



## 15-01 Appendix B

### Provincial Use of Force Model Background Information

**Status:** Amended

**Issued:** 2022.07.06

**Replaces:** 2021.05.12

## New Ontario Use of Force Model (2004)

### Introduction

The new Ontario Use of Force Model – 2004 (based on the National Use of Force Framework) is a graphical representation of the various elements involved in the process by which a police officer assesses a situation and acts in a reasonable manner to ensure officer and public safety. The Model assists officers and the public to understand why and in what manner an officer may respond with force.

As an aid to training, the Model promotes continuous critical assessment and evaluation of each situation and assists officers to understand and make use of a variety of force options to respond to potentially violent situations.

The Ontario Use of Force Model (2004) is not intended to serve as a justification for officer use of force nor does it prescribe specific response option(s) appropriate to a situation. The Model does provide a valuable framework for understanding and articulating the events associated with an incident involving officer use of force.

### History

Graphical models describing use of force by officers first began to appear in the 1970s in the United States. These early models depicted a rather rigid, linear-progressive process, giving the impression that the officer must exhaust all efforts at one level prior to being allowed to consider alternative options. A frequent complaint lodged against these early models was that they did not accurately reflect the dynamic nature of potentially violent situations, in which the entire range of officer, subject and force options must be constantly assessed throughout the course of the interaction.

In Canada, use of force models first began appearing in the 1980's, one of the first being the provincial model of Nova Scotia, followed by Quebec in the early 1990's. In 1994, as part of a comprehensive use of force strategy, Ontario developed a provincial use of force model, and a number of other provinces and the Royal Canadian Mounted Police have since followed suit.

In 1999, the Canadian Association of Chiefs of Police (CACCP) endorsed an initiative involving a proposal to develop a National Use of Force Framework. In April of the same year, use of force experts and trainers from across Canada met at the Ontario Police College to undertake to draft a National Use of Force Framework. As conceived by the CACCP and the use of force experts and trainers, the National Use of Force Framework would bring together into one model all of the best theory, research and practice about officer use of force. The model would be dynamic, support officer training, and facilitate professional and public understanding of officer use of force.

In Ontario, the National Framework, along with updated Provincial Use of Force Guidelines, were vetted through the Policing Standards Advisory Committee (PSAC) The new Ontario Use of Force Model-2004 (based on the National Framework) was endorsed by PSAC and has subsequently been approved by the Minister for release.

### The Principles

Six basic principles underlie the Ontario Use of Force Model (2004).

1. The primary responsibility of a peace officer is to preserve and protect life.
2. The primary objective of any use of force is to ensure public safety.
3. Police officer safety is essential to public safety.
4. The Ontario Use of Force Model (2004) does not replace or augment the law; the law speaks for itself.
5. The Ontario Use of Force Model (2004) was constructed in consideration of (federal) statute law and current case law.
6. The Ontario Use of Force Model (2004) is not intended to dictate policy to any agency.

### The Model – Description

The Ontario Use of Force Model (2004) was developed to assist in the training of officers and as a reference when making decisions and explaining their actions with respect to a use of force. The model does not justify an officer's actions.

The inner-most circle of the model, labelled "SITUATION", contains the "*assess-plan-act*" component which should be visualized as dynamic as an officer's "assessment" of a situation is never-ending. The process of continuous assessment also helps to explain how a behaviour (and response option) can change from co-operative to assaultive (or from communication to lethal force) in a split second without passing through any other behaviour or force options.

The area adjacent to the "SITUATION" contains the various subject behaviour categories including cooperative, resistant, assaultive and serious bodily harm or death.

Perception and Tactical Considerations are interrelated and are therefore contained in the same area, or ring on the model. Factors that the officer brings to the situation, that are unique to the individual officer *interact* with both situational and behavioural factors to determine how an officer may perceive or assess the situation. Further, the officer's perception of a situation may affect his/her assessment and, in turn his/her tactical considerations.

The outer area of the model represents the officer's use of force options. These options range from officer presence to communication skills, physical control techniques, intermediate weapons and lethal force. Though officer presence and communication skills are not *physical* use of force options, they have been included to illustrate the full range of factors that have an impact on the behaviour of the subject.

### The Assessment Process:

The process of assessing a situation is threefold involving:

- 1. The Situation,**
- 2. Subject Behaviours, and**
- 3. Officer's Perception / Tactical Considerations**

Careful consideration of all possible factors within each of the above categories, assists the officer in understanding, and responding to situations, and in explaining to others how a particular situation was perceived, assessed, and responded to.

The examples provided throughout this document are presented for the purpose of illustration, and are by no means exhaustive.

## 1. The Situation

When an officer responds to an incident, he or she must assess various aspects of the immediate situation. There are at least six different conditions that can characterize a situation. Each of these may become part of the officer's assessment.

It should be noted that some of these factors may fall under more than one category (i.e. situation, subject behaviour, or perception/tactical considerations). Additionally the following lists are not exhaustive. They are simply common factors that an officer can expect to consider when making their decisions

### a) Environment

There will be times when environmental conditions may affect the officer's assessment of the situation.

- weather conditions: rain, snow, wind, heat, etc.
- moment of the day: daylight or darkness
- location: residential, rural, urban, indoor, outdoors
- physical position: roof top, roadside, stairwell, cell area
- other factors: cover, concealment

### b) Number of Subjects

The number of officers versus the number of subjects will affect the officer's assessment of the situation:

- one subject facing one officer
- one subject facing two or more officers
- multiple subjects facing one officer
- multiple subjects facing multiple officers

### c) Perceived Subjects' Abilities

The officer's perception of a subject's various characteristics will affect his or her assessment of the situation:

- under the influence of drugs or alcohol
- intoxicated vs. under the influence
- subject's physical size, strength, skills
- emotional state
- proximity to weapons

### d) Knowledge of Subject

Prior knowledge may affect the officer's assessment of the situation. He or she may be aware of the subject's criminal history, reputation, or the officer may have had prior contacts with the subject.

- Canadian Police Information Centre (CPIC) information
- previous history, reputation
- demonstrated ability

### e) Time and Distance

The concept of time and distance refers to those conditions that determine whether an officer must respond immediately or whether a delayed response may be employed. For example, in situations where there is a pressing threat to public safety, an immediate response may be unavoidable. In other situations, conditions may allow the officer to delay his or her response. For example, the availability of cover, the imminent arrival of backup, or simply being able to increase the distance between the officer and the subject may allow the officer to reduce the threat and delay responding until conditions are more favourable. The officer must address the following time and distance factors as part of the *Assess-Plan-Act* process.

- seriousness of situation
- must you act immediately
- can you create more time and distance
- escape routes

### f) Potential Attack Signs

A subject may give clues to his or her intentions. The following list includes physical behaviours displayed by a subject that have been known to precede an attack on a police officer.

- ignoring the officer
- repetitious questioning
- aggressive verbalization
- emotional venting
- refusing to comply with lawful request
- ceasing all movement
- invasion of personal space
- adopting an aggressive stance
- hiding

## 2. Subject Behaviours

Central to the *Assess-Plan-Act* process is the behaviour of the subject. The framework records five different categories of subject behaviour in the circle adjacent to the *SITUATION*. The gradual blending of colours in this circle reflects the fact that the boundaries between categories are difficult to distinguish. It is often difficult to differentiate between categories of behaviour. Where a subject falls in these categories is in part dependent upon the officer's perception. The following describes each of the five categories of subject behaviour.

### Co-operative

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

### Resistant (Passive)

The subject refuses, with little or no physical action, to cooperate with the officer's lawful direction. This can assume the form of a verbal refusal or consciously contrived physical inactivity.

## **Resistant (Active)**

The subject uses non-assaultive physical action to resist, or while resisting an officer's lawful direction. Examples would include pulling away to prevent or escape control, or overt movements such as walking toward, or away from an officer. Running away is another example of active resistance.

## **Assaultive**

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

## **Serious Bodily Harm or Death**

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

### **3. Perception and Tactical Considerations**

Perception and Tactical Considerations are two separate factors that may affect the officer's overall assessment. Because they are viewed as interrelated, they are graphically represented in the same area on the model. They should be thought of as a group of conditions that mediate between the inner two circles and the responses available to the officer.

The mediating effect of the Perception and Tactical Considerations circle explains why two officers may respond differently to the same situation and subject. 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 tactical considerations may, because they possess different 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 assessment and subsequent selection of tactical considerations and/or their own use of force options.

## **PERCEPTION**

How an officer sees or perceives a situation is, in part, a function of the personal characteristics he or she brings to the situation. These personal characteristics affect the officer's beliefs concerning his or her ability to deal with the situation. 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 to this, another officer, for equally legitimate reasons, may feel the situation to be more threatening and demanding of a different response. The following list includes factors unique to the individual officer which interact with situational and behavioural factors to affect how the officer perceives and, ultimately assesses and responds to a situation.

Factors that may be unique to the individual officer include but are not limited to:

- strength/overall fitness
- personal experience
- skill/ability/training
- fears
- gender
- fatigue
- injuries
- critical incident stress symptoms
- cultural background
- sight/vision

## TACTICAL CONSIDERATIONS

An officer's assessment of a situation may lead to one of the following tactical considerations. Conversely, these same factors may impact on an officer's assessment of a situation.

- disengage and consequences\*\*
- officer appearance
- uniform and equipment
- number of officers
- availability of backup
- availability of cover
- geographic considerations
- practicality of containment, distance, communications
- agency policies and guidelines
- availability of special units and equipment: canine, tactical, helicopter, crowd management unit
- command post

→ *\*\* An officer's primary duty is to protect life and preserve the peace. However, when a situation escalates dangerously, or when the consequences of continued police intervention seriously increase danger to anyone, the option to disengage may be considered appropriate. It is also recognized that due to insufficient time and distance or the nature of the situation, the option to disengage may be precluded. If the officer determines the option to disengage to be tactically appropriate, the officer may consider disengagement with the goal being containment and consideration of other options, such as, seeking alternative cover, waiting for back-up, specialty units, etc*

## Use of Force Options

The situation, subject's behaviour, the officer's perception and tactical considerations drive the *Assess-Plan-Act* process. Based on the assessment, the officer must develop a plan that involves selecting what he or she feels to be an appropriate response. The following section discusses the categories of response options available to the officer.

In the model's outer ring, there are five use of force options. They range from the simple presence of the officer to lethal force. Unlike the representation of the subject's behaviour there is a great deal of overlap amongst these options. For example, the *Communication* circle overlaps with *Physical Control*, *Intermediate Weapons* and the *Lethal Force* options. This overlap indicates that the officer may use several of these options at the same time.

There is an approximate correspondence between the model's depiction of a subject's behaviours and the use of force options available to the officer. Because each officer has different personal characteristics that affect his or her perception and because each situation presents different tactical considerations, the correspondence between the subject's behaviour and that of the officer can never be precise. How reasonable one considers an officer's actions can be judged only after one considers the complex interplay amongst the situation, the subject's behaviour, the officer's perceptions and tactical considerations.

The force options may be used alone or in combination to enable the officer to control the situation. The premise of the model is that an officer's perception and tactical considerations are specific to the situation. The dynamic nature of the situation requires continual assessment, therefore, the force options selected may change at any point.

The following provides a brief discussion of the five use of force options available to an officer.

## Officer Presence

While not strictly a use of force option, the simple presence of an officer can affect both the subject and the situation. Visible signs of authority such as uniforms and marked police cars can change a subject's behaviour.

## Communication

An officer can use verbal and non-verbal communication to control and/or resolve the situation.

The Police Challenge ("*Police, Don't Move!*") is to be delivered loudly and clearly, when a handgun is drawn or a firearm is presented in response to a threat to life, or threat of serious bodily harm, recognizing that some circumstances, due to the need for an instantaneous response, may not immediately allow for the use of the challenge.

## Physical Control

The model identifies two levels of physical control: soft and hard. In general, physical control means any physical technique used to control the subject that does not involve the use of a weapon.

*Soft* techniques are control oriented and have a lower probability of causing injury. They may include restraining techniques, joint locks and non-resistant handcuffing. *Hard* techniques are intended to stop a subject's behaviour or to allow application of a control technique and have a higher probability of causing injury. They may include empty hand strikes such as punches and kicks.

## Intermediate Weapons

This use of force option involves the use of a less-lethal weapon. Less-lethal weapons are those whose use is not intended to cause serious injury or death. Impact weapons and aerosols fall under this heading.

## Lethal Force

This use of force option involves the use of any weapons or techniques that are intended to, or are reasonably likely to cause serious bodily harm or death

## Summary

The Ontario Use of Force Model (2004) represents the process by which an officer assesses, plans and responds to situations that threaten public and officer safety. The assessment process begins in the centre of the model with the SITUATION confronting the officer. From there, the assessment process moves outward and addresses the subject's behaviour and the officers *Perceptions* and *Tactical Considerations*. Based on the officer's assessment of the conditions represented by these inner circles, the officer selects from the use of force options contained within the model's outer circle. After the officer chooses a response option the officer must continue to *Assess-Plan* and *Act* to determine if his or her actions are appropriate and/or effective or if a new strategy should be selected. The whole process should be seen as dynamic and constantly evolving until the SITUATION is brought under control. Authority to use force separates law enforcement officials from other members of society and the reasonable use of force is central to every officer's duties. The Ontario Use of Force Model (2004) provides a framework that guides the officer in that duty.

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