequate psychological care and other Mental Health care for his own PTSD as well as his anger management issues some nine years prior but as innocuous as it appears, my son had flash-backs for 6 months after this event. I also struggle to understand such an "over-the-top" reaction to a minor situation but perhaps, we all need a greater understanding of our fellow human beings.

De-escalation begins with empathy; putting yourself in the other person's shoes. Police training needs to focus less on weaponry and more on the safety of ALL PARTIES in any incident. A greater emphasis on tact, diplomacy and negotiation skills would be a real asset for any officers "tool-kit". Incidents involving the re-traumatization of individuals or their deaths, harms not only community trust but causes harm to the officer who finds himself in the position of inflicting this trauma.

Let us then, return to the real depth and spirit of the police motto; TO SERVE AND PROTECT, and give our police force the psychological training that will equip them adequately to do their jobs well.

Many thanks for this opportunity to tell my story and most of all, to be heard.

Nigel Barriffe

Urban Alliance on Race Relations

Deputation to the Toronto Police Services Board

Wednesday, October 18, 2017

My name is Nigel Barriffe. I am an elementary school teacher in the city and I am President of the Urban Alliance on Race Relations.

The Urban Alliance on Race Relations has been working on civilian oversight of police since 1975. At that time, after racially-motivated incidents of assault on our subway platforms, the police told the public that they could not do anything about such assaults. It was citizen action that eventually forced needed changes.

It is clear to those of us new to activism and those of us who have been involved in this work for a long time, that when there are police shootings of citizens, they are mostly of racialized people who are often in crisis, we all have the right to better policing. This means more discretion in deploying weapons, more evidence that deescalation training is being used in community policing and more representation of the diversity of Toronto on it's own police force.

Public consultations this week is an opportunity to for Toronto Police Services to listen to the legitimate complaints and fears of people, especially those of us who are marginalized and more vulnerable due to race, poverty and disability. All citizens are united in supporting our right to walk on our streets, gather for rallies and marching for political change - these are rights that need to be protected by police. We do not want to fear the police who carry tasers in these situations.

Nigel Barriffe

Urban Alliance on Race Relations

Deputation to the Toronto Police Services Board

Wednesday, October 18, 2017

It is our view that the proposal to arm police with taser runs counter to what is required for safer communities and better police relations with the public that they serve. This move escalates the possibility of inappropriate use of force; employing technology that past experience has shown can be used as inappropriately as any other weapon.

The sales of these technologies primarily benefit the companies that make them. In a context where many community groups have been asking for de-escalation of police activity the proposal to purchase these tasers should be rejected.

What makes this meeting and discussion most egregious is the we are using the death of Andrew Loku to purchase millions of dollars of lethal hardware.

Why is the attention continually on Tasers as opposed to the Mobile Crisis Teams, as opposed to de-escalation techniques?

If the police want to gain the confidence of all citizens who they are to 'serve and protect', they need to demonstrate that they will be able to better assess and deescalate situations rather than react to them with indiscriminate use of weapons.

Toronto Police Services need to rise to the challenge of higher standards and become more accountable to the people they serve through rigorous civilian oversight.

Nigel Barriffe

Urban Alliance on Race Relations

Deputation to the Toronto Police Services Board

Wednesday, October 18, 2017

Do not squander this opportunity to gain the respect of those of us that dare to be part of the democratic process.

Public Consultation – Achieving Zero Harm/ Zero Death – An Examination of Less-Lethal Force Options, including the Possible Expansion of Conducted Energy Weapons (CEWs)

Deputation Submission- to the Toronto Police Services Board

October 18, 2017

Dr. Lesley Wood, Associate Professor and Chair of Sociology, York University

I'm going to speak against the expanded distribution of Conducted Energy Weapons (CEW) within the Toronto Police Service. I'll be using my research on police decisions to adopt new less lethal weapons and police militarization in my deputation.

The Toronto Police Services' admirable goal is Zero Harm/Zero death. Seeing TASERs or CEW as part of a strategy to reach this goal is misguided. Conducted Energy Weapons are indeed weapons. Weapons that cause harm and death; we must reject their expanded adoption and use.

I'm going to give three reasons to be careful about any perceived expansion

1. Evidence suggests that adoption of TASERs or CEW does not result in reduced lethal force incidents or injuries to suspects.
2. TASERs business and marketing strategy makes it difficult to evaluate the weapon clearly. Many studies on this matter are often tainted by TASERs involvement, sponsorship and influence.
3. TASER/Axons' changing position on the risks posed by TASERs to broad sectors of society, including in those with mental illness.

I know that TPS has been considering the case of expanded TASER since at least 2000, when the RCMP did its first pilot. Since that time, TASERs have been widely adopted by police forces. Often that adoption comes on the heels of a high profile shooting and inquiry or lawsuit. When passions are high and a solution is demanded from the broader public. I am glad that the TPS has been cautious on this front. I am glad that oversight bodies and social movements have refused to simply get on the TASER bandwagon. I am also glad to have the opportunity to speak against the expanded adoption of TASERs at a moment when most police forces have them, but some are choosing to reduce their use.

TASERs are not a way to get to Zero Harm/Zero Death. Indeed, a recent Reuters report documented 1,005 people who have died in the United States following encounters with police in which Tasers were used either on their own or, more often, as part of a larger mosaic of force. In at least 153 of those cases, Reuters found, coroners or medical examiners cited the Taser as a cause or contributing factor in the death.¹

One of the most cited ideas is that using TASERs saves lives. That it reduces the use of gun shootings. As you're probably aware, statistics obtained by Canadian Press and reported in the CBC found in 2007 that the number of police shootings remained consistent in cities that had recently adopted TASERs, while

¹ Reuters Report

the use of TASERs had rapidly increased. Indeed, despite the notion that TASER's will reduce police shootings, TASER/Axon's International VP of Strategic Communications Steve Tuttle noted "TASERs are not a replacement for deadly force."²

In fact, cardiologist and electrophysiologist Dr. Zian Tseng of UC San Francisco' Medical Center looked at the effects of Tasers in his 2009 study. He looked at sudden death rates in 50 California police departments five years before, and five years after TASER introduction. He found that sudden death incidents increased by 600% in the first year. That number eventually dropped down to a 40% increase for the four years after introduction. He argued that the TASER actually escalated situations where you need to use a firearm, and slightly increased their use.

The second reason that you should be wary of expanding the distribution of Controlled Energy Weapons in Toronto is the way that profit motives are driving the adoption of the weapon. The Global Less-lethal weapons market was \$6.32 billion in 2016 and is expected to reach \$11.85 billion by 2023.³

Reading the annual report of the company is revealing. They aim to 'penetrate the market', and expand sales, come what may. As Police One, the marketing site notes" TASER uses PoliceOne to "to build the business case for TASER use at departments nationwide... [and] educate the market on the return of investment of adopting TASERs by disseminating case studies outlining the reduction of officer injuries and decreased liability for departments using TASERs. (PoliceOne 2013)⁴ As Reuter's in depth study made clear, and shown in my own research, TASER/Axon's approach to promoting its product is far reaching. When someone is shot, TASER offers its products. When someone who is TASERed dies, TASER offers advice and resources. Taser/Axons "blurs the lines between its corporate interests, police affairs and scientific research, often enmeshing itself in investigations where its stun guns may be implicated in deaths."

I'm sure that others will speak about the medical evidence that TASERs pose, and the debates around this. But regardless of your interpretation of this mountain – what I would like to draw your attention to is the way that the company has backed away from its earlier claims of CEW as a non-lethal weapon. As deaths and especially as lawsuits piled up – TASER adopted a new risk management strategy in 2009 and added warnings to the weapon – but in ways that haven't trickled down to the average police officer. Whereas originally the weapon was offered as a flexible and multipurpose tool – today the company warns not to use it on the chest area, for repeated or prolonged exposure, if there are cardiac risks and that it shouldn't be used against those who are old, young, frail, agitated, exhausted or suffering from an array of mental or physical health conditions.⁵

² Berlatsky, Noah. Quartz. <https://qz.com/559889/tasers-may-not-kill-like-real-guns-but-theyre-not-a-cure-for-police-brutality/> Nov 27, 2015

³ Non-Lethal Weapons - Global Market Outlook (2017-2023) <https://www.prnewswire.com/news-releases/non-lethal-weapons---global-market-outlook-2017-2023-300506362.html>

⁴ PoliceOne, 2013. "PoliceOne Marketing Program Drives Rapid Adoption of the TSER"

⁵ Reuters Investigates. Shock Tactics Series. "The Warnings". <https://www.reuters.com/investigates/special-report/usa-taser-legal/>

Evidence suggests that these risks hit marginalized and vulnerable populations more. Expanded TASER use will hit racialized communities, drug user communities and folks with mental illness hardest. Gau, Jacinta M., Clayton Mosher, and Travis C. Pratt's 2010 research suggests that resistance and race affects the use of TASERS.⁶ In a context where the TPS is trying to rebuild relationships with Black and racialized communities, the question of who gets Tased is important.

We do need to raise questions about the way that people with mental illness and TASERS interact. The TPS strives to become a pre-eminent police service in the field of mental illness and policing. And yet, we know that TASERS are often used against those with mental illness. In Toronto in 2015, as you know, nearly half of the incidents in which police used a Taser in 2015 involved an "emotionally disturbed" person⁷. This is particularly worrisome when we note a 2016 study noted on the effectiveness of TASERS suggested that individuals with mental illness received shocks significantly more times than those without.⁸

These three reasons I have outlined are giving some police agencies pause. In response to a ruling in the US that erratic behavior and mental illness should not trigger TASER use, agencies are limiting TASER use. In Baltimore, police used TASERS 47% less in 2016 than in 2015. Similarly TASERS were used between 60 and 95% less in 2016 in some cities in Virginia, North Carolina, South Carolina, and West Virginia.⁹ Boston's police chief from 2006 to 2013 explains that the increasing restrictions helped him decide not to issue TASERS.

I ask you today to follow this trend of limiting, rather than expanding TASER adoption.

Lesley J. Wood is the author of *Crisis and Control: The Militarization of Protest Policing*.

⁶ Gau, Jacinta M., Clayton Mosher, and Travis C. Pratt. "An inquiry into the impact of suspect race on police use of Tasers." *Police Quarterly* 13.1 (2010): 27-48. See also White, Michael D., and Jessica Saunders. "Race, Bias, and Police Use of the TASER." *Race, ethnicity, and policing: New and essential readings* (2010): 382-404.

⁷ CBC. 2016. "Taser use on 'emotionally disturbed' people a 'serious problem,' Tory says" Mar 17, 2016 <http://www.cbc.ca/news/canada/toronto/taser-report-toronto-police-emotionally-disturbed-mayor-tory-1.3496833>

⁸ Cassandra A. Bailey, William S. Smock, Ashlee M. Melendez, Rif S. El-Mallakh. "Conducted-Energy Device (TASER) Usage in Subjects with Mental Illness." *J. Am Acad Psychiatry Law* 44: 213-217.

⁹ Reuters <https://www.reuters.com/investigates/special-report/usa-taser-911/>

Dear Toronto Police Service Board,

I am writing to express my displeasure that the Toronto Police Services Board is considering the use of CWEs in response to recommendations by the Coroner's Inquest into Andrew Loku's death by Toronto officer Andrew Doyle. The implementation of Conducted Energy Weapons (CEWs) are not the route to take in order to combat the overwhelming anti-Black racism and overt bias that is systemic within the Toronto Police Service, and which led to the death of Andrew Loku by police. We do not know that having Andrew Doyle be armed with a Taser would have saved Andrew Loku's life, because Andrew Doyle saw Mr. Loku as a threat from the second that he entered Mr. Loku's home, and 21 seconds later, he was dead.

This board has consistently contributed to the ongoing arming and militarization of the Toronto Police Service, the budget of which now exceeds one billion dollars. The use of a "less-lethal" weapon will allow police officers to utilize these weapons under the guise of avoiding harm or potentially fatal blows. However, we know that police are also prone to use their weapons in excess (as seen in the case of Sammy Yatim, and in other highly publicized cases) to "neutralize a threat". The reality is that prolonged exposure to CEW (as in, excessive use) can increase the risk of heart failure in those it is used against. The report accompanying this meeting outlines all the bodily harm that CEWs can do. The Toronto Police have not demonstrated that they have the awareness or ability to minimize their use of force when dealing with members of the public who are racialized, have mental health issues, and disabilities. Therefore, we cannot be assured that the police will use this new weapon responsibly, and without excess, as the Toronto police claim to see a danger wherever it suits them to justify their excessive violence.

The Toronto police do not know how to interact with Black people, Indigenous people, racialized people, people with disabilities, people with addictions, and queer and trans people. The Toronto police services board have not acknowledged the other recommendations that were put forward by the inquest into Andrew Loku's death – training to combat the institutionalized anti-Black racism in this service. Training for de-escalation beyond a measly three weeks, training in communication, in non-violent approaches to conflict resolution. This should be the focus and the mandate of this Board. This board has no accountability to the public.

I urge this Board to not implement the use of CEWs and instead focus on the implementation of training to combat anti-Black, anti-Indigenous, and other forms of racism, conscious and unconscious bias for all front-line officers, de-escalation training, and non-violent conflict resolution techniques. The most dangerous people in many interactions with the public are the police officers themselves. We do not need them armed with more weaponry.

Thank you,

S. Swartz

Toronto Police Accountability Coalition
c/o Suite 206, 401 Richmond Street West, Toronto ON M5V 3A8.
416 977 5097. info@tpac.ca , www.tpac.ca

October 17, 2017

To Toronto Police Services Board

Please schedule this item as a deputation item at the meeting on CEWs on October 18, 2017, 7 pm, in the auditorium at the YMCA on Grovesnor Street. Our presenters are Richard Hudler and Marco LaMacchia.

The briefing paper submitted by the police service for the meeting states that Justice Iacobucci in his July 2014 report "recommended, with some conditions (CEW/body cameras), expanding deployment in the Toronto Police Service to more frontline police officers (recommendation #59.)"

That is not what he recommended. Recommendation 59 states "The TPS consider conducting a pilot project to assess the potential for expanding CEW access within the service", and he then lays out detailed parameters about how that project might proceed. We are not aware of any pilot project carried out by the Toronto Police Service which satisfies Recommendation 59.

The police service retained Mr. Iacobucci in 2013 to report on how police might best manage encounters with people in crisis. This is a report that the police service requested, and it makes sense to assume that the police service would then follow the recommendations or indicate clearly why they would be ignored.

In all, Mr. Iacobucci made 16 recommendations relating to CEWs - # 55 through #71. They are attached. The recommendations seek good evidence about the use of CEWs, deal with police monitoring and training, as well as

discipline. They are a comprehensive set of proposals, and as far as we know, the Toronto police service has acted on very few of them.

What's needed is a report from the police service about each recommendation and how it has been dealt with, as well as a timeframe for addressing those recommendations which have not yet been implemented.

Until that is done, no further consideration should be given to purchasing more CEWs. The police service should heed the advice it sought three years ago before proceeding further.

TPAC believes that CEW use should be curtailed, not expanded, for several reasons. There is no doubt that CEW's lead to injury and death, and are used on vulnerable people in crisis who are most likely to experience adverse consequences from the application of electric current to their bodies. We know that there are viable de-escalation alternatives that the police can use and that are used by all other professionals who work with people in crisis, such as talking and using mental health teams as first responders, which we believe should be expanded. Evidence from police departments across North America is that more CEW's lead to more shootings and undermine efforts to increase the use of de-escalation techniques.

Yours very truly,

John Sewell for
Toronto Police Accountability Coalition.

Conducted Energy Weapons

RECOMMENDATION 55: The TPS advocate an interprovincial study of the medical effects of conducted energy weapon (CEW) use on various groups of people (including vulnerable groups such as people in crisis), as suggested by the Goudge Report.

RECOMMENDATION 56: The TPS collaborate with other municipal, provincial, and federal police services to establish a central database of standardized information concerning matters related to the use of force, and CEW use specifically, such as:

- a. the location of contact by CEW probes on a subject's body;
- b. the length of deployment and the number of CEW uses;
- c. any medical problems observed by the officers;
- d. any medical problems assessed by Emergency Medical Services (EMS) or hospital staff;
- e. the time period between the use of a CEW and the manifestation of medical effects;
- f. the subject's prior mental and physical health condition;
- g. the use of CEWs per ratio of population;
- h. the use of CEWs per ratio of officers equipped with the devices; and
- i. the use of CEWs in comparison to other force options.

RECOMMENDATION 57: The TPS review, and if necessary amend, the Use of Force and CEW Report forms to ensure that officers are prompted to include all standardized information required for the database proposed in Recommendation 56.

RECOMMENDATION 58: The TPS collaborate with Local Health Integration Networks, hospitals, EMS, and other appropriate medical professionals to standardize reporting of data concerning the medical effects of CEWs.

RECOMMENDATION 59: The TPS consider conducting a pilot project to assess the potential for expanding CEW access within the Service, with parameters such as:

- a. Supervision: at an appropriate time to be determined by the TPS, CEWs should be issued to a selection of front line officers in a limited number of divisions for a limited period of time with the use and results to be closely monitored;
- b. Cameras: all front line officers who are issued CEWs should be equipped either with body-worn cameras or audio/visual attachments for the devices;
- c. Reporting: the pilot project require standardized reporting on issues such as:
 - i. frequency and circumstances associated with use of a CEW, including whether it was used in place of lethal force;
 - ii. frequency and nature of misuse of CEWs by officers;
 - iii. medical effects of CEW use; and
 - iv. the physical and mental state of the subject;
- d. Analysis: data from the pilot project be analyzed in consideration of such factors as:
 - i. whether CEWs are used more frequently by primary response units, as compared to baseline information on current use of CEWs by supervisors;

- ii. whether CEWs are misused more frequently by primary response units, as compared to baseline information on current use of CEWs by supervisors;
 - iii. the disciplinary and training responses to misuses of CEWs by officers and supervisors;
 - iv. whether use of force overall increased with expanded availability of CEWs in the pilot project;
 - v. whether use of lethal force decreased with expanded availability of CEWs in the pilot project; and
 - vi. whether TPS procedures, training or disciplinary processes need to be adjusted to emphasize the objective of reducing deaths without increasing the overall use of force or infringing on civil liberties; and
- e. Transparency: the TPS report the results of the pilot project to the Toronto Police Services Board (TPSB), and make the results publicly available.

RECOMMENDATION 60: The TPS ensure that all CEWs issued to members (including those CEWs already in service) are accompanied by body-worn cameras, CEW audio/visual recording devices, or other effective monitoring technology.

RECOMMENDATION 61: The TPS ensure that CEW Reports are reviewed regularly, and that inappropriate or excessive uses are investigated.

RECOMMENDATION 62: The TPS discipline, as appropriate, officers who over-rely on or misuse CEWs, especially in situations involving non-violent people in crisis.

RECOMMENDATION 63: The TPS provide additional training, as appropriate, to officers who misuse CEWs in the course of good faith efforts to contain situations without using lethal force.

RECOMMENDATION 64: The TPS require officers to indicate on CEW Reports whether, and what, de-escalation measures were attempted prior to deploying the CEW.

RECOMMENDATION 65: The TPS carefully monitor the data downloaded from CEWs on a periodic basis, investigate uses that are not reported by Service members and discipline officers who fail to report all uses appropriately.

RECOMMENDATION 66: The TPS periodically conduct a comprehensive review of data downloaded from CEWs and audio/visual attachments or body cameras, to identify trends in training and supervision needs relating to CEWs as well as the adequacy of disciplinary measures following misuse.

RECOMMENDATION 67: The TPS revise its CEW procedure to emphasize that the purpose of equipping certain officers with CEWs is to provide opportunities to reduce fatalities and serious injuries, not to increase the overall use of force by police.

RECOMMENDATION 68: The TPS review best practices on safety of CEWs in different modes, both from TPS personnel that are already using CEWs and from other jurisdictions that have implemented policies on permitted methods of discharging CEWs.

RECOMMENDATION 69: The TPS consider the appropriate threshold for permissible use of CEWs, and in particular whether use should be limited to circumstances in which the subject is causing bodily harm or poses an immediate risk of bodily harm to the officer or another person, and no lesser force option, de-escalation or other crisis intervention technique is available or is effective.

RECOMMENDATION 70: The TPS require that all officers equipped with CEWs have completed Mental Health First Aid or equivalent training in mental health issues and de-escalation techniques.

RECOMMENDATION 71: The TPS ensure that training on potential health effects of CEWs, including any heightened risks for people in crisis or individuals with mental illnesses, is updated regularly as the state of knowledge on the topic advances.



**Canadian Mental
Health Association**
Ontario
Mental health for all

**Association canadienne
pour la santé mentale**
Ontario
La santé mentale pour tous

Andy Pringle
Chair, Toronto Police Services Board
40 College Street
Toronto, ON

October 16, 2017

Dear Mr. Pringle:

Re: Public Consultation on Achieving Zero Harm/Zero Death – An Examination of Less Lethal Force Options, including the Possible Expansion of Conducted Energy Weapons

We thank you for the opportunity to participate in the public consultation *Achieving Zero Harm/Zero Death – An Examination of Less Lethal Force Options, including the Possible Expansion of Conducted Energy Weapons (CEWs)*. The issues relating to the use of CEWs by police officers has been significant to the Canadian Mental Health Association (CMHA) as it affects our client population who may come into contact with police.

For many years, CMHA has stressed the importance of providing training to police officers to respond appropriately to individuals experiencing a mental health or addictions-related crisis. There are many ways in which police services and health care providers can work together to manage crisis situations where police are called to assist as first responders. CMHA has always advocated for the use of de-escalation techniques prior to the use of CEWs or the use of force. We encourage the exploration of alternative methods, such as expanding the use of shields, before the expansion of CEWs is considered.

In 2008, we developed a position paper on the use of CEWs which is available publicly at: <https://ontario.cmha.ca/documents/conducted-energy-weapons-tasers/> In our paper, we explore research on the safety of CEWs, which has primarily been conducted on animals, rather than humans. When research has been conducted on humans, those individuals had been deemed medically healthy. While CEWs may be used without injury on some individuals, there are vulnerable populations on whom CEWs should be used with caution. A 2004 review of CEW technology by British Columbia's police complaint commissioner indicated that risk factors for death by CEWs include drug-induced toxic states (cocaine, alcohol, etc.) and "acute psychiatric decompensation." As such, we want to caution against the broad expansion of CEWs across the police service. **Police services should limit their use of CEWs to situations where the only alternative would be the use of deadly force. CEWs should only be used as a last resort and after all other de-escalation techniques have proven unsuccessful.**

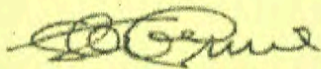
With respect to the use of CEWs by police officers, we offer the following recommendations:

- 1) A group of specially selected officers in every police service in Ontario be trained in mental health crisis intervention and other appropriate de-escalation techniques.
- 2) Police services in Ontario co-develop and participate in mental health crisis intervention teams to serve the needs of their community.
- 3) **Police services in Ontario limit their use of CEWs to situations where the only alternative would be the use of deadly force. CEWs should only be used as a last resort and after all other de-escalation techniques have proven unsuccessful.**
- 4) Police services monitor and publicly report the incidence and outcomes of CEW use.
- 5) Independent research is conducted into the safety of CEW use, including the effects on persons experiencing a mental health crisis.

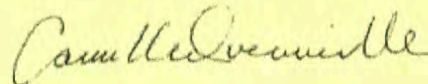
In addition, as per the Andrew Loku Inquest Recommendation #2, we recommend that all police officers be required to demonstrate proficiency in de-escalation and non-lethal use of force annually, and measure the effectiveness of the training "by requiring both a written and oral exam of the participants. Failure in such exams should result in requiring re-attendance at such training."

We would be happy to offer any further assistance to the Toronto Police Services Board on this matter. We welcome the opportunity for further discussion.

Sincerely,



Steve Lurie
Executive Director
Canadian Mental Health Association,
Toronto Branch



Camille Quenneville
Chief Executive Officer
Canadian Mental Health Association,
Ontario Division

cc: Pat Capponi, Co-Chair, Toronto Police Services Board Mental Health Subcommittee

About the Canadian Mental Health Association

The Canadian Mental Health Association (CMHA), which operates at the local, provincial and national levels across Canada, works toward a single mission: to make mental health possible for all. The vision of CMHA Ontario is a society that believes mental health is the key to well-being. We are a not-for-profit, charitable organization funded by the Ontario Ministry of Health and Long-Term Care. Through policy analysis and implementation, agenda setting, research, evaluation and knowledge exchange, we work to improve the lives of people with mental health and addictions conditions and their families. As a leader in community mental health and a trusted advisor to government, we actively contribute to health systems development through policy formulation and by recommending policy options that promote mental health for all Ontarians. CMHA Ontario works closely with 30 local branches to serve nearly 100,000 people every year in communities across the province to ensure the quality delivery of services in the areas of mental health, addictions, dual diagnosis and concurrent disorders, which occur across the lifespan. Nationally, CMHA is the oldest, most extensive community mental health organization in Canada, celebrating 100 years in 2018.

Ontario Human Rights Commission
Written Deputation to the Toronto Police Services Board

Response to the TPS Discussion Paper on
“Achieving Zero Harm/Zero Death”

October 17, 2017

The Ontario Human Rights Commission (OHRC) makes the following deputation in response to the Toronto Police Service's (TPS) Discussion Paper in which it proposes to expand the deployment of Conducted Energy Weapons (CEWs) to on-duty primary response unit constables and on-duty constables from designated specialized units.

The OHRC does not support the proposed expanded use of CEWs as set out in the Discussion Paper. The OHRC submits that:

- 1) The use of CEWs raises serious human rights concerns;
- 2) TPS must develop and adopt standards, guidelines, policies and strict directives to minimize the impact of CEWs on people protected under Ontario's *Human Rights Code*, especially people with perceived and actual mental health disabilities or addictions; and
- 3) TPS should not expand the use of CEWs until it undertakes the studies and adopts the safeguards repeatedly recommended by the OHRC, the Independent Review by the Honourable Justice Frank Iacobucci, and many Coroners' Inquests.

The use of CEWs raises serious human rights concerns because people with mental health disabilities tend to have more frequent contact with police, and may be more likely to be tasered because of behaviours and responses to police instructions that appear “unusual” or “unpredictable.” They may also be more likely to die after being tasered.

The OHRC has repeatedly called on the government and police services to adopt and implement all necessary standards, guidelines, policies and strict directives to end discriminatory use of force on people with mental health disabilities or addictions. This includes requiring police officers to de-escalate, use communication strategies, and refrain from using force for as long as possible. The OHRC continues to submit that de-escalation techniques are an essential component of minimizing the adverse impact of CEW use on persons with perceived and actual mental health disabilities.

Unfortunately, the Discussion Paper does not adequately situate the TPS' proposed expanded use of CEWs within broader, concrete efforts to end discriminatory use of force on people with mental health disabilities or addictions. Tasers are weapons and, as such, should be subsidiary rather than central to the TPS' commitment to de-escalation and non-discriminatory policing.



Ontario
Human Rights Commission
Commission ontarienne des
droits de la personne

As a result of these risks, the OHRC maintains its longstanding position that the government and police services, including TPS, must adopt and implement, to the point of undue hardship, all necessary standards, guidelines, policies and strict directives to minimize the adverse impact of the use of CEWs on people with mental health disabilities or addictions, or people who are intoxicated.

Despite its claims otherwise, the current TPS proposal fails to address crucial safeguards and further studies recommended by the OHRC, the Honourable Justice Frank Iacobucci in his report into police encounters with people in crisis (Iacobucci Report), and many Coroners' Inquests.

The TPS proposal does not address the OHRC's concerns about the use of CEWs on persons with mental health disabilities or addictions

The OHRC has consistently cautioned the government and police forces against increased use of CEWs without proper research and safeguards to protect persons with mental health disabilities or addictions. However, despite the trend of increased CEW use against persons with mental health disabilities, the Discussion Paper does not address this issue.

It is essential that the TPS—in conjunction with the Ministry of Community Safety and Correctional Services (MCSCS)—take steps to the point of undue hardship to minimize the adverse impact of use of CEWs on persons with perceived and actual mental health disabilities and addictions.

In 2011, TPS reported that 41.9% of CEW use incidents involved persons whom officers believed to be “emotionally disturbed” or who were perceived as suffering from the combined effects of emotional disturbance/mental disorder and alcohol and/or drug use. By 2016, that number had climbed to 48.6%.¹ The Discussion Paper makes no proposal to address this issue.

There is also evidence suggesting that people experiencing “acute psychiatric decompensation” or who are in a “drug induced toxic state” may be at a greater risk of death when tasered.² One Canadian study found that people with addictions may be disproportionately more likely to die after being tasered. The researchers found that 16 of 26 taser-related deaths in Canada involved persons with “chronic drug problems.”³

¹ Toronto Police Service, Annual Report: 2011 Use of Conducted Energy Weapons (May 2012) at 57 states that: “Of the 222 incidents of CEW use, 28.8% involved subjects whom officers believed were emotionally disturbed. The figure increases to 41.9%, when incidents involving persons who are perceived to be suffering from the combined effects of emotional disturbance/mental disorder and alcohol and/or drugs are included.” Toronto Police Service, Annual Report 2016: Use of Conducted Energy Weapons (March 2017) at 5.

² Office of the Police Complaints Commissioner, British Columbia, “Taser Technology Review and Interim Recommendations,” (September 2004), online: <http://fundar.org.mx/mocipol/images/taser%20technology%20review.pdf>

³ Temitope Oriola, Nicole Neverson & Charles T. Adeyanju, “‘They should have just taken a gun and shot my son’: Taser deployment and the downtrodden in Canada” (2012) 18(1) Social Identities 65.

In the Discussion Paper, the TPS proposes to expand the use of CEWs in accordance with MCSCS guidelines. However, the OHRC has repeatedly cautioned that the subjectivity and risk threshold for the use of CEWs set out in those guidelines (i.e. “threatening or assaultive behaviour”) may have an adverse impact on persons with mental health disabilities. In particular, they may be more likely to exhibit behaviour that is perceived as threatening or assaultive by virtue of their condition. This behaviour may also affect their ability to comprehend and respond to police officer requests or instructions. The OHRC has called on MCSCS to review and revise its guidelines, but to date, this has not taken place. Compliance with current MCSCS guidelines is not sufficient to prevent the discriminatory effects of expanded CEW use.

Police services, including the TPS, must also have policies that specifically state when CEWs may be used and specify inappropriate uses. These policies should specifically address the use of CEWs on vulnerable individuals such as people with mental health disabilities, and the potential increased risk of death for people with mental health disabilities or who are intoxicated.

The TPS proposal does not sufficiently address the Iacobucci Report recommendations

The OHRC cannot support the TPS’s proposal to expand the use of CEWs in the absence of the safeguards and research recommended in the Iacobucci Report. This report, which was written at the request of TPS and released over three years ago, made 84 recommendations. The vast majority highlighted the need to develop policies and practices to address the needs of people in crisis who come into contact with the police, including better use of force procedures, and education to emphasize de-escalation techniques.

The Iacobucci Report also addressed the use of CEWs and concluded that:

The paucity of reliable data regarding the effects of CEWs on individuals with medical conditions, people in crisis and subjects with prescription medications, illegal drugs or alcohol in their system makes it difficult for police to predict whether a given subject in a real-life interaction will suffer serious consequences from exposure to a CEW charge.

The absence of definitive research into the risks of CEWs for populations who are likely to encounter the police in non-criminal contexts is a problem when considering whether CEWs should be used against people in crisis. Some people with mental illness may be particularly vulnerable to the potentially serious effects of CEWs as they may present with many of the risk factors (existing medical conditions, prescription medications, substance abuse issues, high levels of agitation) when they encounter police during times of crisis. As many stakeholders have said,

police are neither equipped nor expected to diagnose medical or psychological conditions. As such, first responders may not be able to identify heightened risk factors in an individual before deciding whether to employ a CEW.

As a result of these findings, Justice Iacobucci acknowledged the potential benefits of CEWs, but expressed caution on their expanded use, concluding that:

It is unclear, presently, to what extent CEWs may cause death, and the concern that CEWs may be abused is well-justified. Accounts of misuse of CEWs by police, albeit relatively rare statistically, are not hard to find, within the TPS and elsewhere. My conclusion is that the TPS should proceed cautiously in this area, but that it should nonetheless proceed with expanded availability of CEWs on a pilot basis, with careful safeguards to help arrive at better answers to the questions posed. My detailed recommendations on these issues are below. [emphasis added]

Based on this conclusion, Justice Iacobucci made 17 detailed recommendations on the use of CEWs, including the need to further study the effects of CEWs on persons in crisis (Recommendation 55) and defining the safeguards necessary to put a pilot project of expanded CEW use into place (Recommendation 59).⁴

⁴ RECOMMENDATION 55: The TPS advocate an interprovincial study of the medical effects of CEW use on various groups of people (including vulnerable groups such as people in crisis), as suggested by the Goudge Report.

RECOMMENDATION 59: The TPS consider conducting a pilot project to assess the potential for expanding CEW access within the Service, with parameters such as:

- (a) Supervision: at an appropriate time to be determined by the TPS, CEWs should be issued to a selection of front line officers in a limited number of divisions for a limited period of time with the use and results to be closely monitored;
- (b) Cameras: all front line officers who are issued CEWs should be equipped either with body-worn cameras or audio/visual attachments for the devices;
- (c) Reporting: the pilot project require standardized reporting on issues such as:
 - i. frequency and circumstances associated with use of a CEW, including whether it was used in place of lethal force;
 - ii. frequency and nature of misuse of CEWs by officers;
 - iii. medical effects of CEW use; and
 - iv. the physical and mental state of the subject;
- (d) Analysis: data from the pilot project be analyzed in consideration of such factors as:
 - i. whether CEWs are used more frequently by primary response units, as compared to baseline information on current use of CEWs by supervisors;
 - ii. whether CEWs are misused more frequently by primary response units, as compared to baseline information on current use of CEWs by supervisors;
 - iii. the disciplinary and training responses to misuses of CEWs by officers and supervisors;
 - iv. whether use of force overall increased with expanded availability of CEWs in the pilot project;
 - v. whether use of lethal force decreased with expanded availability of CEWs in the pilot project; and
 - vi. whether TPS procedures, training or disciplinary processes need to be adjusted to emphasize the objective of reducing deaths without increasing the overall use of force or infringing on civil liberties; and

Despite its claims otherwise, the current TPS proposal does not align with Justice Iacobucci's recommendations. Indeed, TPS has specifically rejected his recommendations to further study the effects of CEWs on vulnerable groups (such as persons in crisis).⁵ And while TPS claims that it has implemented Justice Iacobucci's Recommendation 59 for a pilot project in an "alternative form," the Discussion Paper does not refer to any form of "pilot project" – with time limits or limited by the number of divisions, as envisioned by the Iacobucci Report.⁶ Instead, it simply refers to "expanded deployment."

The TPS Proposal does not sufficiently respond to Coroners' Inquest recommendations

In the Discussion Paper, the TPS relies on recommendations for expanded CEW use in "eighteen inquests." Again, however, the TPS proposal fails to address the ancillary recommendations of those inquests that would help to ensure that CEWs are deployed in a way that does not discriminate against persons with mental health disabilities and/or addictions.

For instance, in the 2014 Inquest into the Deaths of Reyal Jardine-Douglas, Sylvia Klibingaitis, and Michael Eligon, the jury recommended that MCSCS "commission a study of CEWs to determine if there are any special risks or concerns associated with the use of this device on EDPs [Emotionally Disturbed Persons]." The TPS proposal does not indicate whether such a study has occurred or has been considered.

In the 2017 Inquest into the death of Andrew Loku, which the Discussion Paper specifically relies on, the jury did make a recommendation to equip patrol cars with "less lethal weapons," including potentially CEWs. However, that recommendation was made in the context of broad recommendations to implement police training to deliver equitable services to persons with mental health disabilities and/or addictions. Such training would be a necessary element of any expanded use of CEWs. In addition, the jury specifically recommended that MCSCS fund and continue to study the use and deployment of less-lethal use of force options such as CEWs. There is no indication that TPS has inquired into such studies as part of its proposal to expand the use of CEWs.

Finally, the Discussion Paper relies on some evidence from the 2004 Coroner's Inquest into the death of Jerry Knight, which predates the Iacobucci Report. Again, however, the jury recommendations arising out of that inquest did not recommend the expanded use

(e) Transparency: the TPS report the results of the pilot project to the Toronto Police Services Board (TPSB), and make the results publicly available.

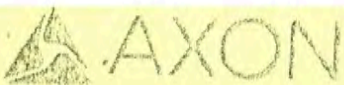
⁵ Iacobucci Report TPS Implementation Status, Appendix B at 47:

www.torontopolice.on.ca/publications/files/reports/20150911-iacobucci_report_recommendations_with_tps_response.pdf

⁶ Iacobucci Report TPS Implementation Status, *supra*, Appendix B at 50.

of CEWs, but instead encouraged “increased research and training in Excited Delirium and restraint; including, the advisability of using the Taser in drive stun mode and pepper spray.”

In the absence of the types of protections and further research outlined in these Coroners’ inquest recommendations, the OHRC does not support the expanded use of CEWs as outlined in the Discussion Paper.



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Tuesday, October 17, 2017

The Clerk (Boardgeneral.mailbox@torontopolice.on.ca)
Toronto Police Services Board
40 College Street
Toronto, Ontario
M5G 2J3

Dear Chair Pringle and Members of the Toronto Police Services Board

Submission for Achieving Zero Harm/Zero Death – An Examination of Less-Lethal Force Options, including the Possible Expansion of Conducted Energy Weapons (CEWs)

Axon's mission is to protect life. We prioritize the safety of our customers and the people they serve above all else. We are therefore very pleased to write in support of your process and its goals of "Zero Harm/Zero Death."

We have reviewed the Toronto Police Services Discussion "*Paper Achieving Zero Harm/Zero Death – An Examination of Less-Lethal Force Options, including the Possible Expansion of Conducted Energy Weapons (CEWs)*".

We strongly endorse its overall conclusions insofar as they relate to CEWs. Specifically, we agree that while TASER Conductive Energy Weapons (CEWs) are not risk free, the evidence clearly demonstrates that TASER CEWs are proven safer than batons, fists, take downs, tackles, and impact munitions.

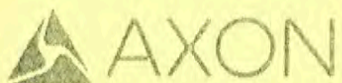
The purpose of this letter is to share additional reports and studies which were not referenced by the Discussion Paper, which we believe may be helpful to the deliberations of the Toronto Police Services Board.

Growing experience in the deployment of CEWs: Today, 18,000+ law enforcement agencies in 107 countries deploy TASER CEWs. The body of research on CEWs now draws on 24 years of experience arising from more than 3.5 million field deployments and 2.3 voluntary exposures.

A growing volume of independent research: CEWs have become the most studied less-lethal weapon in the world with more than 750 reports, abstracts, letters and studies on the safety of TASER weapons. More than 75% of these reports were totally independent of Axon. For your reference, we attach a bibliography of research on CEWs.

Safest Intermediate Use of Force: The results are increasingly clear. Though not without risk, TASER CEWs are proven to be safer than other use of force options. A 2009 U.S. Department of Justice funded study by Wake Forest University Hospital study concluded that 99.75% of 1,201 field uses of TASER weapons in a wide range of drug and alcohol influences, ages, and race resulted in no significant injuries, demonstrating that the TASER device is the safest intermediate use-of-force option for police.

A 2014 study examined the effect of CEWs and concluded:



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*"Human studies have failed to detect any significant ECD-induced alterations in cardiovascular, respiratory and/or metabolic parameters following single or prolonged discharges (31, 89-95). Animal (swine) studies have also not demonstrated excess mortality attributable to prolonged continuous ECD discharges (96, 97)."*¹

International studies confirm these conclusions. A 2017 Study by the Home Office of the United Kingdom on the *Medical Implications of Tasers* concluded as follows:

*"Despite the broad range of potential injuries associated with the use of CEDs, together with the heightened level of threatening behaviour required to justify the necessary and proportionate use of such devices, the incidence of serious injury in the UK appears to be low relative to the number of times the devices are used. Notwithstanding the likelihood of under-reporting in the medical press, the relative infrequency of reports of serious injury implies that most uses of CEDs result in unremarkable medical outcomes."*²

Similarly, a 2017 study published in Germany concluded as follows:

Conducted electrical weapons (CEWs), such as Taser devices, have been used by special police forces in Germany, Austria and Switzerland for several years. Due to current political changes and the increasing complexity of requirements for police officers in the field, a large-scale introduction of Taser devices is currently being discussed. In this context, the medical risk assessment of this new technology plays an important role. Although there have been several hundred articles on the pathophysiological risks of CEWs published over the last years, the literature comparison of medical publications on this subject reveals a partially inconsistent picture.

*The present work deals with the cardiac aspects of CEWs. Using the medical database PubMed, articles published on this topic are critically evaluated and compared. According to up-to-date scientific information, it can be assumed that with the proper application of CEWs, no clinically significant pathophysiological effects on the heart are to be expected. Using CEWs following the requirements of necessity and proportionality should therefore be classified as safe.*³

A Police Executive Research Foundation (PERF) study found that CEWs led to **fewer officer injuries and fewer suspect injuries**. Use of TASER CEWs was associated with a 76% reduction in the chances of an officer being injured compared to agencies that do not use CEWs, and the odds of a suspect being injured were reduced by more than 40% in TASER CEW agencies compared to non-CEW agencies.⁴

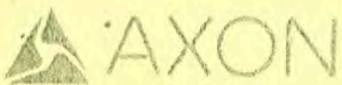
Axon has greatest respect for the concern that the use of CEWs be properly grounded in a

¹ Graham, M.A. Investigation of Deaths Temporally Associated with Law Enforcement Apprehension. *Academy of Forensic Pathology*. (2014) 4 (3): 366-389 at p. 383.

² UK. Policing. Home Office. Gov. U.K. Medical implications of the TASER X2. By RJ Flower. March 2, 2017 at p. 15. <https://www.gov.uk/government/publications/medical-implications-of-the-taser-x2>

³ Kunz, S.N., Adamec, J. Cardiac aspects of conducted electrical weapons (CEW) Kardiale Aspekte von Elektroschockdistanzwaffen. Übersichten. Berlin 2017. *Rechtsmedizin* DOI 10.1007/s 00194-017-0147-0.

⁴ *Major Research Study by PERF Indicates That CEDs Can Reduce Injuries to Police and Suspects, But PERF Continues to Urge Caution, Subject to Debate* A Newsletter of the Police Executive Forum Research, September 2009.



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continuum of procedures, with a priority placed on de-escalation and other methods. Nevertheless, CEWs are a valuable part of the continuum. As Ho et al. concluded in 2007:

*"The mentally ill represents a significant portion of subjects upon whom CEWs are used. These data suggest frequent use of CEWs in situations where deadly force would otherwise be justified and in situations where subjects exhibit imminent danger to themselves. These data also suggest that escalation to deadly force was avoided in many mental illness and suicidal situations by the presence of a CEW."*⁵

Ontario's Policing Standards Advisory Committee of the MCSCS made a similar observation:

"In addition, seven inquest juries from Ontario during the period from 2005 to early 2009 recommended all front-line/primary response officers be authorized to use CEWs. The rationale for these recommendations stems from an acknowledgement that front-line officers may be in a position to facilitate a rapid resolution of violent situations without the use of lethal force and the situations in which a CEW is required are most often encountered by front-line/primary response officers. The presiding coroner of one of the inquests commented that:

'Particularly where ED (excited delirium) may be involved, early control and restraint of the agitated subject will prevent possible serious consequences, and allow for earlier medical intervention and treatment... Use of a Taser, particularly in full deployment (probe) mode, has proven highly effective in gaining rapid control of subjects, avoiding prolonged and potentially dangerous physical confrontations.'⁶

As the TPS Discussion Paper points out, since the time of that report, the number of Coroner's inquests making that recommendation has now increased to 18 between 2005 and 2017.

In addition to the reports commissioned by the Ontario Policing Standards Advisory Committee the U.S. Department of Justice conducted a 5-year TASER safety study:

'an expert panel of medical professionals concludes that the use of conducted energy devices by police officers on healthy adults does not present a high risk of death or serious injury.'⁷

In comparing records 24,000+ use of force conflicts from 12 different agencies, a separate U.S. Department of Justice study found the risk of injury to suspects apprehended with TASER brand weapons typically fell more than 60% compared to the risk to suspects who were arrested without the devices, when all other conditions were similar.⁸

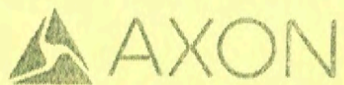
Any loss of life is a tragedy regardless of the circumstance, which is why we remain committed to developing technology and training to protect life in public safety.

⁵ Ho J, Dawes D, Johnson M, Johnson M, Lundin E, Miner J., *Impact of conducted electrical weapons in a mentally ill population: a brief report*. Am J Emerg Med. Sep 2007;25(7):780-785.

⁶ Report of the Policing Standards Advisory Committee, *Review of Conducted Energy Weapons Use in Ontario*, (2009), Minister of Community Safety and Correctional Services, Ontario pg 7.

⁷ Higgins, Brian., *Final Findings From the Expert Panel on the Safety of Conducted Energy Devices*, National Institute of Justice, October 2011.

⁸ *Police Use of Force, Tasers and Other Less-Lethal Weapons*, US Department of Justice, Office of Justice Programs, National Institute of Justice May 2011.



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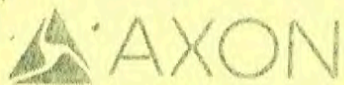
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Axon is deeply invested in the safety of our communities, and we believe that safety comes hand in hand with transparency. It is important to us to hold absolute confidence in the safety of our products. As a direct result of that belief, we ensure our products undergo vigorous research and testing both in-house and through third parties and continue testing and monitoring even after they have been released.

Sincerely,

A handwritten signature in black ink that reads "Jim Halsted". The signature is written in a cursive style and is circled in red.

Jim Halsted
Vice President, Canada



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Proposed Policy on Taser Use

A Toronto police officer may only fire a Taser at a person if either

1. The officer believes, on reasonable grounds, that it is necessary to protect against loss of life or serious bodily harm [which is the requirement for use of a firearm], or
2. The officer believes, on reasonable grounds, that it is necessary to protect against the person causing serious bodily harm to herself or himself.