



Alberta Community Peace Officer: Law Enforcement Duty Risk Assessment & Mitigation Report

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CPO Law Enforcement Duties Risk Assessment

Report Introduction & Scope

Raptor Protection & Safety Services Inc. has been contracted by the Alberta Association of Community Peace Officers (AACPO) to conduct a hazard risk assessment relating to the law enforcement duties. Specifically, I have been asked to undertake an analysis of the potential risks of harm, from acts of violence, that Community Peace Officers (CPOs) face as part of their occupational law enforcement duties in Alberta. Included in the analysis are a range of risk mitigation strategies that employers may wish to consider in order to assist with mitigating the risk of personal harm to their employees. Some of these mitigation measures may include the recommendation to adopt more effective defensive tools commonly used by law enforcement officers.

Additional mitigation strategies that will also be recommended are enhanced training in risk assessment, decision-making and effective strategic communications to help safely resolve conflict.

Finally, the author has been asked to evaluate the current wording found in Alberta Justice and Solicitor General Peace Officer policy pertaining to Criminal Code procedures, with a particular emphasis on section 24.2 which directs CPOs to disengage from potentially dangerous situations.

Methodology

This risk assessment and mitigation report examined quantitative, qualitative and experiential data.

Quantitative:

In order to undertake this analysis, the author requested an extensive array of data from AACPO. This requested information for analysis included:

1. The current number of CPOs employed in Alberta that would be performing law enforcement duties.
2. The nature of current law enforcement duties undertaken.
3. The types of defensive tools currently carried by CPOs.
4. The current type of body armour provided to CPOs.
5. The extent and nature of training with the existing defensive tools and protective equipment
6. The current type of physical defensive tactics and violence control / mitigation training provided to CPOs.
7. The frequency and scope of requalification of the aforementioned tactics.
8. Copies or summaries of use of force incidents in the past five years that have involved assault or attempted assault on a CPO.
9. Copies or summaries of any incidents in the past five years that have involved the use of a weapon or threatened use of a weapon by a member of the public on a CPO.
10. The frequency of encountering subjects that are in possession of weapons (handguns, rifles, shotguns, edged weapons, improvised weapons).
11. The frequency of encountering subjects in possession of, or under the influence of, drugs and what those drugs typically are.
12. The frequency of encountering subjects under the influence of alcohol.

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13. The frequency of events where subjects were known criminally active subjects, were known or suspected (CPIC/CNI) to be in possession of weapons, were flagged as violent, escape risk or had firearms or weapons prohibitions.
 14. The frequency of incidents in which CPOs have had to call for backup from the RCMP.
 15. The frequency of events where RCMP members have requested backup from CPOs.
 16. Examples of typical back-up response times from the RCMP that can be anticipated in various areas of the province.
 17. Examples or summaries of incidents in which peace officers have been injured in use of force events and the general nature of those injuries.
 18. Agency policies on use of force and incident risk management procedures.
 19. Provincial policy on use of force and incident risk management procedures specific to peace officers.
 20. Any policy available on use of force and incident risk management procedures from Alberta Conservation and Alberta Fish & Wildlife as comparisons.

The AACPO executive sent a request for responses to these questions to the 146 authorized employers of CPOs in Alberta. The request generated 57 responses for a response rate of 39% which indicates a strong confidence in the accuracy and a high degree of representativeness of the employing agencies. The reports returned from the survey included a significant numbers of incidents involving intimidation, confrontational behaviour, verbal abuse, threats of violence, physical assaults and assaults with a variety of weapons up to and including firearms.

This report was hampered by two significant issues with respect to quantitative analysis. The first is a lack of a provincial reporting system that would ensure consistency in tracking the data needed to fully capture the risk factors of potential interpersonal violence towards CPOs. The second issue is that some employing agencies do not track any data at all, while others have very robust mechanisms in place for capturing the relevant information. This makes accurate comparisons difficult because it would be erroneous to assume that agencies that do not track incidents are

not actually experiencing them. The report will address potential remedies to these concerns in the recommendations.

After the data was received from the survey, it was collated into graphs of representative categories. (Figure 1)



The responding agencies varied in the number of CPOs employed. The breakdown of number of CPOs per agency is represented in Figure 2.



Qualitative:

Many of the survey respondents included additional reports and narratives of agency perspectives on the risks that CPOs face. Many of these responses were clear in outlining they felt there are many areas in which improvements could be made to enhance employee safety. Some respondents felt that given the risk of harm from violence that the officers face, employees do not feel properly equipped or trained in order to manage the violent acts they are, or might, encounter. It was a consistent theme throughout the qualitative comments that officers who responded have a general perspective that they presently do not feel safe doing certain types of duties. The reports returned identified a clear trend that the CPO's feel enhancements are needed with respect to:

- Training
- Defensive Protective Equipment
- Timely Access to Critical Information
- Radio / Communications
- Employee Real Time Monitoring
- Back-Up Procedures

Experiential:

The author of this report is a 34-year law enforcement veteran having spent six years as a park ranger working in remote locations and twenty-eight years in municipal law enforcement with the Calgary Police Service, retiring in 2018 with the rank of Inspector. The author has been a trainer of law enforcement, security, compliance and regulatory enforcement personnel for over 25 years. He has also worked alongside compliance and enforcement personnel in a policing context. The author has extensive experience training regulatory, compliance and enforcement personnel including Bylaw Officers, Natural Resource Officers, Conservation Officers, Customs Officers, Security Personnel, and Federal Officers. The author was also involved as an expert witness relating to inter-personal violence, risk assessments and risk mitigation methods with respect to the complaint of unsafe work conditions brought forward by the Public Service Alliance

of Canada on behalf of the National Park Warden Service. This employee complaint, and combined expert opinion of the author, resulted in the OHS Officer issuing an order for all Federal Park Wardens to stop law enforcement duties until such time as the employer mitigated the risk. The order was appealed by the Government of Canada which resulted in lengthy hearings at which the author provided expert witness testimony over several weeks. The result of the appeal was the upholding of the OHS Officer order and ultimately to the arming of the Federal Park Warden Service.

The author has been involved with multiple municipal, provincial and national Working Groups in a variety of capacities relating to the review of policy, equipment and training of law enforcement agencies since 1997. Presently, the author serves as Use of Force Technical Advisor for the Canadian Association of Chiefs of Police (CACCP).

The author is an experienced, tested and court-certified use of force expert. He has conducted hundreds of use of force related analysis of incidents across Canada for more than 20 years. Chris has testified as an expert witness in all levels of courts across Canada, in the Criminal, Civil and Fatality Inquiry capacity.

The authors full CV is available upon request.

Executive Summary & Recommendations

CPOs in Alberta are a vital and integral part of their communities and contribute significantly to the positive safety, security and livability of the communities they serve. In fact, CPOs often have a greater day-to-day personal contact influence with the citizens of their communities than do the police of jurisdiction. Every day in Alberta, CPOs make thousands of officer / public interactions that are essential for keeping our communities safe and healthy. These contacts are made in a variety of settings – often conducted alone, often in remote locations, sometimes in hazardous environments, frequently with limited background information or intelligence, and where access to real-time communication and employee monitoring is either compromised or nonexistent.

Throughout the Province, these CPOs often work at all times of day or night, in all weather conditions. They work in remote rural, semi-rural, semi-urban and highly urban environments. The risk of each of these employment locations carries its own unique challenges. For example, CPOs that work in urban centers face a much higher statistical risk of being harmed by violent behaviour, yet backup from police is typically only a few minutes away. CPOs in rural or semi-rural regions may face a lower likelihood of being a victim of violence, however if it does occur, the time for back-up to arrive may be far too long to be of any assistance to the officer in trouble. In addition, the work conducted by these CPOs also varies greatly, as does the risk from the clientele they interface with on a regular basis.

None the less, it is not uncommon for a CPO in the province to encounter a subject during the course of their duties that is suffering from mental illness, addictions, social disorder, and/or drug and alcohol impairment. And, as revealed by the survey responses, often these most challenging of clients are also in possession of a variety of weapons or potential weapons (firearms, knives, hatchets, axes, machetes, tasers and pepper spray). The milieu of any or all of these complex issues significantly increases the risk of the CPO encountering confrontational and violent behaviour.

The impact of workplace violence on the employee is multi-faceted. All employees who experience workplace violence are negatively affected by it. Some may be physically

injured or killed. Some experience the long-lasting effects of the extreme stress these encounters create. Some will experience significant physical health impairments from the psychological stress of exposure to violence. Some will leave the industry altogether. Some suffer in silence.

Alberta CPOs routinely deal with confrontational behaviour and, sometimes, assaultive behaviour during the course of their mandated work duties. The risk mitigation measures currently taken by the majority of employers in terms of uniforms, PPE, training and formal policies and procedures pertaining to risk mitigation appears to vary considerably.

Despite the employer's best intentions, sound policy and procedures alone, without comprehensive risk mitigation measures, there persists an identifiable risk of physical harm that will always remain for the CPO doing the work.

The Courts in Canada have made it unambiguously clear that it is incumbent upon every employer to ensure that they have implemented comprehensive, not piece-meal, risk mitigations strategies in order to protect the safety of their employees.¹

After a careful analysis of the nature of law enforcement duties that CPOs are required to undertake as part of their employment mandate, the nature of protective equipment currently provided, the critical importance of timely information and communication to enhance employee safety, and the risk of violence from human aggression, several opportunities for employer action have been identified.

These recommendations should not be taken as 'blanket endorsement' for provincial change but should be critically assessed by each employer based upon the quantitative, qualitative and experiential data included in this report.

¹ Citation: R. v. The Royal Canadian Mounted Police, 2017 NBPC06 – 2017-09-29; Public Fatality Inquiry into the death of Rodney Francis Lazenby – Alberta – 2017-06

RECOMMENDATIONS

1. Enhanced Incident Reporting

If risk is not captured, it cannot be managed. It was glaringly apparent that across the province, of the agencies who responded to the survey, that reporting mechanisms and the scope of data captured regarding workplace violence is not consistently captured. In some jurisdictions, data is not captured at all. From the qualitative data received, it also became apparent that employees feel that, generally speaking, their safety is not being emphasized as being important. In addition, while there were several cases of ‘near misses’² of significant violent encounters mentioned anecdotally in the survey results, this vital intelligence was not captured in a strategic reporting mechanism.

Standardized provincially mandated reporting needs to be implemented and streamlined. A non-punitive ‘near-miss’ reporting system also needs to be implemented so that an accurate picture of the existing risk of violence can emerge. This is vitally important because, as with many industries, law enforcement officers tend to adopt an ‘all’s well that ends well’ disposition. That is, if they manage to conclude the interaction, more or less unscathed, they tend not to report on behaviour or work conditions in which the only intervening factor preventing harm from occurring was luck.

2. In-Car Computer Access to CPIC

As mentioned in this report, the thoroughness of an officer’s risk assessment is a critical feature in identifying the correct level of potential risk that may be present in any encounter with a member of the public. As part of this risk

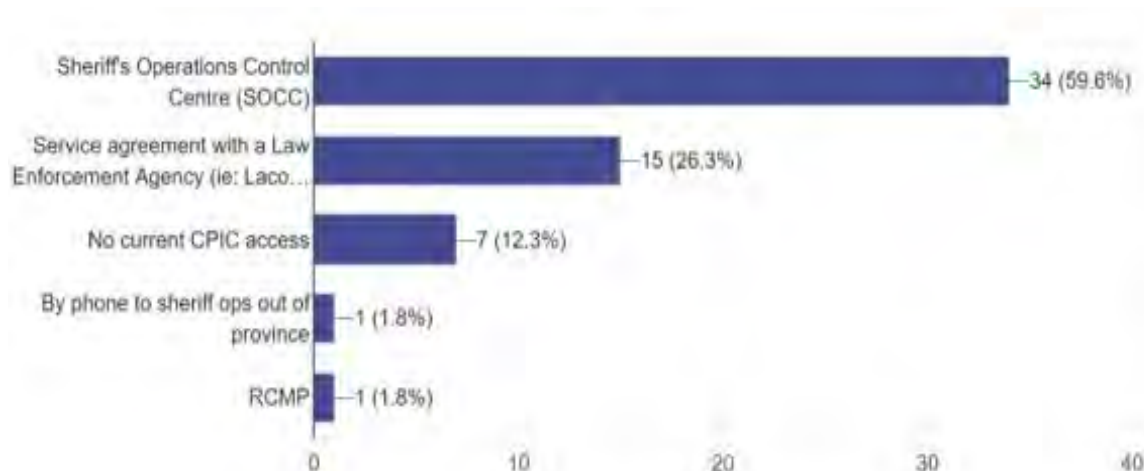
² A near miss is an incident in which there is no injury or property damage, but, given a slight shift in time or position, injury or damage could have occurred.

assessment, having early and timely access to historical information about the subject they are interacting with is a vital feature of a proper risk assessment. Part of the critical information that officers must rely upon is the historical information about the person with which they are about to interact with or are presently interacting with.

The survey results indicated a significant gap in the area of access to critical real-time historical information. Specifically, the lack of consistent access to the Canadian Police Information Centre (CPIC) database was identified as a current risk and area for improvement in order to enhance the safety of CPOs.

For example, across the province, CPO access to CPIC varies widely; from having zero access on the one end, to a few agencies having real-time in car computer CPIC access. The following chart depicts the current breakdown of agency access to CPIC.

FIGURE 3
BREAKDOWN OF MANNER OF CPIC ACCESS



Real-time access to CPIC is a vital component of intelligence that CPOs must have in order to conduct timely and effective risk assessments. In the survey conducted, many respondents indicated that a lack of efficient access to CPIC

significantly impaired their safety. Those agencies that relied upon SOCC to conduct CPIC inquiries indicated that the method to conduct these inquiries and the time delay in getting a response was frustrating. In fact, some respondents indicated that due to the cumbersome effort involved, they often did not conduct CPIC inquiries even though the information would have proven helpful to the risk assessment.

In order for employees to utilize safety tools, access to, and use of these tools needs to be made accessible in an efficient and timely manner. This is important because numerous studies have shown that a culture of a failure to use safety measures can develop when the process for their use is not fast and efficient.

As a result, the recommendation is that CPOs should have real-time, in-vehicle computer access to CPIC.

3. Live Monitoring of Officer Location

Currently, much of the safety monitoring of CPOs relies upon the use of ‘time checks’ or other unreliable methods of monitoring officer safety. Given the unpredictable nature of human aggression, the speed with which serious (even potentially lethal) attacks can occur, and the time delay involved in relying upon dispatch or some other method of ‘checking in’ on the officer, these types of employee safety monitoring are of extremely little value in providing meaningful backup assistance.

It is recommended that consideration be given to implementing technology that will allow for live tracking of officer location. This is easily accomplished by the acquisition of portable radios and/or vehicle equipment which contains the necessary technology to enable external dispatch monitoring of officer location.

It is recommended that live monitoring capability be standardized and mandated for all authorized employers of peace officers.

4. Mobile Radio ‘Officer In Trouble’ (10-33) One Button Alert Capability

CPOs should be equipped with portable radios that have a simple to activate, one button ‘officer in trouble’ button. This is a standard in law enforcement and is so because of the reality of human violence. When a situation rapidly or spontaneously erupts and an officer is suddenly physically attacked or ambushed, there are two massively important human factors considerations that need to be understood. First, the officer is likely to be incapable of undertaking a complex method of using technology to summon help. Studies have shown that the majority of civilians are not even capable of dialing 911 properly on their cell phone when under conditions of high-consequence and extreme time pressure. It is not consistent with the human factors science to expect an officer to either phone someone for help or use an ‘alert app’³ on their smart phone while they are being actively assaulted. Secondly, time is of absolute importance during a violent encounter. The officer must have the ability, using only one hand, to activate an ‘officer in trouble’ alert.

The survey respondents made it clear that an area of enhancing employee safety is to ensure they are able to both be monitored and be able to quickly summon emergency help when needed.

Policy regarding this capability should include monthly tests of the alert system to verify it is functioning properly.

³ Some employers actually have this type of ‘officer needs assistance’ expectation – an app on the officers smart phone they will somehow miraculously be able to open and use while they are actively attempting to defend themselves from a physical assault. Clearly this is one of those ideas that sounds good on a policy paper but completely falls in the real world.

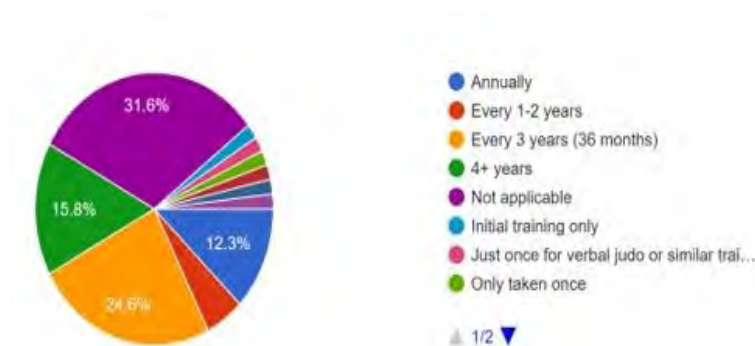
5. Mandated Strategic Communication / Deescalation Training

Law enforcement officers must be exceptional communicators. They must be able to regulate their own emotions while at the same time, using effective crisis communication and directive communication to manage the emotions of others. The objective of all law enforcement interactions with members of the public is voluntary compliance.

It has been demonstrated in the research that deescalation and strategic communication training can be effective at reducing use of

force and public complaints about officers.⁴

Presently, some employers are providing their CPOs with these types of important communication training.



**FIGURE 4
DEESCALATION
TRAINING
PROVIDED**

However, it is inconsistent both in whether or not the training is provided and even if it is, the on-going training is very lacking. Only 12% of employers provide annual deescalation training. Effective communication, especially with dealing with upset, aggressive or emotionally distraught persons is a psychomotor skill that is perishable without ongoing skill maintenance through refresher training.

⁴ Engel, R., Corsaro, N., Isaza, G., McManus, H.; Assessing the Impact of Deescalation Training on Police Behaviour: Reducing Police Use of Force in the Louisville, KY Metro Police Department; Criminology & Public Policy; 2022.

It is recommended that employers provide industry validated deescalation training for their CPOs. It is further recommended that this training be incorporated into the CPOIP curriculum and mandated annually for recertification in order to keep officer skills proficient.

6. Mandated Annual Use of Force Recertification Training

One of the biggest areas for improvement identified in the risk assessment pertains to the content and frequency of officer defensive tactics / use of force. Most CPOs are issued batons and OC spray. However, the effective use of these tools under realistic conditions demands effective 'reality-based' training. In addition, the training of effective 'hands-on' physical tactics is a highly perishable skill and one in which almost no law enforcement agency provides adequate training, either initial training or on-going training, to ensure competence in their officers.

In the author's experience as a use of force trainer and expert witness for over 20 years, one of the major causes of physical confrontations escalating, and officers and subjects getting injured, is due to a lack of confidence and competence in officers in the use of their physical control tactics. Indeed, in the AACPO survey, the respondent data indicates a serious deficiency in the training of these skills.

The following chart depicts the current condition of training on these important skills. Less than 30% of agencies provide any physical / control tactics training to their officers. This is ironic since, should an officer actually face an act of physical violence against them, the ability to rapidly stop the attacker and disengage to a location of safety is the most important skill that will be required.

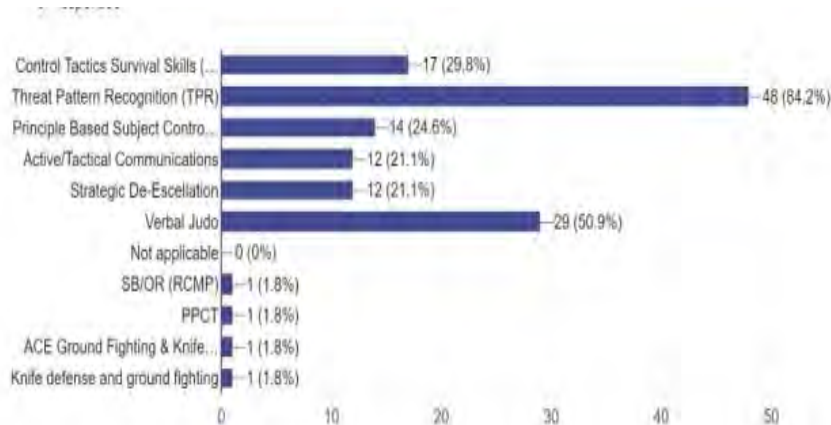


FIGURE 6
FREQUENCY OF
PHYSICAL SKILLS
TRAINING

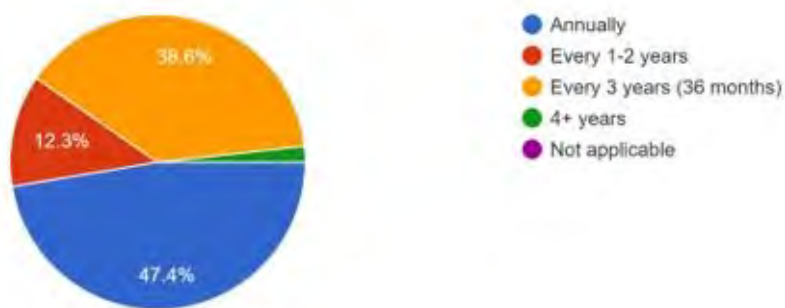


FIGURE 5
TYPE OF
PHYSICAL SKILLS
PROVIDED

While it is understood that existing use of force curriculum currently is managed through the accreditation process, in the writer's experience this does not ensure the actual techniques have been validated as necessary and effective from an evidence-informed assessment. Further, even if the existing use of force 'techniques' taught have been properly validated in meeting the demands of the frontline officers, an extensive review should be done on the pedagogical approach in place as to how all the various techniques, tools and skills are interleaved in a proper pedagogical manner to ensure maximum retention and transfer of the necessary critical skills. In my review of the provided materials, there was no evidence that either of these validation processes have been done.

It is recommended that an evaluation of the existing use of force and defensive tactics training be conducted to validate the type of physical skills needed to control and manage violent incidents in the criterion environment that CPOs will need to use these techniques and tools.

Further, it is recommended that, at minimum, annual use of force physical skill recertification training be mandated to help maintain officer competence. Officer and public safety depends upon the CPOs being able to manage violent incidents effectively when they occur. Given the rare frequency of physical violence against CPOs, they are considered 'high risk / low frequency' events and therefore demand a rigorous training approach to ensure capability.

7. Ensure Use of Force Training Content and Curriculum is Consistent with CACP Policy and Procedures

Consistent with the previous recommendation, it was apparent in the survey responses that the curriculum / content of use of force training is very inconsistent. In the authors opinion and consistent with the research, it is critical that a proper evidence-based approach be taken to determine the correct physical skill content and develop curriculum and delivery methodology that can be validated as effective in order to ensure that the skills actually are retained by officers and can be transferred into the 'real world' where CPOs work.

This approach is entirely lacking in the CPO program at present.

It is recommended that a provincially standardized approach to all practical use of force / defensive tactics skills be undertaken to ensure consistency and validation of skill delivery to all CPOs in the province is in alignment with the existing Canadian Association of Chiefs of Police (CACP) policy and model on use of force. This is already an existing and 'proven' model of law enforcement use of force training.

8. Agency Policy Mandating Wearing of All Protective Safety Equipment and Tools

The survey responses highlighted that there was inconsistency in employer policy pertaining to the wearing of personal protective equipment. Policy should clearly dictate that employees are to wear all issue use of force and protective equipment (body armour, etc.) while on duty. The spontaneous and often unpredictable nature of human aggression means that an incident will evolve extremely quickly and will provide no opportunity for an officer to ‘take a timeout’ to go find their needed protective equipment. It must be worn at all times and in good working order.

9. Use of Body Camera Technology

The use of video in encounters between the public and members of law enforcement may play a crucial role in maintaining public trust, reducing use of force and in undertaking thorough investigations. While far from conclusive, some research has demonstrated that the use of body worn camera technology aids in accomplishing all of these important objectives.^{5 67}

It can be projected that it is ‘only a matter of time’ – when, not if – that the wearing of body cameras will be mandated, either as a result of public pressure and/or legislation. It is incumbent upon employers of CPOs to begin to explore how the use of BWC can be implemented with their CPOs.

It is recommended that employers investigate the implementation of BWC technology.

⁵ Police Body-Worn Cameras; Boston Massachusetts; 2022; <https://crimesolutions.ojp.gov/ratedprograms/1812>

⁶ Effects of Body-Worn Cameras on Reducing Rates of Citizen Fatalities; 2022; <https://crimesolutions.ojp.gov/ratedprograms/779>

⁷ Body-Worn Cameras; Las Vegas Metropolitan Police Department; 2019; <https://crimesolutions.ojp.gov/ratedprograms/640>

10. Mandated Annual Firearms Recertification (Agencies that provide Long Arms)

Some employers (approximately 30%) of CPOs provide long arms (shotguns) to their officers. See figure 7.

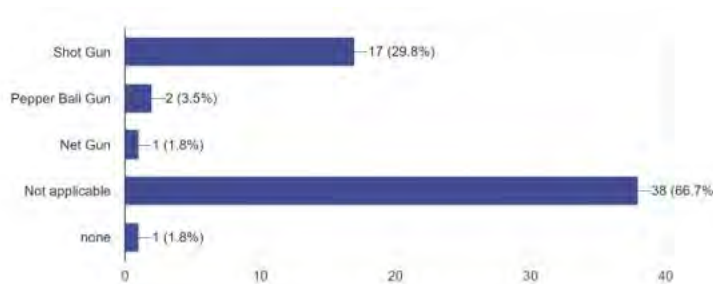


FIGURE 7
SHOTGUN
AVAILABILITY

It was observed that while a significant percentage of employers make these weapons available, the data provided suggests that some may not provide consistent (annual or more frequent) training and qualification. Another possibility is that the mandatory annual firearms requalification is being conducted but not being accurately captured and recorded – which is also problematic. For example, the following figure outlines the frequency of recertification with these firearms:

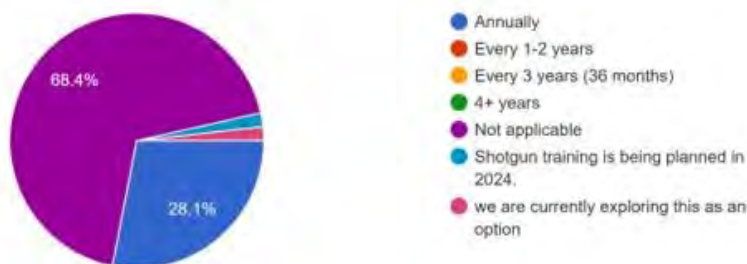


FIGURE 8
FREQUENCY OF
SHOTGUN
TRAINING

Annual firearms training is the absolute minimum industry standard in Canada for any law enforcement agency that provides firearms to their officers.

It is recommended that employers that do provide issue shotguns to their CPOs that, at minimum, mandated annual shotgun training and requalification takes place, and that all firearms training and annual requalification is captured on a provincially standardized reporting database.

11.Provision of Conducted Energy Defensive Weapons

Two of the primary goals of law enforcement executives is both maximizing trust between the public being served and the law enforcement agency, as well as taking steps necessary to ensure that the frequency and severity of injuries to both subjects and law enforcement officers from violent encounters where force is used are minimized as much as possible. With these goals in mind, one must evaluate the various techniques and tools that are presently available for officers to utilize to help meet these important objectives.

One of the defensive tools used extensively across Canada by law enforcement agencies is the Conducted Energy Weapon (CEW) or Taser.

‘Handheld conducted energy weapons (CEWs) or ‘Tasers’ have now been used in excess of 4 million times in the field in 107 countries. Prospective studies (including over 40 K use of force incidents) find a 65% reduction in subject injuries versus use of batons, manual control, and “pepper” OC spray. There is a 2/3 reduction in fatal shootings when CEW usage is not overly restricted. USA-derived data suggest that the temporal subject fatality rate with resistant arrest is $\approx 1:1000$ without a CEW and $\approx 1:3000$ with the CEW. UK data suggest 85% compliance with simply the threat of a CEW.’⁸

A CEW has been defined as an electrical device designed to immobilize or incapacitate an individual through the disruption of the nervous system impulses

⁸ Kroll, M.W., Brave, M.A., et al: Benefits risks and Myths of Handheld Electrical Weapons; 2019.

by delivering enough electrical energy to trigger uncontrollable muscle contractions that interfere with voluntary motor responses.⁹

CEW's, a variety of 'less lethal weapon', have been in use by law enforcement in Canada since the late 1990's. The last pan-Canadian study conducted estimated that approximately 10,000 CEW's are deployed across Canada by a variety of law enforcement entities.¹⁰

CEW's have become an instrumental tool for law enforcement officers to be able to effectively control persons who are exhibiting violent and assaultive behaviour towards officers or members of the public.

As a use of force tool, CEW's are integrated into an officer's complete repertoire of knowledge, tactics and tools. This integrated approach supports the important philosophy that officers are always to work in ways that minimize the possibility of having to use force on citizens and when force is required, only the amount reasonable under the circumstances is to be used. To underscore this fact, research examining the use of CEW's has revealed that CEW use consistently dropped in Canada between 2004 and 2010, reflecting a trend that CEW's were used less and that in 70% of cases where their use is threatened by officers (by activating the taser and issuing commands), subjects complied and the deployment of the CEW was not required.¹¹ This demonstrates that the CEW has become an effective means of deterrence and de-escalation.

The Edmonton Police Service report on CEW use between 2017 and 2018 reflected a slight increase in CEW deployments when officers were confronting violent subjects under the influence of drugs who were not responsive to de-escalation efforts.

⁹ Hancock & Grant (2008); National Institute of Justice (NIJ) (2011).

¹⁰ Conducted Energy Weapons in Use in Canada: Unpublished Statistics; Public Safety Canada; 2013.

¹¹ RCMP Use of Conducted Energy Weapons: January 1, 2010 to December 31, 2010; Commission for Public Complaints Against the Royal Canadian Mounted Police; 2012.

The important ‘take-away’ from current trends with CEW use is that with subjects who are threatening violence and are capable of comprehending the consequences of their behaviour, officers who challenge these individuals with a threatened CEW deployment have a good probability of defusing that incident without having to actually deploy the CEW. However, for situations where subjects are under the influence of drugs and/or alcohol or strongly goal focused towards violent behaviour and are not deterred by an officer’s demands to comply, the CEW has a proven ability to control these subjects and end the violent encounter quickly under most circumstances.

With the continued increase of the prevalence of highly-addictive, mind-altering drugs in Alberta, law enforcement officers are being confronted by subjects under their influence on an increasing basis. The AACPO survey revealed a clear trend, and concern, by CPOs that the occasions in which they were encountering subjects in possession of or under the influence of drugs was both prevalent and increasing. The option of CEW deployment to control these subjects is an important consideration for the safety of the law enforcement officer, the members of the public and, ultimately, for the violent subjects themselves.

Critical to the understanding of possible harm from the application of any use of force modality is the parallel understanding that use of force events are typically dynamic, rapidly evolving and often extremely violent in nature. As a result of these dynamic and typically uncontrollable variables, every use of force encounter between an officer and a citizen carries with it the potential for injury for one or all of the participants, however unexpected, and unintended, that injury might be. In this regard, it is understood that no use of force technique available to officers can be defined as ‘safe’. The theoretical notion of safety with respect to force intervention techniques is not well understood by the lay public. A contextual risk comparison must consider the balance between the likely or intended consequences of the needed intervention method and the acceptability of that risk given the circumstances.

The Taser CEW is, without a doubt, the most heavily researched use of force tool that has ever been used in law enforcement. Hundreds of peer-reviewed medical, forensic and epidemiological research papers have examined the effects of the CEW electrical current on the cardiovascular system, neuroendocrine system, and the respiratory system. Researchers have studied the injury outcome of the CEW and also have published injury analysis research of the CEW as compared to other use of force modalities.¹²

The Taser is repeatedly, and consistently, shown in studies to result in fewer injuries to officers and subjects than other use of force techniques historically used on violent, combative subjects. For example, an extensive study of use of force and injury outcomes conducted in Calgary revealed that when officers used the Taser to control violent subjects in 271 incidents, the chance of any injury requiring treatment occurring was 13% and officer injury requiring treatment was 3%. (refer to figure 9).

FIGURE 9
FORCE MODALITY / INJURY RELATIONSHIP

	Subject Injury Requiring Treatment	Officer Injury Requiring Treatment
CEW	13.0%	3.3%
Empty hand control	18.0%	5.5%
Baton	29.0%	12.9%
OC spray	3.7%	0.0%
VNR	5.9%	0.0%

When compared to other use of force methods, such as empty-hand combatives (hand to hand fighting) and the baton, the CEW was a significantly safer use of force method for both the subject and the involved officer. Of all the subjects who required any form of medical treatment, only 1% were admitted to the hospital. Interestingly, in this study, it was determined that in these instances that officers used a Taser to control violent subjects, they were under the

¹² Outline of Selected CEW Research and Information; Michael Brave ESQ; January 2019; www.ecdlaw.info/1.pdf

influence of drugs, alcohol or both in almost 90% of the cases.¹³ While OC spray has a very low rate of injury outcome, the problem that arises is that OC is merely a pain compliance tool and is typically ineffective on persons under the influence of drugs or alcohol, or simply have a strong goal oriented mindset.

Without a doubt, the largest misconception pertaining to Taser CEW is the belief that the Taser ‘shocks people with 50,000 volts’. This is entirely inaccurate. The Taser delivers a maximum peak load voltage between 1000 and 1500 volts. However, as anyone versed in electrical engineering knows, it is not voltage that is inherently dangerous but amperage. A simple static shock, for example, can deliver up to 25,000 volts and the Van de Graaff generator that kids play with at the Science Center, to make their hair stand up, is generating 100,000 volts. Despite the high voltage, neither static shocks nor Van de Graaff generators can harm people because of very low amperage. As a comparison, a standard household wall outlet delivers 120 volts and 15 Amps. The Taser delivers 3 amps.

The accumulation of research at the current time indicates, that while the cardiovascular risk from Taser CEW’s is not zero, the electrical current is extremely unlikely to disrupt cardiac rhythm.¹⁴ To date, there is not a single case in Canada of the Taser CEW being directly attributed to the case of death.

The common risks from CEW applications are classified as primary and secondary causes. Primary causes are injuries such as accidental probe strikes in sensitive areas of the body that might require in-hospital care. Secondary injury causes are typically injuries from falls resulting when the subject is affected by the electrical current. These are typically observed as bumps, bruises, lacerations and possibly, but rarely, broken bones. Both of these types of injuries are rare and when compared to the injury profile resulting from baton strikes or empty-hand

¹³ Police/Public Interaction: Arrests, Use of Force by Police, and Resulting Injuries to Subjects and Officer – A Description of Risk in One Major Canadian City; C. Butler, C. Hall; Law Enforcement Executive Forum; 2008.

¹⁴ The Health Effects of Conducted Energy Weapons: The Expert Panel on the Medical and Physiological Impacts of Conducted Energy Weapons; Council of Canadian Academies and Canadian Academy of Health Sciences; 2013.

striking techniques, the CEW has a much better risk profile demonstrating the lowest frequency and severity of injury outcome.

As with all use of force techniques and tools used in law enforcement, the most important methods to control the risks are through sound policy guidance, reporting & auditing, supervision and most importantly, training.

The inclusion of the Taser CEW supports the use of force philosophy of reducing the amount of force required only to what is reasonably necessary under the circumstances and assists officers in defusing, deescalating and disengaging from potentially violent encounters.

It needs to be mentioned that the deployment of a conducted energy weapon is not a panacea. For a variety of technical and operational limitations, there are reasons why a CEW will not either be a possible intervention option (incident is evolving too rapidly, distance is too close, etc) or the deployment fails to achieve the desired result of controlling the subject's violent behaviour (due to reasons such as probe missing, clothing thickness, broken wires, insufficient probe spread, etc). In these types of circumstances, it must be understood that if the CEW has failed to achieve the objective, the officer will only have two potential options. The first option is to escalate force. The escalation will very likely result in increased officer and subject injuries, or worse. The escalation may also require the officer is forced to adopt a potentially lethal force response to stop the risk of harm.

The second option an officer may have to attempt as a result of a CEW failure is to completely disengage. As has been mentioned in this report, the notion of disengagement may simply be impossible due to the proxemics between the officer and the subject, the environmental constraints, and the imminence of the risk of harm.

It is recommended that CPO employers take into consideration the potential risk mitigation benefits to both citizens and officers by adopting conducted energy weapons as part of the PPE available to CPOs.

12.Exploring the Implementation of Side Arms

CPOs conduct law enforcement work that may result in serious acts of violence being perpetrated against them. This may occur despite all methods of control undertaken to reduce the risk of violence by the employer. Other jurisdictions have faced this exact concern and have experienced judicial and legislative ‘battles’ to determine the most appropriate steps to take to ensure the employees tasked with conducting the work are adequately equipped and trained.

A sentinel example is the matter of Douglas Martin & Public Service Alliance of Canada v. Attorney General of Canada This is a significant and precedent-setting employee safety case that the author was involved in as an expert witness.

“On June 5, 2000, Douglas Martin, a park warden law enforcement specialist employed by Parks Canada Agency (Parks Canada) at Banff National Park, filed a complaint under Part II of the Canada Labour Code (the Code). He complained that Parks Canada did not provide park wardens with the defensive equipment defined by the standard of care applicable to peace officers in Canada performing similar work of resource conservation law enforcement, which includes a sidearm and training on its use.

A Health and Safety Officer (HSO Grundie) investigated into park warden Douglas Martin’s complaint and, following his preliminary examination, launched a national investigation into the matter. Following his investigation, the health and safety officer decided that a danger existed for park wardens performing law enforcement activities because such park wardens may find themselves at risk of grievous bodily harm or death and are not provided with the necessary personal protection equipment. Both Parks Canada as well as park warden Douglas Martin and the Public Service Alliance of Canada (PSAC) appealed the directions to an Appeals Officer, pursuant to subsection 146(1) of the Code. Parks Canada asked that the directions be rescinded,

alleging that a danger did not exist for park wardens. Park warden Douglas Martin and PSAC asked that the directions be varied, to expressly require Parks Canada to issue sidearms to park wardens or to develop a procedure for the issuance of sidearms. Appeals Officer Serge Cadieux inquired into the appeals pursuant to section 146.1 of the Code and, by written decision dated May 23, 2002, he found that a danger did not exist for park wardens and rescinded the directions that HSO Grundie had issued to Parks Canada.

Park warden Douglas Martin and PSAC sought judicial review of Appeals Officer Cadieux's decision at the Federal Court. The Federal Court dismissed their application by Order dated October 6, 2003.

Park warden Douglas Martin and PSAC appealed the Federal Court's decision to the Federal Court of Appeal. In a decision dated May 6, 2005, the Federal Court of Appeal allowed the appeal, set aside the decisions of the Federal Court and of Appeals Officer Serge Cadieux and remitted the matter to the Appeals Office for re - determination.”¹⁵

The appeal made by Parks Canada was heard by Appeals Officer Douglas Malanka between November 2005 and July 2006, in Ottawa, Ontario. The Appeals Hearing took 34 days to hear evidence from 16 witnesses, along with more than 170 documents entered as exhibits. Final arguments were heard in June 2006. The process took six years from the date of the initial complaint under the Canada Labour Code.

Appeals Officer Malanka decided (as did the initial HSO Grundie) that a danger did exist for park wardens who are engaged in law enforcement activities and are not provided with a sidearm for the work, or with training on the sidearm. He confirmed the decision of the original HSO that a danger existed for park wardens.

Appeals Officer Malanka directed that Park Wardens: “are not to be engaged in law enforcement unless and until park wardens have been screened, trained, supervised, directed in accordance with a standard that Parks Canada determines to be

¹⁵ Parks Canada Agency (appellant) and Douglas Martin and Public Service Alliance of Canada (respondents) – May 8, 2007

appropriate, taking into consideration the approach and direction of other federal agencies who arm their law enforcement officials with a sidearm, and issued a sidearm for the work.”¹⁶

This is not to uniformly suggest that all Alberta CPOs members should, or need to be issued with a sidearm, but there are a number of parallels that can be drawn from the Parks Canada decision relative to PPE as it relates to potential violence in the workplace. It is incumbent under law for the employer to measure the potential risk of serious injury or death that may occur when a CPO is faced with an act of extreme violence in the workplace. If this occurrence may occur as a result of the CPO performing the law enforcement mandate, then the existing case law directs the employer to either remove the hazard (stop law enforcement activities), or adequately equip and train CPOs accordingly.¹⁷

The Parks Canada appeal decision regarding arming park wardens in Canada’s National Parks revealed a number of important considerations around the issuing of necessary personal protective equipment (PPE) and risk. Subsequent to the Parks Canada case, the process for arming Canada Border Services Agency (CBSA) relied on many of these considerations.

In The Parks Canada case, the author as well as other Expert Witnesses agreed that inherent risk associated with enforcement work is related to the nature of the work, involving the unpredictability of human behaviour from individuals who may have rapidly evolving, spontaneous, violent tendencies, dislike authority, be mentally unstable, and/or be under the influence of alcohol or drugs.

The Parks Canada decision set the standard in Canada Labour Code law that a statistically low probability of assault against the officer is an irrelevant consideration where the risk of harm, should an incident occur, is death or serious bodily harm (i.e.,

¹⁶ Ibid

¹⁷ Blue Line Magazine; Critical Lessons for Law Enforcement Managers; Chris Butler; January, 2021

the potential for risk cannot be discounted simply due to the fact that it is statistically low).

Also in the Parks Canada decision were the acknowledgements that: weapons are likely to be possessed and encountered by a segment of the clientele; field communications, albeit a prudent step is not always reliable, and will not likely bring assistance in a timely manner; effective deescalation techniques, although also an important tool, will not be sufficient to resolve all violent encounters in the field, and that disengagement may not be a readily-available option. (More on disengagement later under ‘The Myth of Disengagement’.)

As a result of undertaking their duties, CPOs face a demonstrable risk of possible violence from the citizens they interact with. On the one end of the violence scale, the risks can be severe and result in serious injury or loss of life. For example, In August 2012, what should have been a routine call for service for Rod Lazenby, a community peace officer in the Municipal District of Foothills, turned into the last call he would ever make. An experienced officer, Lazenby travelled to a rural property near Priddis, AB to respond to what was believed to be an animal complaint. Upon arriving at the property, Lazenby was violently attacked by a delusional man, ultimately resulting in Lazenby’s death.

While this incident was clearly a tragic sentinel event for CPOs in Alberta, there have also been documented ‘close calls’ where CPOs have not been seriously injured or killed simply because of the intervention of ‘luck’. One example of this occurred in Lacombe County in 2020 when a CPO was checking on the wellbeing of a citizen whose vehicle was stuck in the ditch. The offender intentionally rammed his vehicle in the CPO vehicle while the officer was sitting inside.¹⁸ In another recent incident in 2021, a CPO in Clearwater County was attempting a traffic stop when the driver suddenly stopped his vehicle in the middle of the highway, exited his vehicle and while screaming threats at the CPO he removed a scoped rifle from his vehicle, held the gun in a firing stance and pointed it directly at the CPO who was still seated in his vehicle. The CPO recalled

¹⁸ Lacombe County file #2020-0157

thinking he was about to be killed and managed to put his vehicle into reverse and rapidly accelerated away from the offender. Fortunately, and for unknown reasons, the offender did not fire his rifle but got back into his vehicle and fled the scene. He was later located and arrested and charged by the RCMP. He subsequently was convicted of possession of a dangerous weapon and assault a police officer with a weapon.¹⁹ It must be mentioned that these two Alberta cases are just examples from a larger sampling of ‘close call’ events captured as a result of the survey that was completed and returned by the reporting CPO employers.

It is also interesting to note that officers conducting CPO-type duties in other provinces have recently also faced significant risk of harm from violent aggression. For example, on October 14, 2023, a Community Safety Officer in Grand Forks British Columbia²⁰ was attacked by a male with a knife in a park. In April of 2020 a Bylaw Officer in Scarborough, Ontario was punched in the face by a male offender as the officer was undertaking routine enforcement activity in a community park²¹. In May 2023 a Kelowna, BC Bylaw Officer was assaulted by a male while the officer was inspecting a homeless encampment. The offender, when arrested by the RCMP who arrived within minutes, also found an edged weapon in his possession.²² In February 2021 a Victoria BC Bylaw Officer was attacked by a man with a shovel at a homeless encampment. Victoria Police responded and had to challenge the offender at gunpoint and ultimately use a Taser to get him to drop the weapon and take him into custody.²³

The point of presenting these few examples (from many) in other jurisdictions is to highlight the fact that whether in Alberta, or elsewhere in Canada, uniformed peace officers, as a visible agent of social control, face a risk of potential harm from violent acts of the subjects they interact with as part of their law enforcement mandate. The degree of harm includes the potential for grievous bodily harm or death resulting from

¹⁹ Clearwater County file #2021-000034_3

²⁰ <https://www.boundarycreektimes.com/news/grand-forks-man-charged-in-bylaw-officer-assault-arraigned-6526701>

²¹ <https://ca.movies.yahoo.com/movies/man-charged-bylaw-officer-assaulted-213139647.html>

²² <https://www.castanet.net/news/Kelowna/428821/Kelowna-bylaw-officer-allegedly-assaulted-at-Rail-Trail-site>

²³ <https://vicpd.ca/2021/02/18/man-disarmed-at-gunpoint-by-special-duty-officers-after-shovel-assault-on-bylaw-officers/>

acts of violence perpetrated on CPOs as a result of them carrying out their law enforcement mandate.

As a result of this identifiable and yet uncontrollable risk, it is recommended that each employer of CPOs evaluate the nature of risk their officers face and undertake an evaluation of whether or not the provision of a sidearm as necessary PPE is appropriate under the circumstances. The following section 'Risk Landscape' will aid in this consideration.

Overview of CPO Law Enforcement Duties

CPOs in Alberta carry out a very diverse amount and type of law enforcement duties. For example, the Alberta Association of Community Peace Officers represents over 500 Community Peace Officers employed throughout Alberta by over 120 different employing agencies. In each of these communities and municipalities, the employer develops individual policies which direct and guide officers in the scope of their law enforcement mandate.

Typically, the law enforcement mandate for CPOs includes enforcing town / municipality bylaws, enforcing various provincial acts and regulations, and maintaining public safety through traffic and public land related enforcement. The breakdown of law enforcement duties is reflected in Figure 10.

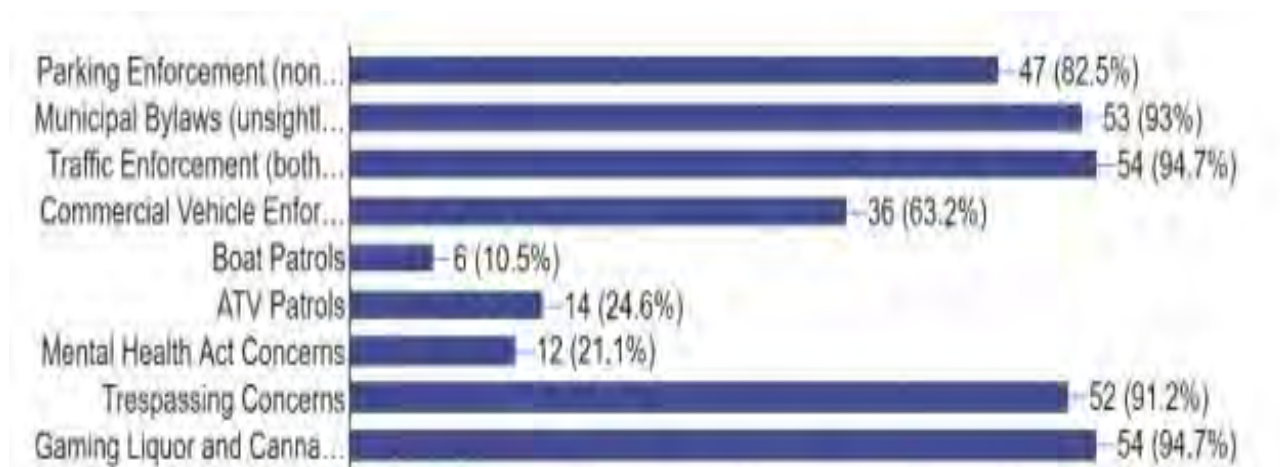


FIGURE 10
LAW ENFORCEMENT DUTIES REPORTED

*Note:

The remaining percentages of duties undertaken, not included in the above graph, involve animal enforcement / complaints, natural resources and parks enforcement, and the enforcement of other various acts and provincial regulations.

Risk Landscape

In order to understand the potential risk of harm from violence that CPO employees face, it is helpful to first review how the Government of Alberta defines workplace violence:

‘Violence, whether at a work site or work related, is defined as the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm. It can include:

- physical attack or aggression

-
- threatening behaviour
 - verbal or written threats
 - domestic violence
 - sexual violence'²⁴

In consideration of the above definition, this review has made clear that, in general terms, Alberta CPOs routinely deal with confrontational behaviour and, sometimes, assaultive behaviour during the course of their mandated work duties.

In reviewing the results of the quantitative survey, it was apparent that actual incidents of physical violence against CPO's varied greatly depending upon the location within the province and the nature of the job descriptions. For example, and as will be examined in detail later, it was strikingly obvious that CPOs such as Transit Officers and Alberta Health Services Officers face a risk of harm from violence that is in the order of exponential magnitude greater than some of their provincial CPO colleagues that do not have this mandate nor work in municipalities with a high concentration of citizens prone to exhibiting violent behaviour. For example, between April 2021 and 2023, Calgary Transit Officers recorded forty-two incidents where officers had been assaulted, five incidents involving subjects with edged weapons, one incident involving a suspect with pepper spray and one incident involving an offender brandishing a handgun. By comparison, there were other agencies that responded to the survey that did not record a single instance where force was used in over 5 years.²⁵

Therefore, it is apparent that a 'one size fits all' provincial approach to the equipment, training and policies that need to be in place to protect employees is not appropriate. Ultimately then, the responsibility lies with each employer to seriously consider the risk

²⁴ <https://www.alberta.ca/workplace-harassment-violence#:~:text=resolve%20the%20conflict.-,Workplace%20violence,verbal%20or%20written%20threats>

²⁵ It became apparent, following a review of the survey responses, that many employers do not have a policy not mechanism for tracking and reporting on acts of violence, close calls, subjects with weapons, a history of violence, or those in possession of, or under the influence of drugs. This is very unfortunate because a risk management truism is that 'if you don't track it you can't manage it'. It is recommended that all employers immediately institute a robust incident tracking mechanism that would permit intelligent data analysis. Ideally, a system of tracking and reporting that is consistent across Alberta would be most beneficial for managing risk on a broader scale.

that their CPOs face from an evidentiary approach and ensure that the appropriate mitigation measures are taken to ensure their safety to the extent possible.

It is also important to acknowledge that even where there have been no incidents where Alberta CPOs have been injured or killed, or whether there have been several, or whether there have been many, it should not preclude the understanding that the potential exists for such outcomes (e.g., window washers and high-rise steel-workers may not fall to their death frequently, but this does not mean that they should not wear fall-protection).

In September of 2017, following the deaths of RCMP officers, the RCMP were criminally convicted of Canada Labour Code violations for failing to ensure the health and safety of its members by failing to provide the necessary protective equipment and related training. The case Judge Leslie Jackson, in *R v RCMP (Canada Labour Code criminal prosecution)* stated “The RCMP suggests that the magnitude of the risk must be measured alongside its frequency. As I understand the submission, even though the risk is great, because the likelihood of such an event is relatively remote, due diligence has been met. I am not attracted to that argument. If a risk of injury and death exists in the workplace, the fact that, happily, it does not occur frequently does not serve as a mitigation of the risk. Due diligence cannot be reduced to a mathematical or statistical calculation where an employer can “take a chance” that because an event occurs infrequently, no, limited, or delayed action is an appropriate response. When the risk to the employee is great, due diligence requires a robust and timely response.”

This is a clearly-worded existing piece of foundational Canadian Case Law that will beyond a doubt be referred to in future cases where omissions by employers to provide adequate risk mitigation measures occur.

Encountering Weapons

A review of the survey data determined that many CPO’s are encountering people in possessions of weapons on a frequent basis. As previously mentioned, the accuracy of the frequency with which officers are encountering weapons is hampered by very

inconsistent reporting across the province. That being said, several agencies have effective mechanisms in place to capture these incidents. The employing agency in Alberta whose officers are most commonly encountering subjects in possession of weapons during law enforcement duties appears to be City of Edmonton Transit Peace Officers. For example, in the three-year period from 2021-2023 their CPOs reported 726 incidents of subjects in possession of knives (including improvised cutting/stabbing instruments), 522 incidents of subjects in possession of bear spray / pepper spray and 183 incidents of subjects in possession of firearms.²⁶

After the highest frequency of exposure to violence mentioned above for Edmonton Transit, the following graph (Figure 11) depicts the five top-reporting agencies whose officers have encountered subjects with weapons during the course of their law enforcement duties.²⁷

In reviewing the qualitative data from the survey, it was apparent that not only are officers merely interacting with subjects who are in possession of weapons, but they are encountering offenders who are either threatening to use these weapons, or actually used these weapons in assaults on CPOs.

²⁶ Note, Calgary Transit may also have a high frequency of encountering subjects with weapons however either that data was not captured, or it was not disclosed to the author. In the authors 28-year policing career in Calgary it was extremely common for subjects on transit property to be in possession of weapons and drugs when arrested.

²⁷ It must be understood that this data reflects only those agencies that have reported. For example, despite the fact Alberta Health Services CPOs report some of the most frequent incidents of encountering violent subjects, they either do not capture the nature of weapons encountered on subjects or that information was not disclosed to the author. As an example, many agencies reported only anecdotally such as 'our officers encounter subjects with weapons every week', or 'our officers deal with subjects consistently who have weapons'.

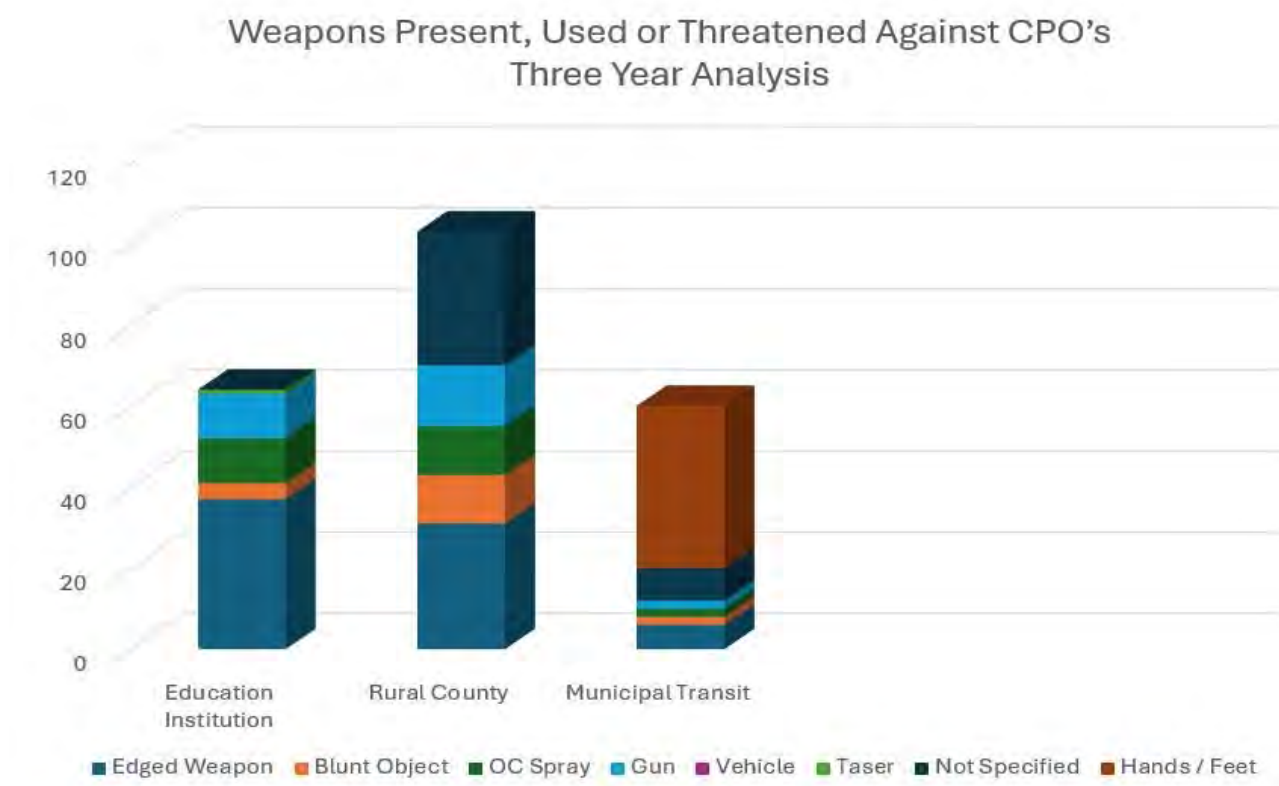


FIGURE 11

Frequency of Violence Against CPOs

Data was received from the employing agency survey that captured the frequency of violence directed against CPOs. As with other trends, the statistical likelihood of violence varied greatly across the province. For example, at one end of the spectrum, the County of Forty Mile reported zero use of force incidents in the past 20 years, while other jurisdictions, such as Alberta Health Services CPOs, were encountering violent subjects requiring the use of self defence interventions multiple times per week. Figure

12 depicts the top eight agencies in Alberta reporting the highest frequency of defensive interventions (of agencies who responded to the survey).²⁸

Handcuffing is not included in data as it was not reported. It should be assumed that in the majority of cases in which a CPO had to intervene with defensive intervention to control violent behaviour that the incident also included the application of handcuffs. Going forward, this is data that should be mandated be reported and tracked.

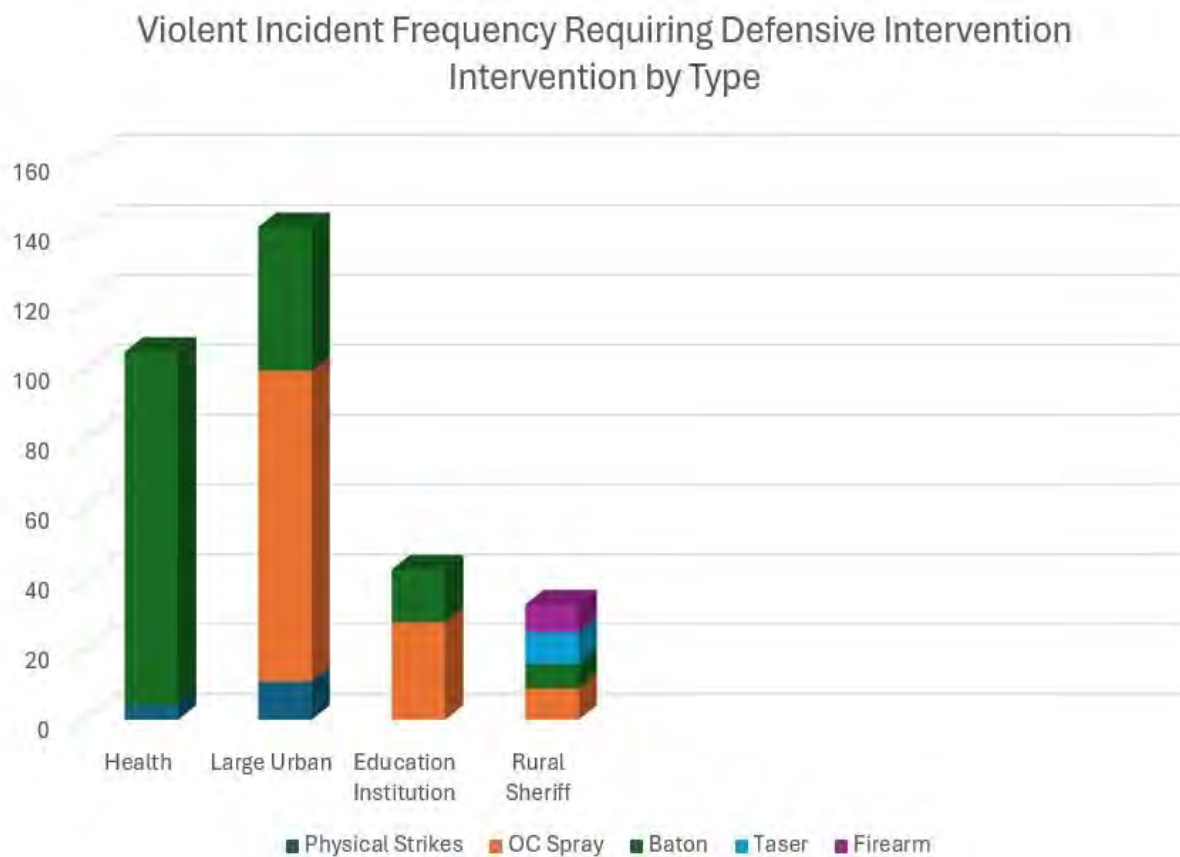


FIGURE 12

²⁸ Note: The intervention method depicted in the graph includes weapons both ready and displayed and deployed. For example, baton use includes situations in which the CPO drew the baton and ready to use it as well as incidents in which it was used to deliver a strike to the subject.

Encountering Alcohol and Drugs

Encountering subjects under the influence of drugs and/or alcohol is a significant risk factor that works against officer safety. The current massive proliferation of central nervous system drugs in our communities and the continual increase in addictions means that officers are encountering persons in possession of drugs and under their influence in frequencies that are also increasing. For example, in the past three years alone Edmonton Transit Officers encountered intoxicated subjects on 1562 occasions and persons in possession and/or under the influence of illegal drugs 200 times. Other areas of the province also reported very high frequency of occurrences of encountering persons intoxicated and/or under the influence of drugs (although these occurrences were reported qualitatively and subjectively). As an example, over a four-year period the town of Valleyview conducted 88 arrests. Of these arrests, 54 subjects (61%) were intoxicated by alcohol and 44 (50%) were under the influence of illegal drugs.

Persons under the influence of drugs or alcohol present very important safety considerations for law enforcement officers. The debilitating effects of these substances on higher-order reasoning means that people often lack the needed cognition and restraint to control their behaviour. They will frequently behave in ways that are aggressive and violent and this is exacerbated by the fact they have these mind-altering substances on-board. Therefore, officers are trained and learn from the school of 'hard knocks' to increase their level of awareness and vigilance given the unpredictable nature of violence that these people can exhibit.

Historically, the author tracked use of force data for the Calgary Police Service for three years. It was determined that when violent subjects were encountered that required force to control their behaviour, they were under the influence of drugs and/or alcohol almost 80% of the time. This is consistent with the reported data from the CPO employers. Agencies such as Edmonton Bylaw, Edmonton Transit, Calgary Bylaw and Transit, University of Alberta and NAIT officers consistently encountered subjects both intoxicated by alcohol and under the influence of drugs.

The additional challenge with subjects who are heavily intoxicated or drug-affected is that they are typically not responsive to standard law enforcement pain-compliance techniques or tools (such as OC spray). For example, techniques such as arm/joint control, pressure point, pain compliance are often not only ineffective, but the attempt to use them can cause a situation to escalate. In consideration of the high baton use reported by several agencies, it would be reasonable to conclude that these persons were also under the influence of mind-altering substances at the time. However, the baton is also a pain-compliance tool and is often ineffective at stopping aggressive behaviour with these particular subjects. As a result, force often has to continue to escalate to more strikes, additional officers, and other techniques that both prolong the encounter and result in a higher frequency and severity of injuries to both subjects and officers.

Encountering Subjects with History of, or Proclivity Towards Violence

While the quantitative survey results did not capture reliable data regarding to a statistical analysis of the frequency of CPOs encountering persons with a known history of violence, possession of weapons, or mental health related concerns, there were many qualitative reports that outlined the frequency of this increasing concern.

“Due to the increase of unhoused people living in our area, especially within treed areas, officers encountering individuals with edged weapons such as axes and knives, has certainly increased. Within a month, on average, an officer would expect to encounter such weapons 1-2 times.”²⁹

“Multiple County residents are actively involved in criminality, majority of them are property crime(B&E, Theft, Stolen Vehicle), There have been a number of residences identified for drug manufacturing and distribution, additionally two properties are being monitored for being described as a “Chop Shop” County residents who have been identified will flee, resist law enforcement regularly on interaction. The same residents

²⁹ City of Leduc

are frequently stopped for the same offences (suspended/disqualified driving, operating in stolen vehicle, possession of stolen property).”³⁰

“We average 2 per month; primarily edged weapons or similar. Primarily, we are encountering our homeless population that is under influence of various drugs (combination). We have had a couple of instances in the last year or so where they have used washroom facilities at the town office and have overdosed on Fentanyl and EMS had to be called after the use of Naloxone. We also have lots of meth in our community.”³¹

Clearwater County conducted a 30-day CPIC assessment where their 3 CPOs began tracking CPIC inquiries on the traffic stops they conducted. The following results were obtained³²:

Firearms Prohib	7
Violence (V)	15
Theft	5
Drugs	7
Sex assault	1
Family violence	4
Driving	9
Assault with weapon	4
Robbery	3
B&E	2
Warrants	5
Family Violence	3
Breach probation	1
Arrest CC warrant	2

³⁰ Lamont County

³¹ Drayton Valley; AACPO Survey Response.

³² Clearwater County 30-day CPIC Analysis.

Lac La Biche County was able to conduct a 2-year analysis of incident data. They determined that in the study period, their officers came into contact with 93 subjects who were flagged on CPIC/CNI for a Violence Caution. In addition, they encountered 63 subjects who were under a court-ordered weapon prohibition.³³

Red Deer County CPOs recorded 18 incidents of encountering subjects with weapons in the past two years. These reports include the following details³⁴:

- CPO conducted traffic stop on suspended driver visibly carrying knife, with bow and arrows in vehicle despite prohibition for weapons.
- JFO on highway with Three Hills RCMP, RCMP removed a rifle from passenger seat during check-stop.
- CPO stopped a male fleeing from police who had a handgun stored inside the driver's side door.
- CPO discovered a sleeping male with a visible SKS assault rifle in the back seat.
- Several occasions of hand tools and improvised weapons taken from homeless camps both occupied and unoccupied. Most interesting was a modified fishing pole with an arrow fixed to the end.
- CPO conducted a traffic stop and observed a sword in the vehicle.
- CPO attempted a traffic stop and fled while brandishing an edged weapon.
- CPO attended an MVC and was confronted by the occupant who was in possession of a butcher knife.
- CPO attended a property to serve a bylaw ticket and was confronted by an SOC waving a knife in the air.
- CPO conducted a traffic stop and observed numerous knives in easy reach of the occupant.
- CPO flagged down by civilians, following a road-rage incident and advised of SOC brandishing a firearm.
- CPOs attended an MVC involving a vehicle that had been car-jacked at gun point.

³³ Lac La Biche County; AACPO Survey Response.

³⁴ Red Deer County; AACPO Survey Response.

- CPO conducted a traffic stop which resulted in the vehicle being towed. A inventory search of the vehicle revealed numerous improvised edged weapons.
- CPO conducted traffic stop which resulted in the vehicle being towed and a hunting rifle present in the vehicle.
- CPO searched SOC for officer safety which revealed a knife being located.
- CPO conducted a traffic stop, SOC had firearms prohibition and was found in possession of a firearm and ammunition.
- CPO observed unsecured firearms stored in a garage, in plain view.
- CPOs attended an occupied homeless camp where various tools and improvised weapons were located.

Lacombe County analyzed their data and determined that in their previous 50 incidents, 26% of the subjects dealt with had a Caution Violence flag or Escape Risk flag.³⁵ Some of the specifically relevant comments relating to 11 Persons of Interest (POI) files include:

2021-0155 Agitated landowner, uttering threats against staff member.

2021-0156 Hazardous proper?es identified by Planning Services (61 Individuals /Proper?es Identified).

2021-0173 If anyone trespasses, I have a butcher barn in the back I can hang them from.

2021-0191 Uttering threats against staff member, the? and destruction of property.

2022-0003 Violent offender, involved in assault PO case, Bylaw investigation .

2022-0245 Mentally unstable landowner threatening to shoot next person on their property.

2023-0177 Subject known complainant and has been assaultive towards others.

Continued complaints to department while under the influence of alcohol (13 files)

2023-0223 Verbally abusive ratepayer towards staff members.

2023-0283 Resident who has shot 2 of his neighbor's dogs and goes on neighbor's properties to cause problems.

³⁵ Lacombe County; AACPO Survey response.

2023-0402 Threats were made to County employee not to come onto their property or "It would end very badly."

2024-0005 Property owner with known ties to prolific offenders (Criminal hangout).

The above numbers and operational examples provide a stark example of the importance of CPOs having real-time, in-vehicle access to CPIC. The intelligence gained by obtaining CPIC information is vital for officer safety risk assessment accuracy.

Alberta Judge Bruce Fraser oversaw the Fatality Inquiry into the death of CPO Rod Lazenby, who was attacked and strangled while responding to a call about too many dogs on a rural property south of Calgary.

"It is unknown if he (Lazenby) was aware that Kloschinsky was mentally unstable but having dealt with him previously he should have been. Undoubtedly, he thought he could handle him alone. He was wrong and paid with his life."

Fraser said more caution is needed when peace officers deal with unpredictable individuals.

"No [peace officer] should attend for enforcement a place where there is a known threat from a specific person or a known mentally unstable person or a known person prone to violence on his own as Officer Lazenby did."

Fraser recommended there should also be a list of "flagged places" that may present a risk.

"Any officer dealing with public enforcement, in my view, should be properly trained for officer safety and weapons training as well as defensive tactics. Officer Lazenby should have had that training and been allowed to carry weapons as did Level 1 officers. They both deal with an unknown public."

The sentences underlined above indicate that despite the recommendations by Judge Fraser, these aspects can only help mitigate officer risk, if the officer has essential

access to the CPIC information. Interestingly, Kloschinsky was flagged on CPIC as Violent and a Caution. If Officer Lazenby had had real-time access to this critical information, his risk assessment may have been different and his tactical response to the complaint location may have been adjusted as a result.

Stages of Risk Assessment & Situational Factors

The Risk Assessment (RA) process includes the consideration of both how likely it is someone might be hurt or damaged and how, or whether, the police officer should intervene given the seriousness of the harm or damage that appeared imminent. These are often difficult decisions and the more adept the officer is at assessing risk, the more readily and appropriately they will respond under urgent circumstances.

Critical to the appropriate understanding of anticipated harm or risk from the application of any particular use of force modality, is the parallel understanding that use of force incidents are typically dynamic, rapidly evolving and may be extremely violent in nature. In this regard, no use of force technique available to peace officers can be considered 'safe'. The theoretical notion of safety with respect to force intervention techniques and devices used by law enforcement is not well understood by the lay-public in Canada. Far from Merriam-Websters dictionary definition of 'Safe' as 'free from risk or harm' and 'secure from threat of danger' or 'security from risk', it must be understood that when peace officers undertake their duty to preserve the public peace it may become necessary to use force. The application of force by peace officers and the concept of 'safety' must therefore be viewed in a contextual framework. This framework is based on the balance between the degree of risk of harm or resistance faced by the officer and the use of force options that are reasonably available to the officer and proportionately appropriate at the time force was used. As a result of these dynamic and uncontrollable variables, every use of force encounter between law enforcement and a citizen carries with it the possibility for injury for one

or all of the participants however unexpected that injury might be. In this regard, no use of force technique available to peace officers can be considered 'safe'.³⁶

There are always several factors that are specific and unique to each incident. However, an examination of the following questions applied to the facts of the case provides some assistance when determining if the officer(s) use of force was appropriate or not:

Were the officer(s) in the lawful execution of their duties?

Was there a need for an application of force?

Was the relationship between the resistance and the level of force proportional?

Whether the force was applied in good faith, based upon the perceptions of a reasonably trained officer, and the objectively reasonable facts the officer had at the time of the incident. In other words, was the officer(s) subjective belief reasonably held as supported by the objective facts.

Peace officers are trained to recognize actual or impending violent behaviour and to understand that there is a risk of increased violence and subject behaviour escalation once resistance begins and the unpredictable, rapidly unfolding dynamics of the encounter ensues. In order to reduce injury potential, officers are trained to end combative encounters as quickly as possible as violent encounters that are allowed to progress will invariably result in more frequent and more serious injuries to one or both participants .

The length of duration of the violent encounter is a critically important variable relating to injury outcome for both the subject and the officer. Longer duration events have been clearly associated with increased rate of injury (Castillo et al., 2012).³⁷ In these 'protracted' violent encounters, officers will typically have to apply multiple modalities of force which will be escalating in nature in order to either establish or maintain control. To demonstrate this, Hickman & Strote, et al; 2021 report that if officers had to

³⁶ "Public Police Interaction and its Relation to Use of Force by Police and Resulting Injuries to Subjects and Officers". Dr. Christine Hall. S/Sgt Chris Butler. Law Enforcement Executive Forum, December 2008.

³⁷ Factors Associated with Law Enforcement-Related Use-Of-Force Injury; Castillo, E., Prabhakar, N., & Luu, B.; American Journal of Emergency Medicine; Vol. 30, 526-531; 2012.

apply four or more modalities of force, injury rates to subjects increased to a startling 77%.

The author's state 'Longer force incidents, as indicated by the number of dyadic force sequences, resulted in greater odds of injury to subjects. Each additional modality of force increases the odds of subject injury by 14 percent. This suggests that ending force incidents as quickly as possible may minimize injury to subjects. However, this must be balanced with the degree of force used in order to gain control of subjects. The higher the maximum sequential force factor (i.e., the greater the level of force used, relative to the level of subject resistance), the greater the odds of subject injury. Each additional force factor step increases the odds of subject injury by 21 percent. This would suggest that ending force incidents as quickly as possible, with the minimum superior level of force necessary, would minimize the likelihood of injury to subjects.'

Stopping a violent attack presents a significant challenge for officers as establishing control of a committed, violent person is often difficult. Indeed, it may take multiple officers and/or the use of intermediate weapons or specialized resources to control one person who is determined not to comply and resists arrest.

Assessing the potential risk that the officer may be exposed to during a call typically begins very early in the evolution of the call.

The officer's assessment of the risk will be constantly evolving as more information is received. The closer to the scene the officer gets, the better their assessment may be. While on scene they must continue to assess the risk. If they have controlled the risk, they must maintain control with the effective method. They must not afford the subject the opportunity to re-escalate. Even while exiting the scene, the officers should monitor the possible risks that may occur from bystanders or associates.

- the number of officers VS the number of subjects
- officer's weapons VS the subject(s)'
- proximity to the subject (time and distance)

-
- perceived or known (historical) subject abilities or propensities (violence, flight risk, suicidal behaviour, possession of weapons, mental instability, etc.)
 - special knowledge of the subject (his/her martial arts skills, visible weapons)
 - the environment (weather, lighting, location, physical position, other hazards)
 - the subject's level of sobriety (impact of drugs and/or alcohol)
 - threat cues (physical or kinaesthetic, verbal, written)

Threat Cues

Throughout the management of an incident, peace officers must remain alert to threat cues displayed by the subject, such as body tension, content of words spoken, tone of voice, body position (stance), indication of weapons (such as concealed hand(s)) and facial expressions to ready themselves to use an appropriate level of intervention.

Threat or 'context' cues may indicate the potential for a subject to display more or less resistant or assaultive behaviours described above, and these help to guide the officer's use of the different levels of intervention available.

The level of intervention used to control a subject's violent behaviour is directly related to the level of the risk or resistance perceived by the officer, against the officer or others, and what those perceptions mean to the officer based upon the 'totality of the circumstances. If the officer has been involved in a similar situation, either in a training or operational context, or even in life experience outside of the law enforcement context, the results of those previous incidents help shape the officer's experience and factor into the risk assessment and influence the decision-making process of the current situation. Previous situations that the officer has been exposed to, which involved high levels of perceived danger, create powerful memories laden with emotion that strongly drive officer decision making in future, similar situations.

In addition to the Situational Factors, officers are also taught that the risk assessment process involves both '**Officer Perceptions**' and '**Tactical Considerations**'. Perceptions and Tactical Considerations are two separate factors that may affect the officer's

overall assessment of the risk. They should be thought of as a group of conditions that mediate between themselves and the possible responses that may be available to the officer.

This mediating effect of the Perception and Tactical Considerations, explains why two officers may respond differently to the same situation and subject(s). This is because tactical considerations and perceptions may vary significantly from officer to officer and/or agency to agency. Two officers, both faced with the same set of circumstances may, because they possess different experience, capabilities, tools, personal traits, or have dissimilar agency policies or guidelines, assess the situation differently and therefore respond differently. Each officer's perception will directly impact on their own risk assessment and therefore the subsequent selection of appropriate intervention options required to control violent behaviour.

Officer Perception

Officer perceptions are considered to be the complex internal milieu – those unique characteristics, traits, abilities and beliefs that each officer brings to the situation. Law enforcement officers are not robots. Every officer, based upon these vastly differing characteristics, will respond differently in differing situations. For various reasons, one officer may be confident in his or her ability to deal with the situation and the resulting assessment will reflect this fact. In contrast, another officer, for equally legitimate reasons, may feel the situation to be more threatening and demanding a different response. For example, one officer who may have experience and training in dealing and managing aggressive and violent people may have more confidence in managing the situation than another police officer who lacks these traits. These 'perceptual' factors help us to understand how an officer interprets the situation and responds.

- officer's age, and gender VS the subject(s)'
- height, weight and apparent strength of the officer VS that of the subject
- officer's ability / skill level (previous training / confidence)
- officer's injuries or level of exhaustion may affect the level of intervention required

-
- officer's current physical fitness level VS the subjects' apparent fitness level
 - previous experience
 - level of stress arousal / critical incident stress responses

Tactical Considerations

Tactical considerations involve those aspects of the incident which may increase or reduce the risk level. Examples of Tactical Considerations include but are not limited to:

- Tactical repositioning (is it possible or appropriate),
- Available equipment / resources,
- Number of officers present,
- Is backup readily available? CPO vs Police backup?
- Is there cover or concealment?
- Is the incident 'exigent' or non exigent? (Can the officer use containment, maintain distance and attempt Deescalation),
- How does agency policy provide guidance and direction?
- Is radio communication present & reliable?
- Is there a formal Incident Command structure in place?

Working alone and/or in remote locations is also an important tactical consideration.

The International Association of Chiefs of Police (IACP) conducted an analysis of officers killed and assaulted in spontaneously occurring incidents. The research determined that during the period studied, 82% of all officers attacked were alone and without immediate backup at the time of the attack.³⁸ The survival rate for officers attacked in the study was an alarming 46%.³⁹

³⁸ International Association of Chiefs of Police (IACP); Ambush Fact Sheet; IACP Cooperative Agreement No. #2013-CK-WX-K022); 2014. Retrieved from https://www.theiacp.org/sites/default/files/2018-08/IACP_Ambush_Fact_Sheet.pdf

³⁹ Ibid

After an officer evaluates the Situational Factors, the Officer Perceptual Factors, and the Tactical Considerations, it can be said that the 'best case' risk assessment has been completed. However, it must be reiterated that the foregoing risk assessment process presents a hypothetical risk management construct which, while good in principle, often cannot be thoroughly applied in the real life of operational law enforcement. In situations where there is no discretionary time, the incident is unstable and rapidly unfolding, and the risk of harm to the officer is high thus demanding an immediate intervention, officers are typically compelled to act before a fulsome risk assessment can be developed. Real life law enforcement activities often means that by the very nature of rapid evolution of dangerous situations, very little risk assessment may be possible.

Every civilian driver who has experienced an unexpected and sudden emergency while operating a vehicle understands this fundamental limitation of human performance. When the driver perceives the immediate circumstance as fraught with potential harm and there is no time for a calm, rational, logical analysis of the situation, emergency action must be taken. Alternative possibilities and their potential consequences are not and cannot be considered; an immediate response is demanded in order to escape the danger.

The Dynamic and Often Spontaneous Nature of Inter-Personal Human Aggression

In keeping with the guiding principles of the use of force by law enforcement is that the most successful officer intervention is the one that causes the least harm, it is important to review the tactic of disengagement or 'tactical repositioning'.

In situations where officers have time to undertake an assessment of the risk and determine that continued law enforcement intervention increases the risk of harm, officers may disengage from the situation and consider other resources with which to resolve the incident.

As mentioned in the previous section, the ability to undertake a considered assessment of the risk is predicated on the fact that the officer has, at his or her disposal, adequate time to perceive all that is occurring and consider other tactical considerations.

In the ‘real world’ of the law enforcement environment, assaultive or deadly force confrontations often come at the officer, seemingly out of nowhere and often without any prior warning or indication that anything was ‘amiss’. In many of these situations, the offender is within arm’s reach of the officer and prior to the attack occurring the offender has already made a mental assessment of the officer’s demeanor and physical ability to protect himself.⁴⁰ Indeed, the RCMP’s Public and Police Officer Safety Course Handbook (K Division, 1999) states in the course introductory paragraph that, “the complacent or unprepared officer is a danger not only to themselves but, also, to other officers and the general public.”⁴¹ It further goes on to state that, “Officers must be aware that life threatening confrontations can happen at any time and without warning.”⁴²

In a 1995, the RCMP’s Donald Loree, Ph.D. conducted research into violent incidents occurring against members of the RCMP during the entire year of 1995. The findings of this research were compiled into a Technical Report and submitted to the Canadian Police Research Centre in April of 1995.

With respect to the spontaneous nature of violence against members of the RCMP, the research discovered that in 28% of the cases the officers were required to use force because they lacked the time to consider other options. In fact, a further 25% indicated they asked for backup but had to resolve the incident themselves because either backup was unavailable, or it did not arrive in time.⁴³

Another interesting finding of this research shows that while one member made the initial response in 40% of the incidents, in 75% of the cases reported by members, more

⁴⁰ FBI Behavioural Sciences Unit, discussions with Ed Davis

⁴¹ RCMP K Division Public and Peace Officer Safety Course Handbook, 1999

⁴² *Ibid*

⁴³ Technical Report TR-05-98E – Violent Incidents, CPRC April 1995 by Donald J Loree, Ph.D. RCMP

than one member was finally involved. Nevertheless, one quarter of the violent incidents that were reported during the study were handled by one member for one reason or the other (typically cited as a lack of time to consider other resources). Whether one member was involved in an incident, or more than one, is not related to the level of force necessary to resolve it, nor is the likelihood of a member being injured.⁴⁴ It is further notable that in 3% of the violent incidents against RCMP members the members utilized the firearm to resolve it.

This research underscores the reality that a large percentage of violent incidents against law enforcement officers occur spontaneously, seemingly without warning, and leaves the officer to his own devices to mitigate the immediate risk to his safety. In these situations, tactical repositioning was not an option available to the officers.

A tragic example of this occurred in Las Cruces New Mexico in February 2024 when an officer was called to a business compound where an unknown individual had set up his homeless encampment. As the officer approached to initiate a conversation with the subject, and while the officer was still thirty feet away, the subject suddenly stood up, pulled out a large kitchen-type butcher knife and began running at the officer. The officer began backpedaling in an attempt to 'disengage' from the subject. However, the subject was quickly able to overtake the officer and begin stabbing him. Regrettably, the officer subsequently dies from his injuries. It is important to reiterate that in this case, there was absolutely no context on the call which would have enabled the officer to assess or predict that he was in any danger until the moment the offender began his attack.⁴⁵ Readers may wish to view the actual video footage of the attack on the officer to witness the unpredictability of the violence and the speed with which it took place.⁴⁶

In a very similar incident in Burnaby, British Columbia in October of 2022, RCMP Constable Shaelyn Yang and a Parks worker were involved in checking individuals in a

⁴⁴ *Ibid*

⁴⁵ <https://www.police1.com/patrol-video/n-m-releases-graphic-surveillance-body-camera-footage-of-officer-stabbed-to-death>

⁴⁶ The video footage can be viewed here: <https://www.youtube.com/watch?v=sP2ZdQH4jAk> ; viewer discretion advised as the incident is extremely graphic.

homeless encampment when a male subject, without any warning, pulled a knife and began stabbing Constable Yang. Unfortunately, Constable Yang died as a result of her injuries, and it is only through luck that the Parks worker was not also stabbed.

A 2019 study by the FBI highlights the reality of inter-personal human aggression against law enforcement officers. In 2019, 48 law enforcement officers were feloniously slain in the line of duty in the United States. In 47% of these incidents, the offender was within five feet of the officer when the attack occurred. In 23% of the cases, the offender was standing between 6 and 10 feet from the officer and in 13% the distance when the attack was initiated was between 11 and 20 feet.

Only 1 officer was at a distance greater than 20 feet from their killers when the attack was initiated.⁴⁷ In the incidents in which officers were slain in the U.S. in 2004 the officers could not have foreseen the violence which was about to be perpetrated on them in 33.9% of the cases (the events occurred spontaneously).

A research study from the U.K. Home Office indicates that in a review of 24 law enforcement shooting incidents, 20 of the incidents were spontaneously occurring. In fact, the events were over so quickly that supervisory personnel (incident command) could not be established. Importantly, the summary of incidents with 'foreseeability' (i.e. the officer could undertake a risk assessment and plan accordingly) resulted in the fewest number of incidents in which serious injury resulted.

The data indicates that the situations in which serious injuries to the officers are most likely to occur are unexpected (spontaneous) ambush-type attacks. This fact is underscored by the writer's conclusion that "Serious assaults can occur at any point in the encounter, from the first moment the officer arrives on scene to after an arrest has been made."⁴⁸

⁴⁷ Law Enforcement Officers Killed and Assaulted 2019, US Department of Justice, FBI

⁴⁸ 'Assaults on Police Officers – An Examination of the Circumstances in Which Such Incidents Occur', Police Research Group, London Home Office, 1994

There has also been an abundance of recent research conducted on the distance that an officer is 'safe' from an offender's attack with a weapon other than a firearm (with a firearm the officer is under lethal attack as soon as the firearm is presented as a threat irrespective of the distance between the officer and the offender). In an article entitled "The Search For Reasonableness In Use of Force Cases", written for the Fordham Law Review, Seth DuCharme asks the question (and then goes on to answer it), "At What Distance Does an Assailant Present an Imminent Threat". Citing some of the best research to date on this topic, DuCharme concludes:

"A common misperception is that a significant distance represents a substantial amount of time and, therefore, a lack of imminence in the threat. Many readers might be surprised to learn that an individual standing thirty feet away could pose an imminent threat in light of the Second Circuit's recent finding that 'one or two seconds' from harm amounts to imminence."⁴⁹

Frank Borelli, a use of force researcher concurs with this statement as his research has indicated that based upon an offenders average rate of travel at fourteen feet per second, if an assailant attacks from thirty feet, the officer will be less than two seconds from harm before he even realizes he is under lethal attack.⁵⁰ In such circumstances, when faced with an imminent threat to their survival, officers lack the luxury of considering tactical repositioning or disengagement; they must respond immediately with a counter-attack in order to defeat the threat.

Research conducted by Dr. Bill Lewinski of the Force Science Institute, provides further scientific basis to this fact. In his various research projects, Dr. Lewinski has reviewed offender behaviour and officer response capabilities under a variety of situations. With respect to the distance that offenders armed with an edged weapon pose an imminent threat of harm to the officer, Lewinski states:

⁴⁹ Fordham Law Review "The Search For Reasonableness in Use-Of-Force Cases: Understanding The Effects of Stress on perception and Performance" Seth DuCharme

⁵⁰ See Frank Borelli, 21 Feet is Way To Close! Law Enforcement Trainer, July-August 2001

“In reality, the 21-foot rule (long accepted by law enforcement) by itself may not provide officers with an adequate margin of protection, it is easily possible for suspects in some circumstances to launch a successful fatal attack from a distance greater than 21 feet.”⁵¹

Even if the officer attempts to disengage once he recognizes such an attack has been initiated, the research clearly indicates that the officer will not be able to move in time to avoid lethal attack. In further research conducted at the Force Science Research Center, it was discovered that the average offender with an edged weapon can go from a dead stop to 21 feet on a level, unobstructed surface offering good traction in 1.5-1.7 seconds. In speed trials measuring the time difference between forward and rearward speeds in the realistic combative distances between 6 and 21 feet, it was discovered that officer’s range between 17 and 25 percent slower moving backwards. The longer the officer attempts to disengage by moving back, the more likely the offender is to quickly overtake and catch the officer.

One of the unanticipated discoveries of this research was the serious risk of the officer falling. During the research activity, the training area was smooth and unobstructed yet stumbling and falling was so frequent that timing the officer’s rear movement had to be discontinued for safety reasons. It is proper to extrapolate this result to conclude that in the real and unpredictable environment of the real world in which officer’s work, the risk of falling while attempting to disengage is extremely high. In the previously mentioned Las Cruces, New Mexico incident, the officer vigorously attempted to disengage by backpedaling away from the attacker but quickly stumbled and fell to the ground.

Dr Lewinski concludes his research into this aspect of spontaneous assault by stating, “I am certain that if a serious threat were the stimulus, officers retreating by rapidly backing up rearward would unintentionally worsen the threat by inviting disaster.”⁵²

⁵¹ Force Science Institute, Minnesota State University – Mankato, Dr Bill Lewinski April 29, 2005

⁵² Force Science Research Center, Minnesota State University – Mankato, Dr Bill Lewinski August 1, 2005

A very recent study conducted by Dr. Michael Kantor also explored the rate of attack by subjects armed with a contact weapon (knife).⁵³ In this study, Kantor and colleagues examined the speed with which a subject could cover the distance to the officer, the method of concealment of the knife, and the biomechanics of the stabbing or slashing action.

The results of this study determined that the average person, from a stationary start, could cover 21 feet and complete the attack in 2.4 seconds. The fastest person in the study completed the attack in 1.75 seconds. Interestingly a large percentage of the ‘attackers’ in the study purposefully avoided the officers body armour, stabbing them in the head, neck or shoulder region.

The Myth of Disengagement as Effective Risk Mitigation

In view of the preceding research on the speed with which a subject can launch a spontaneous attack on a law enforcement officer, and the fact that many, if not most, ambush-type attacks on officers occur at distances at less than 6 feet (conversational distances), it has to be understood that the notion of ‘disengaging’ if the risk gets ‘too high’ is a theoretical construct which is often immediately invalidated by real-world experience. Yes, there are times when an officer has prior information, or has time to make important observations about risk factors that may indicate an escalation or violence may occur. In these less common situations, it is certainly appropriate for an officer to disengage or tactically reposition in order to try to defuse the situation and / or remove themselves from the hazardous environment.

However, it must be concluded that more often attacks on officers will occur so quickly and at close distances that the ability to disengage or reposition is precluded.

⁵³ Kantor, M., Bleetman, A., Tenbrink, J., Garg, H.; The 21-Foot Principle: Effects of Age and Sex on Knife Attack Characteristics; Journal of Forensic and Legal Medicine; Vol. 101; 2024.

Disengagement - Time and Distance Variables

The concept of time and distance refers to those conditions that determine whether or not an officer must respond immediately or whether a delayed response may be utilized. For example, in situations where there is a pressing threat to public safety, an immediate response may be unavoidable, agency policy to the contrary notwithstanding. In other situations, however, the officer may be able to employ time and distance to allow them to delay their response. For example, the availability of cover, the imminent arrival of backup or increasing the distance between themselves and the subject may allow the officer to reduce the threat and possibly delay employing force until additional resources can be utilized.

The officer's ability to utilize time and distance to delay a response is called 'disengagement' (National Use of Force Framework) or 'tactical repositioning' (IMIM). The underlying philosophy on law enforcement use of force is that officers must work in ways that avoid the necessity to use force, and when force is required that only the minimum amount of force required is used, having consideration for the circumstances.

In situations where an officer's assessment of the situation leads him to believe that continued law enforcement presence seriously increases the danger to anyone, disengagement and the use of other tactics and resources may be considered.

The officer's ability to undertake a considered risk assessment assumes there is adequate time to do so. In many situations disengagement is not possible or appropriate under the circumstances.

There are three reasons why an officer may not be able to employ disengagement as a tactic and be compelled to use force to control the subject or resolve the incident. First, and of extreme relevance in the present case, an officer may be prevented because of the physical environment from disengaging. This could be as a result of physical barriers or other individuals that prevent or limit the officer's movement. Secondly, the officer may be compelled by law to use force immediately if there is an imminent risk of harm to the officer or another person (a member of the public under the officer's

protection). Lastly, an officer may not be able to disengage or tactically reposition because the subject or offender does not permit the officer to do so (i.e., the subject is actively involved in assaulting the officer).

When being instructed in the theory of use of force, it is critical that such lesson plans and course training standards include the reasons when disengagement is not possible or appropriate. Failure to do so could lead an officer to erroneously believe that disengagement is always a possibility. This belief could (and has) resulted in officers entering into situations they should not have because they believed they could simply ‘tactically reposition’. This unrealistic belief can lead directly to a complacent attitude and over-confidence; two of the prime reasons officers find themselves assaulted, injured and killed.

Most agencies and institutions that instruct officers in the application of the use of force model utilize realistic scenario-based training to allow the officer to understand and apply when the tactic of disengagement is possible and appropriate and when it cannot be considered.

Indeed, the teaching of time and distance considerations, specifically relating to the limitations of disengagement is addressed in use of force lesson plans and course training standards at the Justice Institute of British Columbia⁵⁴, the Atlantic Police Academy⁵⁵, the Ontario Police College⁵⁶ and numerous municipal agencies throughout Canada.

Any agency policy that mandates an officer simply ‘disengages’ when the risk of a situation gets ‘too high’ has failed to appreciate these important variables. An assault upon an officer can arise from seeming innocuous circumstances where no threat or danger cues are present. A person can escalate from entirely compliant to a lethal

⁵⁴ See ‘Justice Institute of British Columbia – Police Academy’ National use of force training and force options theory manual.

⁵⁵ See ‘Atlantic Police Academy – Holland College’ Use of Force Training Manual. By Inspector Kelly Keith

⁵⁶ See ‘National Use of Force Framework’ as instructed at the Ontario Police College, reference Chris Lawrence, senior defensive tactics and use of force instructor.

danger in fractions of a second. As a result, an officer may find him or herself under physical attack literally ‘in the blink of an eye’ as an edged weapon can be drawn and used to stab or slash in under a quarter of a second.

The reality of these important human factors became a pivotal issue for the Hearing Officer in the aforementioned Parks Canada case. He was strongly impacted, and influenced, when he realized that in certain situations an officer’s ability to ‘disengage’ from a situation may be completely precluded under the circumstances. This is where disengagement policy fails.

For example, Section 24.2 of the Public Safety Peace Officer Program, Policy and Procedures Manual states:⁵⁷

24.2 Criminal Occurrence Procedures

Attending to, or participation in, an incident in which weapons are suspected or reported is inherently dangerous and is the jurisdiction of the police; peace officers will not respond to such calls or become directly involved with the suspects, unless provided with full peace officer authorities on the appointment (i.e. Sheriffs, within the confines of their RAPID Response duties, or out of province police officers). If during the normal course of duties, a peace officer encounters a situation in which weapons are present and there is a reasonable expectation that they may be used in an illegal manner or in a manner impacting the safety of the peace officer or public, they shall:

- Remove themselves from any immediate harm,
- Contact the police service of jurisdiction immediately,
- Be aware that the presence of a uniformed individual may escalate an event in progress and no efforts to involve themselves in the incident should be taken,
- Recognize that criminal matters and crimes in progress are the responsibility of the Police,
- Be aware that peace officers do not have access to the full spectrum of

⁵⁷ Public Security Peace Officer Program; Policy and Procedures Manual; October 2023.

tools/training to safely intervene in situations in which a weapon is present,

And may:

- Attempt to minimize the threat to other persons in the immediate vicinity,
- Observe and report to the police as a witness, if safe to do so, and from a safe Distance.

When an officer has discretionary time in circumstances where this fulsome risk assessment can take place, this policy can certainly be adhered to; In fact, should be.

However, there are circumstances, just like a driver facing a completely unanticipated, unpredictable and unexpected driving emergency that demands immediate evasive action, CPOs will find themselves in immediately evolving violent incidents where they are under physical attack. It is here that section 24.2 will completely collapse. The CPO in these violent circumstances are under an exigent risk of physical harm – potentially of grievous bodily harm and perhaps even risk of death – and must take immediate defensive measures in order to ensure their safety and survival.

Summary

As was mentioned in the beginning of this report, the analysis uncovered several types of employment duties where the respondent officers reported not feeling safe in performing. There are many ways outlined in this report that authorized employers of peace officer can take effective measures to help increase the level of safety for their valuable people performing these vital duties that protect our communities.

These changes range from enhanced and standardized data capture and analysis, technology adoption and improvements pertaining to communication and safety equipment, the inclusion new technologies and an improvement in validated training content and evidence-based pedagogical methods of instruction.

Employers should view this report as a starting point for identifying and prioritizing ways in which they can work together to make meaningful improvements in improving the workplace safety for their CPOs.