



# 15-01 Appendix B

## Ontario Public-Police Interactions Training Aid Framework Document

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# Ontario Public-Police Interactions Training Aid Framework Document

May 24, 2023

This document replaces previous the previous Ontario Use of Force Model training materials

Version: 1.0

Public Safety Division

The Ministry of the Solicitor General

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***De-escalation** is the use of verbal and nonverbal strategies intended to prevent conflict or reduce the intensity of a situation without the application of force, and, if force is necessary, reducing the amount of force if viable*

Ontario Police College

## **1. INTRODUCTION**

The ideal goal of any police interaction with the public is that it be cooperative, respectful, and peaceful. This Ontario Public-Police Interactions Training Aid outlines the general principles that govern police interactions with the public, including the use of force on those occasions when an application of force is required.

The Ontario Public-Police Interactions Training Aid is captured by a framework document and a graphic. Together they are designed to assist police officers (and the public) to understand why and in what manner an officer may respond during an interaction. This document is subject to change based on evolving academic research, best practices and recommendations.

This Training Aid stresses that, in any interaction with the public, an officer should continually monitor themselves, the subject, situation, assess the circumstances as they develop, and engage in a relational approach<sup>1</sup> with the subject and other members of the public if appropriate. A relational approach to public-police interactions emphasizes fairness, respect, empathy, and voluntary subject cooperation, without the use of force, whenever feasible. However, on occasion police officers may find themselves in a situation where the use of force may be

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<sup>1</sup> Relational policing involves an officer providing a genuine and personalized response, conveying empathy and concern for the wellbeing of the subject, and taking time to build rapport and trust, while managing safety risks. The principle which underlies "relational policing" is that a member of the public is, on balance, less likely to be confrontational or non-cooperative if they have a personal rapport with the officer with whom they are interacting. Relational policing may not achieve its desired effects in every case, but it increases the likelihood of an interaction with is cooperative, respectful, and peaceful.

necessary. Any use of force by police is governed by the legal principles of necessity, proportionality, and reasonableness.<sup>2</sup>

As outlined in this Training Aid, a decision by an officer to use force should be based on an assessment of all of the circumstances of the situation in light of the governing legal principles.

A relational approach to public-police interactions values fairness, impartiality, respect, and empathy, and seeks to achieve peaceful outcomes and voluntary subject cooperation without the use of force. In the event force becomes necessary (i.e., to ensure public safety/protect life), using a proportional amount, if viable, to manage the situation, is expected.

Ultimately, the goal of any police interaction with the public is cooperative, respectful, and peaceful outcome, recognizing that this goal may be impacted by a variety of factors such as the availability of time, resources an immediate need for police action, and the behaviour of the people involved.

## 1.1. Context

This Training Aid tries to reflect the meaning of governing federal and provincial statutes (e.g., the *Criminal Code*, R.S.C., 1985, c. C-46, the *Charter of Rights and Freedoms*, and the *Police Services Act*, R.S.O. 1990, c. P.15), and governing case law (including cases from the Supreme Court of Canada, provincial courts of appeal, and lower courts). In addition, this Training Aid is mindful of recommendations made by the Ontario Ombudsman, recommendations made by juries in Coroners' inquests, and scholarly articles and research reports.

However, this framework is subject to several limitations:

- a) This document does **not** replace or augment the law, or purport to dictate police service policy. Given its brevity and informal nature, this document does not provide a comprehensive summary or outline of the law. When

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<sup>2</sup> *R. v. Nasogaluak*, 2010 SCC 6 at para. 32; and *R. v. Davis*, 2013 ABCA 15 at para. 57 (in dissent), reversed 2014 SCC 4.)

- any concrete issue arises, it must be assessed in terms of the governing law.
- b) This document does **not** provide an officer with legal authority and does **not** provide an automatic "after-the-fact" justification for an officer's actions in any incident.
  - c) This document does **not** prescribe a specific set of response option(s) to any interaction. Rather, it provides a valuable framework for understanding what is involved in the continuous process of assessing, planning, making decisions, and responding to interactions between the public and police.
  - d) The decision to use force in any case must be based on an assessment of the circumstances of the case at hand, considering the governing law.

## **1.2. The Principles Underlying Public-Police Interactions**

Four basic principles underlie the Public-Police Interactions.

1. The primary responsibility of a peace officer is to preserve and protect life.
2. The primary objective of public-police interactions is public safety. Police officer safety is essential to public safety.
3. Conflict prevention and De-escalation are the goals of every interaction.
4. A relational approach is essential to cooperative and respectful public-police interactions.

## **1.3. Legal Principles Informing a Police Officer's Use of Force**

A police officer may find themselves in a situation where they may be required to use force in carrying out a duty. Police officers may use force in the execution of their duty *only if two conditions are met*:

1. The officer must be permitted by law to use force in carrying out the specific duty at hand; and

2. The specific application of force which the officer wishes to use is necessary, proportional, and reasonable, given the circumstances of the situation.

### *Statutory or Common Law Authority*

With respect to the first condition, it must be stressed that any force used by an officer must be based on statutory or common law authority which permits force to be used in carrying out the particular duty in issue. Unless an officer possesses such authority, the use of force by the officer may be unlawful; and, accordingly, the officer may be liable.

### *Necessity, Proportionality and Reasonableness*

With respect to the second condition, even when an officer is authorized by law to the use force in carrying out a particular duty, a police officer does not possess an unrestricted right to use force. The lawful use of force by police is constrained by the principles of necessity, proportionality, and reasonableness. That is, an officer will be justified in using force in any particular case only if the harm sought to be prevented could not be prevented by less violent means, and that the injury or harm done by, or which might reasonably be anticipated from the force used, is not disproportionate to the injury or harm it is intended to prevent (*R v Ryan*, 2013 SCC).

### *Lethal Force*

In accordance with those principles, section 25(3) of the *Criminal Code* specifies that an officer is not justified in using lethal force (that is, force that is intended or is likely to cause death or grievous bodily harm) unless they believe on reasonable grounds that such force is necessary to avoid the death or grievous bodily harm of themselves or a person under their protection.

### *Excessive Use of Force*

The use of force by an officer will be excessive if the officer did not have the authority to use force, or otherwise if it violates the principles of proportionality, necessity, and/or reasonableness. Under s. 26 of the *Criminal Code*, a police officer who uses force is "criminally responsible for any excess . . ."

### *A "standard of perfection" & Reasonable Discretion*

These principles are applied with common sense. The law recognizes that police officers possess a measure of reasonable discretion in determining whether force is required, and if so, to what degree. Police officers often engage in dangerous work, and, on occasion, must act quickly in emergencies. Assessments regarding the use of force cannot be based on a “standard of perfection”. Moreover, an officer is not required to use *only* the *least* amount of force which might achieve their objective. However, the use of force which objectively violates the principles of proportionality, necessity, and/or reasonableness, in light of the circumstances known to the officer at the time, may leave the officer liable for excessive force.

## 2. TRAINING AID OVERVIEW

The Public-Police Interactions Training Aid is a resource for officers when reflecting on and explaining decisions made and actions taken during an interaction. It is **not** a justification tool and does not provide legal authority.

Foundational to the Training Aid public-police interactions is the ASSESS-PLAN-ACT (APA) process. These three components are depicted graphically as a pullout image to draw attention to their centrality (i.e., they project over the entire Training Aid) and to highlight how the various areas of consideration (represented as coloured layers on the graphic) should be examined and accounted for as officers work through the APA process.

All elements of the Training Aid factor into the APA process and the officer's choice of response options, including use of force, as they seek to mitigate risk, ensure public safety, and achieve a peaceful outcome. Given these parameters, DE-ESCALATION and CONFLICT PREVENTION are located at the centre of APA and encircle the entire Training Aid with arrows moving away from serious bodily harm or death to cooperative. This arrow illustrates that an officer's goal is the prevention/de-escalating behaviour and force if it is reasonable to do.

SITUATION and SUBJECT CONSIDERATION are central to assessing a potential interaction or interaction already in progress, and as such, are positioned at the middle of the larger graphic as the officer initiates the APA process.

SUBJECT BEHAVIOURS are an extension of subject considerations and encircle situation and subject considerations. Subject behaviours include cooperative, passive resistant, active resistant, assaultive, and serious bodily harm or death.

OFFICER AND STRATEGIC CONSIDERATIONS form the next layer of the graphic, recognizing the interrelatedness of the officer (internal factor) as they assess the situation (e.g., risk factors) and begin to explore response options.

VERBAL & NON-VERBAL COMMUNICATION AND NON-FORCE OPTIONS (tactics) surround the areas of officer and strategic considerations. This ring precedes use of force response options signalling their importance to conflict prevention and a relational approach in line with the definition of de-escalation keeping in mind that if force is necessary and being used communication continues throughout the interaction.

Graduated USE OF FORCE options is presented in the last partial layers of the graphic and include physical control techniques, the use of intermediate weapons, and lethal force.

## **2.1. Training Aid Components**

### **2.1.1. Assess-Plan-Act**

The APA process is "transactional" (i.e., a decision and/or action taken initially during APA impacts the next cycle of APA) and occurs across each of the five phases of an interaction. Time permitting, officers continually monitor and assess the areas of consideration depicted in the Training Aid, acting on their assessments and decisions accordingly. Throughout, and as time and or resources are available, officers should seek to challenge personal biases, assumptions, and stereotypes using critical thinking strategies and perspective taking. Such an exercise may create empathy, which is a key component to the beginning of many de-escalation strategies.

*Assess*

This process includes the assessment of:

- officer considerations (perception)
- situational considerations
- subject considerations
- strategic considerations
- subject behaviours

- the viability of de-escalation and conflict prevention strategies

Each area of consideration intersects with the others and needs to be examined collectively. They are not mutually exclusive. Careful consideration of factors within each of the categories assists the officer to understand and respond to a situation/subject, and to explain to others how it was perceived, assessed, and responded to.

### *Plan*

Time permitting, the officer continuously assesses areas of consideration as the situation/interaction evolves, selecting the most reasonable approach relative to the circumstances and their perceptions at that moment.

An officer's ability to implement a strategy is subject to a host of factors including:

- the degree of risk or threat posed by the subject or interaction
- the urgency to act in response to the threat
- the cognitive and physical limitations associated with stress-induced by the situation/subject
- the amount of time available to assess areas of consideration
- the number of officers working together
- the number of resources and options available
- the officer's knowledge/belief of their own ability to manage the situation safely

However, if a situation/subject poses an imminent danger of causing bodily harm or death, such that the officer is required to take immediate action, the officer may have limited time, or no time, to fully engage the APA process. In such a circumstance, the officer should act immediately in keeping with their duties as a police officer. It bears reiteration that any use of force is governed by the principles of *necessity, proportionality, and reasonableness*. On the other hand, if a subject/situation poses no threat or danger, or if a potential danger can be effectively managed without the immediate use of force, more time may be devoted to decision-making and evaluating alternative available options.

Time permitting, these processes are informed by NRA – a three-part test that requires officers to ask themselves if their actions are **N**ecessary, **R**isk effective, and **A**cceptable on legal, civil, and moral grounds.

Questions to guide officers in considering each component of NRA are listed below.

Is the action **Necessary**?

- What has changed?
- Why now (versus earlier or later)?
- Why that option (versus another)?

Is the action **Risk Effective**?

- What/who is at risk? (e.g., victim/hostage, public, police, subject)
- Is there a less risky way to respond?

Is the action **Acceptable**:

- Legally - What statute or legal authority is the officer acting under?
- Civilly - Is policy, procedure, and training being followed?
- Morally - What will the public think? What about the courts?

### *Act*

The Act component of APA represents the result of the officer's ongoing monitoring, assessment, and planning and may include direction and/or input from other police agencies and/or other personnel within the attending service. As the APA process is transactional, multiple outcomes across the duration of the interaction will occur. As such, officers should continuously demonstrate situational awareness, attending to areas of consideration and potential response options identified in the Training Aid until the interaction reaches a conclusion.

The officer will assess, plan and act in each phase to the call or interaction

## **2.1.2. Phases of a Call or Interaction**

### Phase 1: Initiate

- Officer is directed to attend a call by Dispatch or other means
- Contact may be initiated by the officer
- APA process begins considering available information and goals of de-escalation
- Assess priorities of life (Victims/Hostages, Public, Police, Subject)
- Assess Risk (means, opportunity, intent, and NRA – necessary, risk effective, acceptable)
- Plan – SMEAC, ICEN, ICLEAR, NRA<sup>3</sup>
- Self-regulation (fit for duty, Road to Mental Readiness (R2MR) Big 4 – goal setting, visualization, breathing, tactics)

### Phase 2: Transit (if any)

- Travel to destination (arrive safely)
- Officer gathers and reviews information critically, and re-assesses/considers initial and back-up plans upon arrival

### Phase 3: Arrive

- Officer surveys the situation/scene, revisits their initial assessment (verifies information) and plans, including imminence determining if immediate action is necessary
- Officer surveys the situation/scene and assesses the use of disengagement

### Phase 4: Interact

- Officer assesses the circumstances of the situation and plans an appropriate response. In doing so, the officer may interact with other persons at the scene (including the public, the subject(s), other

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<sup>3</sup> See Glossary

- responding personnel, and may continue to receive information by police radio/computer/phone
- If more than one officer is present, officers may, if time permits, devise a joint plan. (Multiple officers may act on a plan crafted by one)
  - To the extent it is feasible and reasonable, the officer should consider employing de-escalation strategies, including verbal and non-verbal communication and other non-force options
  - Upon deciding on a plan, the officer(s) will begin to carry it out
  - In the event that force is required, any officer's use of force will be governed by the principles of necessity, proportionality, and reasonableness
  - As the interaction unfolds, the cycle of "access-plan-act" will be repeated, to reconsider the situation considering changing circumstances

#### Phase 5: Resolve, Follow-Up and Reflect

- Officer resolves the call by respectful communication, referral to outside agencies, arrest, apprehension and duty of care (medical assistance, community referrals)
- Officer reflects on and consolidates their experience, debriefs, and documents the APA process and interaction outcome(s) in accordance with agency specific requirements (duty notes and/or use of force reporting) and assess if and/or how the call may have been resolved better
- Officer conducts follow-up as appropriate to the interaction (e.g., investigation, victim assistance, resource referral, reporting)

### 3. CONFLICT PREVENTION AND DE-ESCALATION

Conflict prevention can be defined as the pre-emptive use of verbal and non-verbal strategies for situations and behaviours that have a potential to escalate. For example, if an officer can reasonably assume that a subject is going to be angry over the possibility of receiving a speeding ticket, then an officer should employ the appropriate verbal (first contact approach) and non-verbal (body language that is not consistent with being condescending i.e., folded arms, finger pointing, shaking of the head) communication. This approach is designed to prevent a potential conflict from arising by attempting to reasonably manage the subject/situation *pre-emptively*. Additional strategies can also be used to manage situations where the subject may be trying to induce a verbal conflict with insults or comments designed to illicit an emotional response by the officer. The following are some of the strategies that can be used in these situations but are not limited, they include,

- Breathing
- First contact approach
- Explaining and Informing
- Deflecting inflammatory comments
- Challenging inflammatory comments
- Empowering persons in decision-making
- Redirecting distracting comments
- Reposition away from or within the interaction and Re-engage

In other situations, involving interactions with the potential for conflict, sometimes between the officer and a subject or between two subjects, additional strategies can be employed and are explained below.

Conflict is constructive when seen as a joint-problem, and destructive when those involved see each other as adversaries. Circumstances permitting, to de-escalate conflict without using force, an officer dealing with an angry and defiant person should turn to their *questioning* and *active listening skills* to gain cooperation during some of the most challenging interactions. The reason being is that conflict arises when people perceive a threat to something they value and engage in conflict behaviour to defend what they feel is at stake. Thus, an officer observing conflict behaviour should use open ended *questions* (*What happened today? How are you feeling about this?*) to uncover how that person is assessing

"threat." Through open-ended questions, the officer will gain an understanding of the perceived threat and what is driving the individual's defensiveness. This defensiveness may look like resistance, defiance, or even aggressiveness, as they take up a position that unilaterally satisfies their interests (*needs, desires, concerns, and fears*). After identifying the problem, the officer then works to identify the positions and underlying interests, and, through dialogue, the consequences of not coming to an agreement, resulting in brainstorming, and evaluating ideas in hopes of forming a joint agreement.

### **3.1. De-escalation**

De-escalation is both a process and a desired outcome and is defined as, the use of verbal and nonverbal strategies intended to prevent conflict or reduce the intensity of a situation without the application of force, and, if force is necessary, reducing the amount of force if viable.

De-escalation includes strategies and efforts by police with the objective of stabilizing a person/situation, or resolving it without the use of force, and if force is necessary, assessing the viability of a reduction in the amount of force necessary as each situation is unique and will present its own set of circumstances that may support or prevent a reduction in the amount of force necessary. Toward this end, a variety of options are available to officers – each of which should be assessed, time/resource permitting, for their viability mindful of all areas of consideration embedded in the Training Aid (subject, situation, officer, and strategic).

These strategies and efforts include, but are not limited to:

- managing imminence
- employing a relational approach
- using active listening skills (Emotional labelling, "I" messages, Paraphrasing)
- using consistent verbal and non-verbal communication (e.g., relational approach, non-threatening posture)
- employing non-force options (e.g., isolation, containment, evacuation, negotiation, distance, cover)
- treating the subject(s) and the public fairly and with dignity and respect
- working cooperatively to resolve the situation

While officers are expected to employ a variety of de-escalation strategies and relational policing approaches, an assessment of the subject and situational considerations may impact their use of strategies and success. Some of these factors may include:

- imminence of a threat of harm
- availability of time for officers to respond
- accessibility of police resources
- subject receptiveness (closure motivated) or inability to comprehend directions (e.g., due to cognitive impairment related to drug/alcohol use, mental illness)

### **3.1.1. Imminent Threats**

**Imminence** refers to the speed at which events unfold and how soon an outcome will occur. Imminent threats pose the greatest risk to public and police safety, potentially limiting an officer's ability to leverage the full range of non-force, strategic and communication options to prevent conflict or de-escalate.

The assessment of imminence of a situation determines if there is an urgency to act or if time can be effectively managed (i.e., slow down the speed at which an event unfolds, reduce the intensity of the situation) to self-regulate, further assess the subject's status (e.g., thoughts, emotions, and behaviours), challenge assumptions/biases/stereotypes, and request and deploy resources as needed (e.g., mental health professionals, paramedics, additional police).

An imminent threat consists of three elements: intent, means/ability, and opportunity.

**Intent** is generally assessed by officers based on the actions (posturing, raising a weapon while running at another person, reaching for a weapon) and/or words of the subject (including but not limited to voice inflection, threats such as "I'm going to kill you"). Even if the subject is in a state of crisis, they may still pose an imminent threat, necessitating a direct response which may include a necessary use of force.

**Means/Ability** are the possible ways a subject may cause harm or death to (self and others). These ways include access to a weapon, the physical possession of a weapon or using just their hands. Means also includes the

subject's physical ability to do what is threatened (i.e., do they apparently have the necessary strength or speed or agility to do what is threatened?).

**Opportunity** The element of "opportunity" refers to the subject's ability to immediately carry out the apparent threat. A subject's "opportunity" to carry out a threat may be affected, for example by distance and/or barriers that separate them from the person being threatened.

All three elements must be present to be considered imminent. If officers can effectively manage one of the three elements, an immediate response requiring police use of force may not be necessary. Effectively managing imminence potentially affords officers more time to APA and engage in further de-escalation efforts that are, ideally, relational and communication based.

In situations where officers have an immediate and lawful need to act, use of force may be required. For example:

- responding to an imminent threat that cannot be managed with non-force options
- preventing further escalation or an increase in risk
- preventing escape from a lawful arrest/custody
- conducting a non-compliant arrest or apprehension
- preventing crime or the continuation of an offence (e.g., assault, theft)

### **3.1.2. Relational Communication**

A relational approach is always sought after during any interaction, however, there are limitations to when this approach can be utilized, they include but are not limited to,

- Level of risk
- Immediacy of police action
- Psychophysiological load on the attending officer(s)

When the situation offers a reasonable level of safety (threat is isolated, contained, distance and cover may be used), officers can take a more relational approach, validating feelings i.e., *I can see that you are struggling, and I am here to help you*, projecting empathy, building rapport, actively listening. In contrast, when situations are dynamic and a threat is imminent, police communication should align with

efforts to mitigate the threat and ensure public and police safety using directive communication.

### **3.1.3. Directive Communication**

A directive approach during *dynamic force encounters* consists of short, loud, easy to understand phrases intended to provide clear instruction on how to change or stop the threatening behaviour, avoid and/or end the application of force by following the directions of the officer (e.g., "stop resisting", "get back", "get on the ground", "police, don't move").

Overall, the primary objective of de-escalation is to gain subject cooperation without the application of force, and if force becomes necessary, to ensure the force is reasonable and proportional. However, the subject, situation and level or risk will impact what type of communication may be used first.

## **3.2. Understanding a Mental Health Crisis and De-escalation**

A subject's mental health is a subject consideration that affects how police engage with members of the public. A professional and competent approach using appropriate de-escalation strategies by police can enhance de-escalation and foster better public-police relationships.

A **mental health crisis** occurs when an individual experiences extreme distress, disorientation, or disturbance in their thoughts, emotions, or behaviour, placing them at risk of self-harm, harming others, and/or compromising their ability to function in their community or care for themselves.<sup>4</sup>

Justice Iacobucci further defines a person in crisis as,

a member of the public whose behaviour brings them into contact with police either because of an apparent need for urgent care within the mental health system, or because they are otherwise experiencing a mental or emotional crisis involving behaviour that is sufficiently erratic,

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<sup>4</sup> Lavoie, J. A. A., & Alvarez, N. (2021). *Virtual reality mental health crisis response training (VR-MHCRT)*.

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threatening, or dangerous that the police are called in order to protect the person or those around them. The term “person in crisis” includes those who are mentally ill as well as people who would be described by police as “emotionally disturbed.”<sup>5</sup>

Police officers are not trained to be clinicians, so in the context of policing, the terms “person in crisis” or “mental health crisis” do not depend on the officer making a medical diagnosis. Rather, the focus is on the behaviour being exhibited by the person, irrespective of whether their distress, disorientation or disturbance is caused by a psychiatric condition, a medical disease, or drugs/alcohol. However, an officer can use communication to make a reasonable assessment of a subject's mental and emotional status. For example, if a subject is asked their name and the response is incoherent or makes no logical sense, a reasonable assumption may be that the subject is experiencing some form of cognitive issue which would create a barrier to effective communication which may create the need for alternative options.

In some crisis calls, the subject's behaviour may create two very distinct situations necessitating a police response.

In **high-risk situations**, the behaviour of the subject in crisis presents an *imminent* danger to themselves, the public, and/or police necessitating an *immediate* police response.<sup>6</sup> In some circumstances, the subject *may* be receptive to de-escalation strategies. In others, they *may not* be willing (e.g., closure motivated – suicide oriented) or *able* (e.g., cognitive impairment) to comprehend or respond effectively to de-escalation attempts of the officer.

During high-risk situations, threats posed by the subject need to be managed using viable de-escalation strategies, recognizing potential time constraints and the impact of psychophysiological load (cognitive and physical abilities) on the officer.

For these reasons, police communication during crisis situations that require an immediate action because of the level of risk posed by the subject, plain language and short phrases should be used (“Police, don’t move!”, “Drop your weapon”) which are designed to avoid confusion, stop the threatening behaviour, establish control of

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<sup>5</sup> Iacobucci, F. (2014). *Police encounters with persons in crisis*. [police\\_encounters\\_with\\_people\\_in\\_crisis.pdf \(ciddd.ca\)](#).

<sup>6</sup> Collins, P. (August 2022). Telephone conversation.

the subject/situation, or increase available time to engage in verbal strategies more conducive to de-escalation. Once a subject/situation is under control (distance, cover or containment used), the threat reduced (behaviour no longer presents an imminent threat), the officer can allot more time to relational communication ("I am here to help you, tell me what has happened to you to bring you here today?") and alternative options (use of mobile crisis response teams, crisis negotiators).

In **low/no-risk situations**, the behaviour of the subject in crisis does not present an imminent threat or any threat to themselves, the public, and/or police. The subject may be amenable to verbal de-escalation efforts by police.<sup>7</sup>

Ideally, police communication during *crisis situations* that *do not* require an immediate action because of the level of risk, begins with short phrases designed to validate feelings, project empathy, and build rapport. Phrases such as,

- "I can see you are struggling"
- "I am here to help you"
- "I don't want to hurt you"
- "I am concerned about you"

These phrases can be used in isolation during situations where there is no risk or in conjunction with more directive communication where there is a potential risk, or the risk has been reduced from being imminent. In the absence of an imminent threat to subject, public and police, more time, and cognitive resources (officer and/or subject) may be available to engage in meaningful verbal communication strategies conducive to de-escalation.

Competencies<sup>8</sup> associated with de-escalating situations/persons in crisis support a relational policing approach and should be used by police, time and risk permitting, during all public-police interactions based on the officer's assessment of the situation and the subject. These competencies include the following:

- Approaches, contains, and controls the scene for effective risk management
- Manages time and distance
- Expresses concern for welfare and willingness to help

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<sup>7</sup> Ibid.

<sup>8</sup> Lavoie, J., Alvarez, N., Martin, K., Coleman, T., Girard, M., & Kandil, Y. (2020). *De-escalating Persons in Crisis Competencies Tool (DePICT™) Coding Manual*. © Authors.

- Humanizes encounter and promotes dignity
- Employs calming paralanguage
- Uses non-stigmatizing and respectful language
- Exhibits calming body language
- Demonstrates self-awareness, flexibility, and self-regulation
- Actively listens and permits emotional expressiveness
- Identifies signs and adapts response to mental health crisis behaviours
- Demonstrates validation of person's emotions and experience
- Seeks information and uses additional resources (e.g., caseworker, MCIT)
- Fosters a client-centered response
- Engages in clear and transparent decision-making

### **3.3. Situational Considerations**

A vital concept in the training of police officers is that every situation is unique, and the circumstances of each situation need to be individually assessed based on available time, information, and resources, through the APA process, to determine the best course of action. The APA process will lead an officer to assess and sometimes revise their tactical decisions depending on how circumstances change during an interaction. What follows are short summaries of the types of circumstances that are often pertinent in the context of specific considerations.

#### **3.3.1. Environment**

Every situation presents a variety of environmental conditions. These conditions may include, but are not limited to the:

- Nature of the location (Indoor or outdoor? Public or private?)
- Are members of the public present?
- Does the subject have a route of escape?
- Can police readily contain the subject?
- What is the range of distance between the subject and police?
- Can officers at the scene "take cover", if necessary?
- Do officers at the scene have room to back up if necessary?
- Are there persons behind the subject who would be in danger if an officer used their weapons?
- What is the weather/temperature?

- What time of day is it?
- Does the lighting at the scene present any limitations or advantages?
- What type of terrain will be encountered? (Open road, field, dense bush/forest)
- What is the physical position of the subject? (Elevated, concealed)
- Does the environment offer use of non-force tactical options?

### **3.3.2. Number of Subjects & Officers**

The number of subjects and officers at a scene will be pertinent to an officer's assessment of risk, viable strategic options, and the possible effectiveness of available response options. For example, the following details may be pertinent:

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

### **3.3.3. Subject Considerations**

The subject's apparent physical abilities and state of mind will be pertinent to an officer's assessment of risk, viable communication/strategic options, and the possible effectiveness of available response options. The following is not an exhaustive list but may impact an officer's decision-making:

- The apparent age and gender identity of the subject
- The size and apparent physical condition of the subject
- Any demonstrated physical ability by the subject
- Does the subject appear injured or does their mobility appear to be impaired?
- Do any of the subject's senses appear impaired (sight, hearing, cognitive)?
- Is the subject able to understand the officer (non-verbal, language barrier)?
- Does the subject appear to be intoxicated by drugs or alcohol?
- Is the subject in possession of a weapon or are there weapons of opportunity within their reach?

For example, the following details regarding a subject's apparent state of mind will likely be pertinent in any assessment of a situation, because such details may

provide indications of intention (that is, whether the subject is likely to be cooperative or uncooperative; peaceful or potentially violent; or amenable or not amenable to de-escalation).

Equally important to assessing situational factors is the officer's assessment of subject factors. The officer will likely consider:

- What the subject is doing
- All available information related to the subject
- What is, to a reasonable standard, the subject's intent, or emotional/mental state?
- What is known about the community the subject lives in/located in? (Marginalized, fear police, cultural practices, attacks on police)
- How might this information inform their interaction with the subject(s)?

### **3.3.4. Knowledge of Subject**

Through information, gathered intelligence and/or prior contact, officers may be aware of the subject's mental health history, their community affiliation, whether they have a criminal record or not, and their reputation within the broader community. Each point of information about the subject helps the officer better understand and assess the person with whom they may interact with or are interacting with and how to respond appropriately.

### **3.3.5. Perceived Subject Abilities**

The officer's perception of a subject's abilities and their observed characteristics may affect their assessment of the subject/interaction and how they choose to respond. Such characteristics may include:

- indicators of a mental health crisis
- the subject's emotional status
- cognitive impairment or delays
- signs of physical impairment (hearing, mobility)
- signs of intoxication or being under the influence of drugs or alcohol
- signs of a medical emergency (sweating, elevated breathing, hyperthermia, unexpected physical strength, incoherent speech)

- the subject's physical size, strength, and demonstrated ability
- the subject's proximity and/or access to weapons

### **3.3.6. Behavioural Indicators**

A subject's actions/inactions *may* further provide clues to their intentions or state of being. For example:

- lack of eye contact
- ignoring the officer
- repetitive questioning
- verbal aggression or threats
- emotional venting
- refusing to comply with a lawful request
- invasion of personal space
- adopting an aggressive stance, clenched fists
- hiding
- rocking, pacing, or talking to themselves
- out of the ordinary behaviour

These actions may reflect cultural norms and practices, prior or lived experience, trauma responses with police, and/or the subject's state of mental health. They may also be indicative of potential risk factors to themselves or the police.

Time permitting, these actions and behaviours must be considered in light of available information, especially potential risk to public-police safety, which may require the use of force.

### **3.3.7. Subject Behaviours**

In any encounter, an officer must evaluate the behaviour of the subject, with a view to assessing risk and deciding on one or more options. Five general categories of subject behaviours are depicted in the Training Aid which appears at the end of this framework document. The change in shading in the training aid is intended to show that a subject's behaviour can transition from one category to another (sometimes very quickly). The differences between each category are not always clear cut, and finely drawn distinctions may depend on officer perception (which involves an

element of subjectivity). Each category of behaviour may be briefly described, as follows:

**Co-operative:** The subject interacts with the officer(s) and responds appropriately to their lawful presence and communication.

**Resistant (Passive):** The subject fails to cooperate with the officer's lawful direction. Their resistance may take the form of a verbal refusal or remaining physically still or limp.

**Resistant (Active):** The subject uses non-assaultive physical action to resist an officer's lawful direction or attempts at physical control. Examples may include pulling away to prevent or escape officer control or overt movements such as walking or running away from the officer(s).

**Assaultive:** The subject, by act or gesture, threatens, attempts, and/or successfully applies force to another (e.g., public or police). Examples include kicking and punching as well as aggressive body language that signals their intent or ability to potentially cause harm.

**Serious Bodily Harm or Death:** The subject exhibits actions that the officer reasonably believes are intended to, likely will, or have already caused serious bodily harm or death. Examples include a subject wielding a knife or pointing a firearm at officers or members of the public.

Again, ***these behaviours must be considered in light of all available information***, especially potential risk to public-police safety, which may require the use of force.

It bears reiteration that there is no automatic correlation between these categories of behaviour to any particular use of force option. An attempt at de-escalation may well be feasible even in circumstances where police are facing an armed and threatening subject, *depending on the circumstances*. To illustrate this point, the entire Training Aid is encircled by a ring entitled "Conflict Prevention & De-escalation". That ring illustrates that the option of de-escalation should be considered and may be applied, if viable, at any stage of an encounter, depending on an assessment of all the circumstances. The officer's goal as depicted by the arrow moving in reverse direction away from the most threatening behaviour and force option, is to de-escalate behaviour and force if viable.

### **3.4. Officer Considerations**

Concurrent to examining situational and subject factors, officers need to gauge how these factors intersect with their own personal characteristics, their ability to manage stress, their perceptions of the subject/situation, and, ultimately, their choice of response options.

#### **3.4.1. Personal Characteristics**

Personal characteristics refer to internal factors unique to individual officers and include but are not limited to their:

- strength and overall fitness
- skills, abilities, experience, and training
- fears
- fatigue level
- workload
- physical injuries
- mental well-being
- level of stress
- cognitive flexibility
- cultural background
- gender identity
- sight/vision
- personal biases

#### **3.4.2. Stress Management**

##### *Impacts on the Officer*

Stress inducing situations can negatively impact officers on a physical and cognitive level. Under threat, an officer may experience elevated heart rate and blood pressure which negatively impacts fine motor skills (inability or impairment of the officer to perform tasks that require a degree of manual dexterity) and cognitive functions (memory and higher order thinking). (Condon, 2015)

Increasing available time by using non-force tactics like distance, cover, and containment may afford the officer the opportunity to employ self-regulation

strategies and more fully leverage their senses (e.g., perceive peripherally, reach a calmer state) to better assess strategic considerations, and explore a fuller range of response options.

### *Impacts on the Subject*

Stress also influences the subject who is the focus of the interaction. A subject may be impacted by the mere presence of the police (uniforms, marked police vehicles, psychological detention) which, if reasonable to do, should be managed by the officer(s) involved by creating distance, using cover and containment in conjunction with attempting relational approaches to project empathy and build rapport to gain voluntary cooperation or stabilize the situation.

### **3.4.3. Officer Considerations**

How an officer sees or perceives an interaction and the degree to which they engage the APA process is influenced in part by their psychophysiological state, the availability of time, resources, their personal characteristics, lived experience, and threshold for managing imminence. For example:

- What is the officer's size and strength relative to the subject?
- What specialized training do they bring to the situation in aid of its resolution (e.g., crisis negotiation, subject control, mental health, tactical interventions)?
- What have they learned from previous experiences that applies to the current situation (e.g., cultural norms and values of the communities they serve, tactical training, military, crisis negotiations)?

### **3.4.4. Strategic Considerations**

Given the availability of time and/or resources, officers may have a range of options to weigh and consider. These options are impacted by the availability of resources such as:

- Incident command options (ICEN, ICLEAR, NRA, POL)
- Number of officers, including uniform and equipment
- Availability of back-up (single officer vs multiple officer responses)
- Specialty units/services (e.g., canine, negotiators, mobile crisis team, tactical)
- Command post

- Fire Services
- Emergency medical assistance

Given officer perception and their assessment of strategic considerations, it is not unreasonable that two officers attending/observing the same situation/subject may perceive them differently, choose different strategies to interact with the subject, and respond to the situation differently. The officer's response will be held to the standards of the criminal code and principles of necessity, reasonableness, and proportionality.

### **3.5. Response Options**

Based on the APA process, officers need to make decisions and develop plans that include contingency options (Incident Command Level 100)

As depicted in the graphic, officers have a range of options from which to choose. That the verbal/non-verbal communication and non-force options encircle and precede the various use of force options, symbolizes their importance to and expectation of officers to employ, if viable, during all interactions with the public.

The placement of subject behaviours in relation to officer response options (non-force to use of force) on the graphic is *not prescriptive*. An officer's decisions and actions should be the product of considering all elements of the Training Aid, the law and available time and/or resources.

Response options may be employed independently or in combination to enable officers to manage the interaction. As the interaction evolves and the officer continues to monitor the situation and employ the APA process, their choice of response options may also change. Any use of force is governed by the principles of reasonableness, proportionality, and necessity, based on the circumstances of the interaction.

Below is a brief overview of response options that relate to the application of physical force available to officers for the purposes of controlling subject behaviour and managing the interaction.

### **3.5.1. Police Presence**

Although not visually represented in the Training Aid, the presence of an officer may impact both the subject and the situation. Visible signs of authority such as uniforms and marked/unmarked police vehicles may impact/change a subject's behaviour such as:

- causing them to believe they are being detained (psychological detention)
- causing a large crowd to disperse
- escalating a subject emotionally and/or physically
- causing drivers to slow down

An officer's choice of strategies will be informed by these considerations keeping in mind that a police officer in some situations cannot disengage or choose strategies that are inappropriate for the situation.

### **3.5.2. Verbal and Non-Verbal Communication**

Officer use of verbal (e.g., choice of words, volume, and tone) and non-verbal communication (e.g., posture, positioning) may assist in managing or resolving an interaction. Appropriate to the interaction, police may use the first contact approach (e.g., "Hello, my name is...") a relational approach (e.g., "I can see you are struggling, I am here to help you") and/or directive language (e.g., "Police, don't move, drop your weapon") employing de-escalation competencies when viable. An officer should be mindful of any inconsistencies between their verbal and non-verbal communications (e.g., saying I am concerned about you but constantly checking their watch).

### **3.5.3. Non-Force Options**

Non-force options include verbal (conflict prevention and de-escalation) and non-verbal communication (tactics and body language) strategies and under the right conditions, have the capacity to offer non-force alternatives to achieving compliance/control of a subject/situation without the physical application of force on the subject. These additional tactics/options include:

- Positioning/repositioning
- Increasing distance away from a subject

- Isolation and containment of the subject/situation
- Using cover, concealment, barriers
- Evacuation of potential victims or Shelter in Place
- Disengagement and consequences to the subject, situation, public/police

#### **3.5.4. Physical Control Options (soft and hard)**

Physical control includes any empty-handed techniques used to physically control the subject's actions and does not involve use of a weapon.

*Soft* control techniques, have a lower probability of causing injury such as arm and wrist controls for escorting and handcuffing, barrier assists and the use of pressure points.

*Hard* control techniques such as strikes, or grounding have a higher probability of causing injury.

#### **3.5.5. Intermediate Weapons Options**

This response option involves the use of less-lethal weapons. Less-lethal weapons include those not intended to cause serious injury or death. Impact weapons, conducted energy weapons, aerosols or other approved weapons fall under this category.

#### **3.5.6. Lethal Force**

This option involves the use of any weapon or technique reasonably likely to cause serious bodily harm or death.

#### **3.5.7. Weapons of Opportunity**

The use of reasonable weapons of opportunity by police officers when none of the approved options is available or appropriate to defend themselves or members of the public (Policing Standards Manual 2016).

#### **4. SUMMARY**

The Ontario Public-Police Interactions Training Aid provides a framework and process for officer interactions with the public. It serves both as a reference tool and visual aid to help officers and the public understand what impacts the APA process, de-escalation, and interactions with the public. The Training Aid further assists officers to explain and document their assessments, perceptions, and decisions. It is not prescriptive and does not provide after the fact justifications for an officer.

The Training Aid acknowledges that situations are dynamic, requiring officers to continuously assess and attend to internal, external, and strategic considerations as they make decisions and enact plans.

When appropriate, relational policing principles should underpin all interactions, mindful that preserving life and ensuring public-police safety also impact how officers may respond.

Ultimately, a conflict prevention and de-escalation approach to public-police interactions seeks to achieve peaceful outcomes and voluntary subject cooperation without the use of force. In the event force becomes necessary (i.e., to ensure public safety/protect life), reducing the amount of force if the assessment of that reduction is viable given available time and resources, should be the goal by police officers in every interaction.

## 5. ABBREVIATIONS

APA	Assess, Plan, Act
ICEN	Isolate, Contain, Evacuation (shelter in Place), Negotiate
ICLEAR	Isolate and Identify, Contain, Less Lethal and Long Guns, Evacuate or Shelter in Place, Authorities, React plans
MCIT	Mobile Crisis Intervention Team
NRA	Necessary, Risk Effective, Acceptable
R2MR	Road to Mental Readiness
SMEAC	Situation, Mission, Execution, Administration, Command, Control Communication

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*Anti-Racism Act*, 2017, S.O. 2017, c. 15

*Community Safety and Policing Act*, 2019, SO 2019, C-1, Schedule 1.

*Criminal Code*, RSC 1985, part I, s 25.

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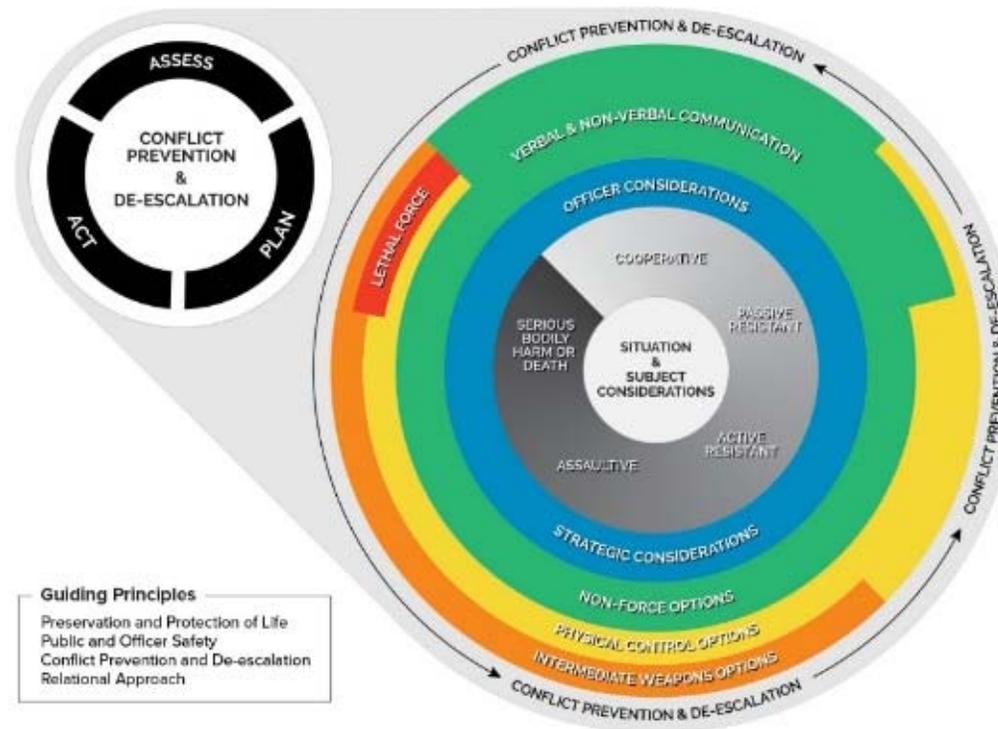
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## Ontario Public-Police Interactions Training Aid (2023)



The officer continuously assesses the interactions and selects the most reasonable option(s) relative to the subject and circumstances given available resources and time.