


# Saint John Police Force

	Use of Force	Effective Date: 30/10/2014
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French translation of this document can be provided upon request.

## Purpose:

To apply the National Use of Force Framework in order for officers to make an informed decision when interacting with subjects, and to provide for the compulsory reporting by officers on use of force incidents.

## References:

Canadian Charter of Rights and Freedoms  
Criminal Code  
Critical Incident Stress Management Program  
Interpretation Act  
National Use of Force Framework  
Use of Force Framework Guidelines  
Operational Manual 3.7 – Hazardous Pursuits  
Provincial Court Act  
Provincial Offences Procedure Act  
New Brunswick Policing Standards, Chapter 11

## Forms:

Use of Force Report, Form P114

## Policy:

### 1. General

- a. Peace officers possess the authority and are under a legal obligation to preserve the peace and good order of the community. This duty includes the protection of life and property, the apprehension of offenders, and the investigation of alleged offences.
- b. The law grants peace officers the authority – acting on reasonable and justifiable grounds – to use as much force as is necessary in doing what they are required or authorized to do. Use of force is not deemed excessive if it is reasonable and justifiable in the circumstances, and based on continuous assessment of change in circumstances. The decision as to whether force is to be used, and the amount to be applied, rests solely with the peace officer who is personally involved at the scene. Although decisions may have to be made instantly, in

each case the decision shall be based on as reasonable an assessment of the circumstances as possible under prevailing conditions. The final decision as to what is reasonable is a matter reserved solely to a Court of Law; that decision may not necessarily coincide with an officer's opinion on the matter.

- c. The value of human life is paramount in our society. Peace officers have been delegated the responsibility to protect life and property; the responsibility of apprehending criminal offenders must always be subservient to the protection of life. The officer's responsibility for protecting life must also include their own.
- d. Lethal use of force is permissible only in defence of life of the peace officer, or of someone under the officer's protection, and then only to the extent consistent with the National Use of Force Framework.
- e. In certain circumstances which the officer has determined to be reasonable and justifiable, use of force may include techniques that influence behaviour by eliciting pain in order to apply handcuffs or otherwise secure compliance.
- f. Although the authority to 'use as much force as is necessary in doing what they are required or authorized to do' does not dictate the minimum force necessary, neither does it allow excessive force. The degree of force necessary is that which is reasonable and justifiable.
- g. The *Criminal Code of Canada* describes conditions under which Peace Officer authority and use of force may be exercised. When consent or an emergency are not present, and reasonable grounds to make an arrest do not exist, non-consensual touching by an officer may constitute a crime, as well as result in civil liability. When reasonable and probable grounds exist, criminal and civil liability may still occur if the peace officer exceeds the limits of the law.  
[ref: CCC: S. 25(1); S. 25(3); S. 25(4); S. 26; S. 32(1); S. 34(1); S. 37(1)]

## 2. Medical and Mental Health Adverse Events

- a. It is in the nature of police work that during calls for service and other law enforcement and public order duties officers often encounter subjects who are agitated. Frequently this is a consequence of medical or mental health conditions, intoxication, or other substance abuse (chronic cocaine or methamphetamine use; ecstasy or marijuana) or a combination of medical, mental health and substance abuse issues.
- b. A condition commonly described as 'Excited Delirium' presents as a cluster of symptoms often overlapped by mental disorders and cocaine and methamphetamine abuse. Paranoia and control over-ride result in very

aggressive behaviour and a number of dangerous physical affects that may result in sudden and unexpected death.

- c. The cluster of symptoms defining Excited Delirium indicates a medical emergency (already in progress before police intervention) that requires acute medical care. Erring on the side of caution, any medical or mental health condition, substance abuse, or significant intoxication that presents as an agitated or aggravated state – as a cluster of symptoms or as individual symptoms – should be treated as a medical emergency. Inaction may result in imminent death or grievous bodily harm of the subject. As a minimum, EMS should be called to the scene as soon as practical to evaluate for further medical attention. Recognizing that medical attention cannot be provided when the subject is in a state of Excited Delirium and behaving in a manner the puts medical personnel at risk, the officer(s) must act quickly to restrain and control the subject – consistent with the Use of Force Framework, and training and use guidelines for the respective techniques, devices and weapons. This is a reasonable and justifiable Use of Force to protect the subject from imminent death or grievous bodily harm.
- d. All peace officers will receive training and be currently certified in First Aid as first responders.

### **3. National Use of Force Framework**

- a. The National Use of Force Framework approved by the Canadian Association of Chiefs of Police provides a graphical representation of the various elements involved in the process by which a peace officer assesses a situation and acts in a reasonable manner to ensure officer and public safety. It is a framework for the reasonable and justifiable use of force when acting within the authority and responsibilities of peace officers.
- b. This Use of Force Model promotes continuous critical assessment and evaluation of each situation and assists officers to understand and make use of a variety of force options to respond to potentially violent situations. The Model is not intended as *prima facie* justification for officer use of force, nor does it prescribe specific response options appropriate to a situation; rather it provides a valuable tool to facilitate understanding and articulating the events associated with an incident involving officer use of force.
- c. All peace officers will receive training and be currently certified in the National Use of Force Framework.

### **4. Implementing Policy by Procedures**

- a. Police forces will establish procedures respecting:
  - General Use of Force procedures
  - Responding to Medical and Mental Health Adverse Events
  - Use of Force procedures for approved devices, weapons and firearms
  - Use of Force reporting procedures
  - Use of Force training

## Procedures:

### General Use of Force Procedures

#### 1. Responding to Medical and Mental Health Adverse Events

- a. The cluster of symptoms described as Excited Delirium and other medical or mental health conditions, intoxication, or other substance abuse that result in the subject acting in an agitated or aggravated fashion are indications of a medical emergency in progress. Officers must act quickly to restrain and control the subject consistent with the Use of Force Framework, and training and use guidelines for the respective techniques, devices and weapons. This is a reasonable and justifiable use of force to protect the subject from imminent death or grievous bodily harm.
- b. Excited delirium is a medical emergency that requires acute medical care. Excited delirium causes a person's sympathetic nervous system to shift into overdrive. The sympathetic nervous system is responsible for the up or down regulation of most of the body's homeostatic functions, including the release of adrenalin, heart rate, body temperature, and pain perception. Physical restraint compounds these effects on the sympathetic nervous system. The subject was already in a medical crisis before you arrived on scene. It is likely he is near complete exhaustion, despite how he presents. Excited delirium is associated with a number of dangerous physical effects including hyperthermia, changes in blood acidity, electrolyte imbalances, a breakdown of muscle cells, cardiac arrhythmias and ventricular fibrillation. The typical excited delirium death involves the subject slipping into a state of sudden tranquility, either during or after the struggle and restraint, followed by cardiac arrest. It is essential that law enforcement officers recognize the symptoms of excited delirium and sudden death so that appropriate emergency medical care is initiated early. If you are not sure if someone is exhibiting excited delirium behaviour, err on the side of caution. (Kulbarsh, 2007)
- c. Excited Delirium is described as "a state of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, euphoria, hostility, exceptional strength and endurance without apparent fatigue" (Morrison & Sadler, 2001).
- d. Excited Delirium is a medical emergency which may be brought on by stimulant use, psychiatric illness or a combination of both. Individuals may exhibit the following symptoms or behaviours:
  - removal of clothing;
  - bizarre and violent behaviour;
  - running in heavy street traffic;
  - hyperactivity;
  - aggression;
  - smashing objects, particularly windows and glass;
  - non-responsive to police presence or verbal intervention;
  - extreme paranoia;

- incoherent shouting, unintelligible speech, animal sounds;
  - flight behaviour;
  - hallucinations;
  - confusion or disorientation;
  - lid lift (eyes opening so wide the whites of the eyes are completely visible);
  - unusual strength;
  - impervious to pain;
  - ability to resist numerous police officers over an extended period of time;
  - overheating (hyperthermia ...temperatures can spike to 105-113°F);
  - foaming at the mouth;
  - drooling;
  - profuse sweating or no sweating at all.
- e. Where possible the individual should be transported by EMS as soon as possible for health care. If it is suspected that an incident involves an individual who is experiencing an Excited Delirium medical emergency, create a response strategy to include EMS personnel to attend the scene with the responding officers where possible and ensure there are sufficient officers at the scene to minimize the incidence of physical confrontation.
- f. Where EMS personnel are not present at the scene and the individual suddenly becomes quiet and stops resisting, ensure EMS personnel are summoned and preparations are made to commence first aid (CPR).
- g. Where available, training to recognize the cluster of symptoms described as Excited Delirium and training to recognize other medical or mental health conditions, intoxication, or other substance abuse that result in the subject acting in an agitated or aggravated fashion – should be delivered by a medical professional.
- h. Consideration should be given to the unique circumstances involved prior to applying use of force to any of the following individuals:
- pregnant females;
  - elderly individuals or obvious juveniles;
  - individuals handcuffed or otherwise restrained;
  - individuals who have been recently sprayed with O.C. Spray or who are otherwise in close proximity to any combustible material, pools of water; or
  - individuals whose position or activity may result in collateral injury (e.g. falls from significant heights, operating vehicles, etc.)

## **2. Medical Attention**

- a. Whenever a person is injured as a result of the use of force, the officer shall immediately or as soon as practical:
- administer first aid;
  - make him/her as comfortable as possible;

- immediately arrange for qualified medical attention; and
  - monitor the subject for signs of Excited Delirium.
- b. Medical treatment shall be arranged for subjects who have received a CED cartridge discharge.
- c. As soon as practicable report the incident to your shift supervisor.

### 3. National Use of Force Framework

#### a. Subject Behaviors

The five categories of subject behavior referenced in the Use of Force Framework include:

1) ***Co-operative***

The subject responds appropriately to the officer's presence, direction and control.

2) ***Resistant (Passive)***

This is the lowest level of resistance behavior. The subject resists control through passive physical actions and verbal refusal to respond to lawful commands. This level of resistance can be in the form of dead weight posture intended to make the officer lift, pull, drag, or push the subjects to maintain control. This may include the subject sitting handcuffed and refusing to get up or get into the rear of the police vehicle without physical exertion.

3) ***Resistant (Active)***

Officers may find themselves confronting a subject who is physically resisting the officers attempt to control the subject by direct overt physical actions. With this level of resistance the subject's attempts to push or pull away in a manner that does not allow the officer to establish control and it is clear that intervention will escalate the matter. Examples would include pulling away to prevent or escape control, or overt movements such as walking toward, or away from an officer – contrary to directions from the officer. Running away is another example of active resistance.

4) ***Assaultive***

The subject attempts to apply, or applies force to any person; attempts or threatens by an act or gesture, to apply force to another person, if he/she has, or causes that other person to believe upon reasonable grounds that he/she has, present ability to effect his/her purpose. Examples include kicking and punching, but may also include aggressive body language that signals the intent to assault.

5) ***Grievous Bodily Harm or Death***

The subject exhibits actions that the officer reasonably believes are intended to, or likely to cause grievous bodily harm or death to any person. Examples include assaults with a knife, stick or firearm, or actions that would result in serious injury to an officer or member of the public.

d. **Use of Force Options**

1) ***Perception of Danger and Use of Force***

The force that a peace officer uses to gain control over a subject's resistant action is divided into the following categories:

***Officer presence***

***Communication***

***Physical Control (Soft and Hard)***

***Intermediate Weapons***

***Lethal Force***

These categories may be used singularly or in combination anytime during an arrest. Weapons of opportunity may be used as dictated by the situation, and consistent with the Use of Force Framework.

Once a peace officer determines that he or she must use physical force, the level of force used will be dependent upon the peace officer's perception of resistance and subsequent danger of that resistance, and whether that resistance is placing the peace officer or another in jeopardy of serious injury or

death. Each peace officer's perception of the danger of the resistance will be based upon his/her past training, experience, and knowledge of physical control techniques and based on other physiological and situational conditions.

2) ***Officer Presence and Communication***

The majority of situations can be resolved through effective communication skills or verbal direction. While not strictly a use of force option, often the simple presence of an officer can affect both the subject and the situation. Visible signs of authority such as uniform and marked police cars can change a subject's behaviour. In any verbal confrontation, fear and anger must be diffused before a subject will be able to understand the peace officer's commands - this will require effective communication skills and patience by the officer.

3) ***Physical Control – Soft and Hard***

***Soft*** techniques are control oriented and have a lower probability of causing injury. They may include gently guiding a subject's movements to restraining techniques and generally consist of the following techniques:

- Pressure points,
- Escort Techniques (Jaw Lock), and
- Handcuffs and other restraints.

***Handcuffs***

- a) Handcuffs or nylon restraint devices are used to control a person when it is reasonable to do so and when there is reasonable belief that failure to do so may jeopardize the safety of the person, the public or peace officer. Handcuffs or nylon restraints are restraining devices only and do not immobilize the subject.
- b) Handcuffs may be used to:
  - prevent the escape of a person in custody and afford security to the escort and the prisoner;
  - control the violent activities of a person in custody; and
  - take a person into custody who is resisting arrest.
- c) Discretion must be applied when handcuffing sick, injured, physically handicapped or elderly prisoners and young offenders.
- d) Handcuffs or nylon restraints should be applied to the subject tight enough to provide security and loose enough to allow circulation. Handcuffs should be doubled locked in order to prevent the subject from inadvertently tightening the handcuffs.



**Hard** techniques are intended to stop a subject's behaviour or to allow application of a control technique, and have a higher probability of causing injury. They may include joint restraints (locks), empty hand strikes such as punches, and kicks. These techniques are applied when lower forms of controls have failed or are not applicable because of the subject's resistance, or the number of adversaries is at a perceived dangerous level. The control techniques used for this level of force have the probability of creating soft or connective tissue damage, skin laceration, bone fracture, or grievous bodily harm. Although the use of these techniques may create a wide range of potential injuries based on the subject's resistance, peace officers may be risking injury to themselves or may have to use higher levels of control if these techniques had not been applied. Generally, hard control techniques include:

- ▶ Striking techniques may be delivered with a peace officer's open hand, fist, forearm, leg or foot. It is preferable that the target points for these types of strikes will be delivered to major muscle mass such as the legs, arms, shoulders or the side of the neck. Applying striking techniques will create muscular skeletal impairment, thereby inhibiting the subject's physical action or resistance.

#### 4) **Intermediate Weapons**

This use of force option involves the use of a less-lethal weapon. Impact weapons, aerosols (example O.C. Spray) and CED's fall under this option. Whenever a peace officer uses an intermediate weapon for control, it should always be with the intent to temporarily disable a subject or to gain compliance. When these intermediate weapons are used, it is quite likely that some form of skin irritation, bruising, soft connective tissue damage or bone fractures may occur. Less-lethal weapons are those whose use is not intended to cause serious injury or death.

##### **Baton**

- a) Once a peace officer determines that he or she must use physical force, the level of force used will be dependent upon the peace officer's perception of resistance and subsequent danger of that resistance, and whether that resistance is placing the peace officer or another in jeopardy of serious injury or death.
- b) The baton is a less-lethal intermediate alternative to deadly force, where an assailant is pressing an attack which may reasonably be expected to result in bodily harm or death to any person and lesser means of defence are impractical or unavailable.
- c) Striking a person on the head, face or neck area may be considered a use of lethal force, and should only be used if an officer or other person is at

risk of serious grievous bodily harm or death and lesser means of defence are impractical or unavailable.

- d) There are two principle baton target areas on the body. All techniques are designed to deliver one or more strikes to motor nerves proximate to:
- the elbow, and
  - the knee.
- e) When using the baton, if possible, the following sequence should be applied:
- WARN** - inform the subject that more force will be used.
- DRAW** - draw the baton and hold it ready to strike.
- STRIKE** - use the baton to strike and subdue the subject.

5) ***Oleoresin Capsicum (O.C.) Spray***

- a) Once a peace officer determines that he or she must use physical force, the level of force used will be dependent upon the peace officer's perception of resistance and subsequent danger of that resistance, and whether that resistance is placing the peace officer or another in jeopardy of serious injury or death.
- b) Oleoresin Capsicum Spray (O.C.) Spray, also referred to as aerosol "pepper spray", is an inflammatory agent that occurs naturally in cayenne pepper. This aerosol weapon is designed to incapacitate a subject who can then be controlled with minimal physical contact. O.C. Spray is a safe and effective, less than lethal force, weapon. It is designed to be used on individuals exhibiting active hostile resistance where verbal commands or other pain compliance techniques have failed or are likely to fail. O.C. Spray is a pain compliance technique. Use of O.C. Spray does not preclude the use of lethal force.
- c) O.C. Spray is a prohibited weapon as per Prohibited Weapons Order No. 1, paragraph (b); however, in accordance with subsection 92(1) CC the weapon is legally in possession of a peace officer.
- d) The Minister of Public Safety and Solicitor General approved the legal use of Oleoresin Capsicum (O.C.) Spray by peace officers in the Province of New Brunswick.
- e) When O.C. Spray is used every effort should be made to relieve the subject's discomfort by flushing the contaminated area with cold water, if irritation persists medical attention should be arranged.
- f) A Use of Force report will be submitted whenever O.C. Spray is used in a law enforcement situation.

6) **Conducted Energy Devices (CED) – Taser Device - Models M/X26, and Taser Cam**

- a) Once a peace officer determines that he or she must use physical force, the level of force used will be dependent upon the peace officer's perception of resistance and subsequent danger of that resistance, and whether that resistance is placing the peace officer or another in jeopardy of serious injury or death.
- b) The Conducted Energy Device (CED) is an Intermediate Weapon. It is a less lethal device used to incapacitate subjects by discharging an electronic current into the subject via two wired probes. The CED may also be used in a drive-stun capacity with a fired cartridge in the device or when the CED is not loaded with a cartridge.
- c) Consideration should be given to the unique circumstances involved prior to applying the CED to any of the following individuals:
  - pregnant females;
  - elderly individuals or obvious juveniles;
  - individuals handcuffed or otherwise restrained;
  - individuals who have been recently sprayed with O.C. Spray or who are otherwise in close proximity to any combustible material, pools of water; or
  - individuals whose position or activity may result in collateral injury (e.g. falls from significant heights, operating vehicles, etc.)
- d) When circumstances suggest the deployment of the CED, and when practical, the Police Force Communication Centre should be contacted to request:
  - emergency medical personnel (EMS) attend the scene, and
  - where possible, back-up to assist with taking the suspect into custody.

**Note: The number of additional officers and their responsibilities will be determined by the dynamics of each incident. Nothing in this policy prohibits an officer from deploying and firing a CED without requesting or having the presence of additional officers.**
- e) When practical, prior to firing the CED, an announcement should be made that the CED is being deployed and provide the subject with a reasonable opportunity to voluntarily comply.
- f) Following a CED deployment the subject is to be:
  - restrained and secured as soon as possible,

- positioned to prevent positional asphyxiation,
- monitored for signs of Excited Delirium, and
- assessed by medical personnel and treated regarding any injuries or complaints of injury (if any) and for the removal of CED probes if necessary.

### ***CED: Medical and Mental Health Events***

- g) While excited delirium and other medical, mental health and substance abuse medical emergencies require timely action by officers in controlling the subject and providing for timely acute medical care for the medical emergency, the officer must also remain aware that use of a CED may also be a stressor on the subject. The officer should make every effort to bring the subject quickly under control using only the duration, duty cycle and repetition of CED use required, and consistent with CED training.

### ***Evidence Collection***

- h) The data and video recording are to be collected and processed as evidence. The probes are to be properly handled and stored as bio-hazardous "sharps".

### ***CED Training***

- i) Police forces will provide annual certification training for CED issued officers, based on a Course Training Standard (CTS) consistent insofar as is practical with the manufacturer's guidelines.

## **7) *Lethal Force***

This Use of Force option involves the use of any weapons or techniques that are intended to, or are reasonably likely to cause grievous bodily harm or death.

Section 25(3) CC provides that lethal force may be used when a peace officer believes on reasonable grounds that it is necessary to control a situation in order to protect peace officers or others from immediate threats of death or grievous bodily harm.

Once a peace officer determines that he or she must use physical force, the level of force used will be dependent upon the peace officer's perception of resistance and subsequent danger of that resistance, and whether that resistance is placing the peace officer or another in jeopardy of serious injury or death.

### ***Firearms***

- a) Officers may draw their firearm in public only when it is believed that such action is necessary to preserve his/her life or the lives of others from death or grievous bodily harm.

**Note:** "Drawing a firearm in public" does not include those non-operational incidents such as transferring shotgun from one vehicle to another; removing shotgun from vehicle when vehicle left at garage for servicing; taking shotgun to and from police vehicle at shift change, etc.

- b) Officers shall not discharge a firearm at a person with intent to disable or cause death except to protect life or prevent grievous bodily harm to him/herself or others.
- c) Irrespective of subsection 25(4) CC which justifies using as much force as is necessary to prevent escape by flight, unless the escape can be prevented by reasonable means in a less violent manner, an officer may shoot a person only to protect life or prevent grievous bodily harm.

### ***Shotguns and Rifles***

- a) The use of a shotgun or rifle provides power, range, accuracy and ammunition options. Extra caution must be exercised with respect to bystanders and background.
- b) When taking part in a raid, search, or attending the scene of a crime, do not openly exhibit a shotgun or rifle unless there is a reasonable probability of encountering armed resistance.
- c) In planned operations where it is considered prudent to carry a shotgun or rifle, the responsibility should be placed on a trained officer.
- d) If in plainclothes, exercise extreme caution and discretion in exhibiting a shotgun or rifle.
- e) When officers use a shotgun or rifle while in plainclothes, every effort must be made to ensure that they are readily identifiable as a peace officer. A police identification vest must be worn, and, whenever feasible, be accompanied by a uniformed officer.

## **4. Force-Issued Weapons and Devices**

### **a. Definition**

- 1. **Force-issued weapons and devices:** may include – but are not limited to – the baton, Oleoresin Capsicum (O.C.) Spray, handcuffs, conducted energy device (CED), firearms (police sidearm, shotgun, rifle), and various emergency weapons issued to specialized response and tactical teams.

### **b. Firearms**

- 1. No officer will carry a firearm unless, during the previous twelve months, he/she has successfully completed a firearms qualification training course.

2. An officer will not discharge a firearm in the performance of his/her duties except where on reasonable or probable grounds the officer believes it necessary for the protection of the officer's life or the life of another.
3. Officers may discharge their firearm other than at a person to destroy a dangerous animal, if necessary, or one that is so badly injured that humanity requires its removal from further suffering; and to participate in an authorized training program.
4. When officers draw, point or discharge their firearm in public, his/her supervisor shall be immediately notified of the incident.

c. **O.C. Spray**

1. Officers shall carry only Force-issued O.C. Spray.
2. No officer will carry O.C. Spray for which they have not received training.
3. At no time will officers unnecessarily display or use O.C. Spray as an intimidation device, unless he/she is attempting to prevent the further escalation of force.

d. **Conducted Energy Devices (CED)**

1. No officers will carry a Force-issued Conducted Energy Device for which they have not received training.
2. All applications of the CED are to be conducted in accordance to the provisions of the training received from the CED training program sanctioned by the Chief of Police. The CED should be carried and deployed in accordance with the training received from the manufacturer.
3. At no time will an officer unnecessarily display or use a Conducted Energy Device, unless the officer is attempting to prevent the further escalation of force.
4. The CED and its cartridges must be securely stored.

e. **Batons**

1. Officers shall carry only Force-issued batons.
2. No officer shall carry a baton for which they have not received training.

**5. Reporting Procedures on Use of Force**

***Use of Force Report***

- a. Officers will submit a Use of Force Report, (example Form P114 or police force equivalent), whenever while on duty they:
  - draw their police-issued sidearm (handgun) in public;
  - discharge a force-issued firearm;
  - use a weapon, other than a firearm on a person;

- use physical force on another person that results in an injury; or
- deploy a Conducted Energy Device (CED).

**Exception: Use of force reporting does not apply when:**

- **a police-issued sidearm (handgun) is drawn for administrative purposes; or**
  - **a firearm is discharged at training exercises, target practice or routine firearms maintenance; or**
  - **a weapon other than a firearm is used during the course of a training exercise, in accordance with the police force training policy; or**
  - **physical force is used on another officer in the course of a training exercise in accordance with the police force training policy; or**
  - **a Conducted Energy Device (CED) is drawn but not used as a displayed force presence; or**
  - **on occasions where an injured or potentially dangerous animal is destroyed, which then requires the submission of an Occurrence Report, or**
  - **on occasions involving the deployment of an Emergency Response Team - a report is to be submitted by the Team Commander.**
- b. Whenever circumstances require the completion of a Use of Force Report, officers will ensure their supervisor is notified and the form is completed prior to the conclusion of duty or as soon as practicable.
- c. The narrative portion of the Use of Force Report will be completed in all instances and a copy of the occurrence report will be attached to the report form. If the officer is incapable of completing the Use of Force Report, his/her immediate supervisor will complete the report to the extent as possible.
- d. The Use of Force Report will be completed in single copy only with no additional copies retained at any level.
- e. A supervisor receiving notification in accordance with this policy will determine if the circumstances require an immediate investigation and will notify the Chief of Police of their determination without delay.
- f. It is absolutely essential that the reporting requirements with respect to use of force incidents be strictly followed.

- g. Following the review by the Chief of Police, or designate, a copy of the report will be distributed to the Director of Policing Services, Department of Public Safety.

## 6. Reporting Serious Injury or Death - Including Use of Firearms

***For the purpose of this policy, when the word "shooting" is used, it will also include other high risk incidents that result in serious injury or death.***

- a. When an officer is involved in a shooting incident, the Force must attend to three matters:
  - 1. the administrative/criminal investigation process;
  - 2. the internal review to determine whether the shooting was within policy guidelines; and
  - 3. the aftercare of the officer.
- b. In every instance where an officer, in public, draws, points or discharges a firearm in the course of his duty, he/she shall notify his immediate supervisor, as soon as possible, which requires completion of a Use Of Force Report, by the end of the shift by the supervisor or investigator.

**Exception: Those occasions when an animal is destroyed; this requires only the submission of an Occurrence Report.**

- c. A copy of the Use of Force Report, Form P114 shall be forwarded to the Director, Policing Services Section when a firearm has been discharged and there is an apparent breach of policy.
- d. The supervisor, on receipt of notification, shall immediately or as soon as practicable inform the Chief of Police.
- e. The scene of all shooting incidents where someone is killed or injured, including police personnel, shall be attended by an experienced investigator.
- f. An investigation into a shooting involving an officer shall be conducted in a sensitive fashion and as thorough as any major occurrence, regardless of the justification or degree of injury.
- g. An officer involved in a shooting incident will be taken from the scene accompanied by a supportive peer or supervisor to create a psychological break and recovery time (preferably a 24 hour period) prior to the arrival of the investigator and the beginning of detailed interviewing.
- h. Where an officer's firearm is required, it will be seized along with ammunition and expended shell casings. When appropriate, a substitute firearm and ammunition will be provided as soon as possible.
- i. The investigation must be impartial, objective and sensitive to the feelings of the officer involved and to the psychological impact the occurrence is likely to deliver.



- j. As an integral part of the investigation, the officer shall provide a statement detailing his/her observations and actions throughout the incident.
- k. If during the course of the investigation a criminal act on the part of an officer is discovered, the legal rights of the officer shall be observed forthwith.
- l. Whenever possible, a tape recorder should be used to take the officer's statement, rather than have the officer write the statement in view of the emotional impact of the event.
- m. The officer involved shall be encouraged to contact his/her spouse or family immediately. In the event that an officer is unable to carry out this function, a supervisor shall attend to this matter personally.
- n. Initially, a Use of Force Report shall be completed as soon as possible after the incident, outlining the basic facts of the occurrence, for the information of the Chief of Police.
- o. A detailed investigation report shall be submitted at the conclusion of the investigation which will include opinions on:
  - 1. the appropriateness and legality of the force used;
  - 2. whether or not the officer followed policy; and
  - 3. whether or not the policy is adequate and, if not, recommendations for change in policy.

## **7. After Care for Officers Involved in Traumatic Incidents**

- a. Research has shown that whenever a peace officer is involved in a stressful situation, e.g. a shooting where a peace officer is involved kills or seriously injures another person or when an officer is personally involved in a motor vehicle accident resulting in serious injury or death of a person, certain mental and psychological reactions take place.
- b. Severity of the incident's affect on the officer will govern the action to be taken.
- c. The following actions should be considered.
  - 1. Immediately contact the spouse and family by the chaplain/clergy, an officer known to the family and the Chief of Police to provide an account of the facts known at that time.
  - 2. As soon as possible, provide the officer involved an opportunity for direct and private communication with the spouse and family.
  - 3. Remove the officer from the scene and allow a time for recovery before commencing a detailed interview.

4. Arrange for the Chaplain/clergy and Chief of Police to meet with officer to provide an opportunity for the officer to express his/her feelings and to deal with the moral, ethical and/or psychological after effects of the incident.
5. Arrange for the officer, spouse and, if appropriate, family members to be referred to a psychiatrist or psychologist within two days of the incident.
6. Widen the officer's support system as it is beneficial to have the officer's spouse accompany him/her to one or more sessions with the psychiatrist or psychologist.
7. Provide the necessary assistance and support to ensure the officer returns to a state of emotional and physical well-being as soon as possible.

### **Critical Incident Stress Management Program**

1. Police forces may participate in the Critical Incident Stress Management Program.
2. The Critical Incident Stress Management Program is intended to reduce the build-up of stress in those who are at high risk for burnout due to exposure to critical incidents and to promote good mental health for New Brunswick's valued front line workers.
3. A critical incident is a situation that is traumatic for the front line worker involved, that causes them to experience unusually strong emotional reactions anytime during or after an incident. This is applicable to emergency response personnel among others, i.e. police, fire, ambulance, etc.
4. Mental Health Services and the College of Psychologists of New Brunswick have collaborated on the formation of a provincial team of individuals trained in critical stress management.
5. The New Brunswick CISM team is comprised of a network of 14 regional teams, based in each of the regional Community Mental Health Centres. Members of the team are local mental health professionals, such as psychologists, social workers, nurses and clergy. In addition, there are also peer support personnel from front line professions, such as firefighters, peace officers, emergency medical technicians, hospital emergency room staff, child protection workers, public health nurses, correction officers and coroners, commercial vehicle enforcement officers, natural resources wardens, and Search and Rescue volunteers. The provincial CISM team also works in close cooperation with the RCMP, the military, Correctional Services of Canada, and the Red Cross. These people are all specially trained to recognize possible problems faced by front line workers, provide support in their own workplaces, and participate in post-incident interventions.
6. Police forces not already participating in this program can contact any of the Critical Incident Stress Management Team Leaders listed in Critical Incident

Stress Management Program document to obtain additional information on the program.

## **8. Use of Force Training**

- a. Officers will not carry a firearm unless, during the previous twelve months, they have successfully completed a firearms qualification training course.
- b. The police force will ensure that, at least once every twelve months, every officer of the police force, who is authorized to carry a firearm, successfully completes a firearms qualification training course. Officers failing to successfully qualify must successfully complete a remedial firearms training course.
- c. Officers will only carry and/or use a shotgun or rifle after successful completion of an approved associated training course.
- d. Officers will not carry an intermediate weapon (Baton, O.C. Spray or Conducted Energy Device) unless they have successfully completed a training course on their use.
- e. Officers authorized to carry the Conducted Energy Device must successfully complete a re-qualification training course every year on the device's use (minimum six hours training.)
- f. Officers will not execute soft and hard control techniques unless they have successfully completed a training course on their use.
- g. The police force will maintain written records of the training courses taken by their peace officers on the use of firearms, intermediate weapons and soft and hard control techniques.



## Use of Force Report

### Part A

Police Force: Saint John Police Force	File number:
Time of incident:	Date: Click or tap to enter a date.

Location of incident (provide brief description) (fill in all that apply)
1. Outdoors: _____
2. Public property: _____
3. Private property: _____
4. Other (specify): _____

Weather Conditions	Lighting conditions	Ground conditions
<input type="checkbox"/> Clear	<input type="checkbox"/> Daylight	<input type="checkbox"/> Flat
<input type="checkbox"/> Sunny	<input type="checkbox"/> Dusk	<input type="checkbox"/> Uneven
<input type="checkbox"/> Cloudy	<input type="checkbox"/> Dark	<input type="checkbox"/> Dry
<input type="checkbox"/> Rain	<input type="checkbox"/> Good artificial light	<input type="checkbox"/> Wet
<input type="checkbox"/> Snow/sleet	<input type="checkbox"/> Poor artificial light	<input type="checkbox"/> Snow/ice
<input type="checkbox"/> Fog	<input type="checkbox"/> No lighting	<input type="checkbox"/> Other (specify): _____

Type of assignment	Type of incident
<input type="checkbox"/> General patrol	<input type="checkbox"/> Domestic disturbance
<input type="checkbox"/> Foot patrol	<input type="checkbox"/> Mental Health Act
<input type="checkbox"/> Traffic	<input type="checkbox"/> Break and enter
<input type="checkbox"/> Investigation	<input type="checkbox"/> Homicide
<input type="checkbox"/> Drug	<input type="checkbox"/> Weapons call
<input type="checkbox"/> ERT	<input type="checkbox"/> Wellbeing check
<input type="checkbox"/> Off-duty	<input type="checkbox"/> Emotionally disturbed person
<input type="checkbox"/> Other (specify): _____	<input type="checkbox"/> Other (specify): _____
	<input type="checkbox"/> Serious injury
	<input type="checkbox"/> Suspicious person
	<input type="checkbox"/> Robbery
	<input type="checkbox"/> Alarm
	<input type="checkbox"/> Other disturbance
	<input type="checkbox"/> Traffic

Number of police officers involved	Attire
<input type="checkbox"/> Alone	<input type="checkbox"/> Uniform
<input type="checkbox"/> Police assisted	<input type="checkbox"/> Civilian clothing

### Part B

Subject behaviour	Officer response
<input type="checkbox"/> Cooperative	<input type="checkbox"/> Officer presence
<input type="checkbox"/> Passive resistant	<input type="checkbox"/> Communication
<input type="checkbox"/> Active resistant	<input type="checkbox"/> Physical control soft
<input type="checkbox"/> Assaultive	<input type="checkbox"/> Physical control hard
<input type="checkbox"/> Grievous bodily harm or death	<input type="checkbox"/> Intermediate weapons (CEW/baton/OC)
	<input type="checkbox"/> Lethal force (pistol/carbine/shotgun)

Reason for use of force	Offence committed by subject
<input type="checkbox"/> Protect self	<input type="checkbox"/> Assault
<input type="checkbox"/> Protect public	<input type="checkbox"/> Threats
<input type="checkbox"/> Prevent escape	<input type="checkbox"/> Theft
<input type="checkbox"/> Effect arrest	<input type="checkbox"/> Weapons offence
<input type="checkbox"/> Prevent commission of offence	<input type="checkbox"/> Intimate partner violence
<input type="checkbox"/> Accidental	<input type="checkbox"/> Causing disturbance
<input type="checkbox"/> Humane dispatch of an animal	<input type="checkbox"/> Other (specify): _____
<input type="checkbox"/> Other (specify): _____	



### Use of Force Report

Did you perceive or believe that the suspect was in possession of a weapon?  Yes  No

Perceived weapons carried or immediately accessible by subject	
<input type="checkbox"/> Baseball bat/club	<input type="checkbox"/> Shotgun
<input type="checkbox"/> Knife/edged weapon	<input type="checkbox"/> None
<input type="checkbox"/> Handgun	<input type="checkbox"/> Unknown
<input type="checkbox"/> Rifle	<input type="checkbox"/> Other (specify):

Type of force used: (include all options used and rank in sequence of use)		
	Rank	Was force effective
Physical control soft		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:
Physical control hard		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:
Baton		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:
OC spray		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:
Conducted energy weapon (CEW)		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:
Handgun		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:
Carbine		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:
K-9 (was subject bitten <input type="checkbox"/> Yes <input type="checkbox"/> No)		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:
Specialty munitions discharge		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:
Emergency restraint chair		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:
Other (specify):		<input type="checkbox"/> Yes <input type="checkbox"/> No, explain:

Tactical Considerations: (if applicable)
<input type="checkbox"/> Concealment <input type="checkbox"/> Cover <input type="checkbox"/> Verbal communication <input type="checkbox"/> Repositioning <input type="checkbox"/> De-escalation techniques
<input type="checkbox"/> Other

Conducted energy weapon used: <input type="checkbox"/> Yes <input type="checkbox"/> No (include all options used and rank in sequence of use)		
	Rank	Was force effective
<input type="checkbox"/> Draw and display		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Arc demonstration		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Drive stun		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Probe discharge		<input type="checkbox"/> Yes <input type="checkbox"/> No
If multiple deployments, how many?		

Firearm used <input type="checkbox"/> Yes <input type="checkbox"/> No	Displayed	Pointed	Discharged
<input type="checkbox"/> Handgun			
<input type="checkbox"/> Carbine			
<input type="checkbox"/> Other (specify):			

Injuries to person(s) <input type="checkbox"/> Yes <input type="checkbox"/> No	Medical attention required	Nature of injuries
<input type="checkbox"/> Self	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Minor <input type="checkbox"/> Serious <input type="checkbox"/> Fatal
<input type="checkbox"/> Other police officer	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Minor <input type="checkbox"/> Serious <input type="checkbox"/> Fatal
<input type="checkbox"/> Subject	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Minor <input type="checkbox"/> Serious <input type="checkbox"/> Fatal
<input type="checkbox"/> Third party	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Minor <input type="checkbox"/> Serious <input type="checkbox"/> Fatal

Number of subject(s) involved in incident			
Adult male	Choose an item.	Adult female	Choose an item.
Adult other	Choose an item.	Youth male	Choose an item.
Youth female	Choose an item.	Youth other	Choose an item.



### Use of Force Report

What race category best describes the subject(s)?	
<input type="checkbox"/> Black	<input type="checkbox"/> Middle Eastern
<input type="checkbox"/> Indigenous	<input type="checkbox"/> South Asian
<input type="checkbox"/> East/ Southeast Asian	<input type="checkbox"/> White
<input type="checkbox"/> Latino	<input type="checkbox"/> East Asian

### Part C

Reviewed by Field Supervisor:  Yes  No Name/ Signature \_\_\_\_\_  
(print) (sign)

Reviewed by Shift Supervisor:  Yes  No Name/ Signature \_\_\_\_\_  
(print) (sign)

Reviewed by Divisional Commander:  Yes  No Name/Signature \_\_\_\_\_  
(print) (sign)

**For Official Use Only (to be completed by Chief's designate)**

Conforms to policy:  Yes  No

If use of force does not conform to policy, provide explanation:

Chief/Designate: \_\_\_\_\_

Date: Click or tap to enter a date.