



Department of Public Justice and Safety
Adult Custody Services

Policy: **Use of Force D-29**
Effective: September 2008
Revised: December 2022

MISSION STATEMENT

Adult Custody Services is committed to providing professional practices that respect human rights and ensure safety for all. To be successful we will deliver fair practices; incorporate transparent policies and procedures; ensure independent quality assurance processes; provide program access that allows for educational, cultural, traditional, and faith-based services as well as mental wellness and community re-entry assistance.

PURPOSE

- To provide guidance on the use of force options available to Correctional officers to make an informed decision when required for interacting with clients
- To provide appropriate information to reduce the level of risk associated with the use of force in general.
- To detail the mandatory reporting requirements relating to use of force incidents.

LEGISLATIVE AUTHORITY

[Criminal Code of Canada Section\(s\) 25\(1\), 25\(3\), 25\(4\), 26, 32\(1\), and 34\(1\)](#)

SCOPE

This policy applies to all officers within the Adult Custody Services branch of the Department of Justice and Public Safety who have received the approved training on Use of Force.

POLICY GUIDELINES

Whenever force is used by any person in Canada, it shall be used in compliance with the Canadian Charter of Rights and Freedoms and the Criminal Code of Canada. Officers should, in all instances, use an appropriate and reasonable level of force, given the totality of the circumstances. The use of any use-of-force option shall be consistent with the Atlantic Police Academy use of force training, particularly with respect to having considered or applied de-escalation techniques or other use-of-force options, as appropriate.

ATLANTIC POLICE ACADEMY USE OF FORCE TRAINING

The use of force training taught at the Atlantic Police Academy meets the National Use of Force Framework which is approved by the Canadian Association of Chiefs of Police. The National Use of Force Framework incorporates a graphical illustration of the various elements involved in the process by which a peace officer assesses a situation; as well as acts in a reasonable manner to ensure officer and public safety. It is a framework for the reasonable and justifiable use of force when acting within the authority and responsibilities of peace officers. The Framework promotes

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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. It is not intended as prima facie justification for officer use of force, nor does it prescribe specific response options appropriate to a situation; rather it provides a valuable tool to facilitate understanding and articulating the events associated with an incident involving officer use of force.

Some level of physical force is often necessary to conduct an arrest or to protect others. This might include an Inspection and Enforcement Officer placing their hand on a person's arm or shoulder and verbally directing them to place their hands behind their back for handcuffing.

Please refer to The National Use of Force Framework diagram located in [Appendix A](#).

1. **Officer Presence** (blue ring) – This includes the officer's appearance, uniform, reputation, physical stature, and the number of officers present. Many people do not feel that presence is a force option, but in fact, a law enforcement officer's mere presence often influences or controls a person's behavior.
2. **Tactical Communication** (Dialogue) (green ring) – This includes verbal skills in conjunction with non-verbal skills, and would also include suggestions, advice, and directions continuing through to loud, repetitive commands used in conjunction with facial expressions, stance, eye contact, etc. Dialogue is used continually with the rest of the force options. In fact, an extremely high percentage of all encounters with offenders are resolved at this level.
3. **Physical Control: Soft / Hard** (yellow ring) - Physical control (or empty hand) means any physical technique the officer uses to control the subject that does not involve the use of a weapon.

There are various sub-levels of force within the empty hand option. These sub-levels of force include:

- Escort Position (implied force).
- Superior Physical Strength (size or numbers).
- Balance Displacement Techniques (throws, takedowns).
- Pain Compliance Techniques (joint locks, pressure points, hair control, etc.);
- Empty Hand or Weaponless Impact (stuns, strikes and kicks, using various parts of the anatomy)

Soft techniques are control-oriented and have a lower probability of causing injury. These techniques typically rely upon pain compliance such as restraining techniques, pressure points and joint/arm locks. Level one restraint equipment such as handcuffing would also be included in this category. These techniques are generally applicable to a subject exhibiting passive resistant and active resistant behavior.

Hard techniques are intended to stop an aggressor's behavior or to allow for the application of another control technique. These physical tactics include such techniques as empty hand strikes, knee strikes, closed hand strikes and or kicks. Striking large muscle mass areas would be desired target areas; however, the totality of the circumstances would always be considered. These techniques are generally applicable to a subject exhibiting behavior that the officer perceives as being active resistant to assaultive.

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4. **Intermediate Weapons/Weapons of Opportunity** (orange ring) - There are various sub-levels in this force option. This option has relevance to modern day policing as technology is always inventing new methods for less than lethal force. Attempting to categorize each intermediate weapon would be confusing and unnecessary, as the Atlantic Police Academy Use of Force Model would become lengthy and constantly changing. This option represents an intermediate group of weapons between empty hand control and firearms.

These sub-levels of force include:

- Oleoresin Capsicum Spray (implied force, targeted spray).
- Impact Weapons (implied force, motor dysfunction, joint strikes, and deadly force strikes).
- Electro Muscular Disruption device (TASER)
- Law Enforcement Officer Dogs (implied and biting).
- Law Enforcement Officer Vehicles (implied and impact).
- Flashlights, portable radios, etc.

5. **Lethal Force** (red ring) - **firearms and long guns** (use of Firearms are not a force option with-in NB Adult Custody services). It would also include any other weapon or technique used in a manner that is likely or intended to cause grievous bodily harm or death (i.e., intentional punch to throat or baton strike to head)

Law enforcement officers may use lethal force only, when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or grievous bodily harm to the officer or to another person.

The phrase "grievous bodily harm" has been held to mean a bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

Considerations: It is in the nature of enforcement work that officer will encounter subjects who are agitated. Frequently this is a consequence of medical or mental health conditions, intoxication, or other substance abuse (chronic cocaine or methamphetamine use; ecstasy or cannabis), or a combination of medical, mental health and substance abuse issues. Peace Officers must act quickly to restrain and control the subject consistent with the Atlantic Police Academy training guidelines. This is a reasonable and justifiable use of force to protect the subject from imminent death or grievous bodily harm.

Excessive Use of Force: If there is excessive use of force, the officer may be criminally and civilly liable according to the nature and quality of the officer's actions.

MEDICAL AID

When using force on a client under this policy, and while following the guidelines of the use of force guidelines of the Atlantic Police Academy, it is possible that injury may occur to a client in the process.

While de-escalation and reasonable force options are factors to be considered in all use of force situations, an officer, when presented with a subject displaying indications of mental illness, must consider and



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reasonably believe that no other force option, including de-escalation and/or crisis intervention technique, has or will be, effective in eliminating the risk of bodily harm or serious injury.

Whenever a person is injured as a result of the use of force, immediately or as soon as practicable:

- Administer first aid.
- Make the person as comfortable as possible.
- Immediately arrange for qualified medical attention; and
- Monitor the subject.

Injured or sick persons have the right to refuse medical aid; however, they must be capable of making a competent, rational decision. In assessing whether someone can make a rational decision, officers must pay attention to the person's degree of impairment and ability to communicate, and not rely excessively on the person's ability to follow simple commands. If a person refuses medical care, and is capable of making a rational decision, officers must make careful notes of the refusal and, where practical, have the refusal witnessed.

Where available, training should be delivered by a trained professional to recognize symptoms described as medical or mental health conditions, intoxication, or other substance abuse that result in the subject acting in an agitated or aggravated state.

RESTRAINT AND LESS-LETHAL WEAPONS

HANDCUFFS, LEG IRONS AND RESTRAINT DEVICES

An officer shall use handcuffs and restraint devices issued by the Adult Custody Services branch. Handcuffs and restraint devices may be used to control a person when it is reasonable to do so and when there is reasonable belief that failure to do so may jeopardize the safety of the client, the public, or peace officer.

Where an officer is justified in using handcuffs to restrain a client, nylon restraints may also be used, or leg irons around the ankles where handcuffs alone are insufficient to control a client, or in place of handcuffs where insufficient handcuffs are available.

Handcuffs or nylon restraints shall be applied tight enough to provide security, loose enough to allow appropriate circulation, doubled locked to prevent the subject from inadvertently tightening the handcuffs and be removed as soon as it is reasonable to do so.

BATON

An officer who has successfully completed the mandatory approved training may use a baton when lawfully justified in accordance with the principles of the Atlantic Police Academy training.

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The baton is a less-lethal intermediate alternative to deadly force and shall be used as prescribed by the Atlantic Police Academy. It is important that an officer take reasonable care to avoid striking the head, neck, spine, throat, clavicle, kidneys, groin, or the abdomen on pregnant women.

Any use of the baton is quite likely to result in injury such as some form of skin irritation, bruising, and damage to soft or connective tissue. In extreme situations, bone fractures are possible.

An officer shall only use or display a baton issued by the Adult Custody Services Branch. Where circumstances require and other means are insufficient, use a baton as an intermediate use of force level when lawfully justified in accordance with the guidelines of the Atlantic Police Academy Use of Force Training.

The sub-levels of baton use are as follows (refer to Atlantic Police Academy Use of Force Training in this document):

- **Implied:** include components of presence, verbal, and non-verbal dialogue.
- **Motor dysfunction / bruising** includes:
 - baton contact with pressure points.
 - fluid shock wave principle.
 - primary objective of baton - create a motor dysfunction to gain control over a resistive subject; and
 - nerve motor points (primary targets) in arms and legs.

Expected effects include:

- motor dysfunction of the affected limb.
 - mental stunning.
 - high levels of pain.
 - balance displacement - setting up offender for control
 - medical considerations; and
 - low probability for permanent injury, bruising of target area.
- **Baton contact with bones** (joints/breaking bone): equates to a higher escalation of force and may include:
 - hands.
 - wrists.
 - elbows.
 - knees.
 - shins.
 - ankles; and
 - feet.

When establishing control by disabling the subject via the use of a baton, officers should take the following into consideration:

- the high potential for injury.
- breaking bones.
- soft tissue damage; and
- connective tissue damage.

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- **Deadly force targets** (areas to avoid, unless you are justified in causing grievous bodily harm or death to the subject) include:
 - spine.
 - neck.
 - abdomen on pregnant women.
 - clavicle.
 - kidneys.
 - testicles.
 - head; and
 - throat.

Officers should take the following into consideration:

- the high probability of causing death or serious bodily harm; and
- that they must be justified in the use of deadly force.

LETHAL WEAPONS

FIREARMS

Provincial Adult Custody Officers do not employ the use of firearms.

POST-INCIDENT

REPORTING

A Use of Force Report is required if, while on duty, an officer:

- uses an intermediate weapon such as OC Spray or baton.
- uses handcuffs or other restraining devices where a person is injured; or
- uses any amount of force on another person.

When circumstances require the completion of a Use of Force report, prior to the drafting of the report, the officer will verbally notify their Sergeant. The Sergeant will, at their discretion, proceed up the chain-of-command and verbally notify the Chief Superintendent, Superintendent, or designate. The Chief Superintendent, Superintendent, or designate will also apply discretion when verbally briefing the Director depending on the severity of the incident.

The officer involved shall complete a Use of Force report within 24 hours of the incident unless their Sergeant grants them supplemental time.

Once the Use of Force report has been completed, the officer will send it to their Sergeant, who will then forward the completed form to the Provincial Chair for Control Tactics, copying their Inspector (if applicable) for information purposes only.

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The Provincial Chair for Control Tactics will assign a Use of Force Instructor to the file to review the report and provide their comments.

Once the Use of Force Instructor has provided their comments, they will send the report back to the Provincial Chair for Control Tactics who will then send the completed report to the Chief Superintendent, Superintendent, or designate, and maintain a copy on file for Use of Force Instructor educational purposes.

The Chief Superintendent, Superintendent, or designate then reviews the completed Use of Force form for policy breaches and provides their comments.

The Chief Superintendent, Superintendent, or designate then forwards the completed form to the Director for review.

The Director will determine whether the incident can be concluded (level of force used was appropriate) based on the comments provided, or whether it warrants an investigation by the Operational Standards Unit (OSU).

The Director will retain all completed Use of Force Reports as per the guidelines set out in the GNB Records Management Policy 1508 and the DPS Records Management Policy.

INCIDENTS INVOLVING DEATH OR SERIOUS INJURY

When an officer is involved in an incident involving death or serious injury, the police agency of jurisdiction must be advised immediately. The police agency of jurisdiction will take charge and attend to a criminal investigation process.

The Adult Custody Services branch will be responsible for:

- the internal review to determine whether the use of force was within policy guidelines; and
- the aftercare of the officer.

AFTERCARE FOR OFFICERS INVOLVED IN TRAUMATIC INCIDENTS

Research has shown that whenever a peace officer is involved in a stressful situation (e.g., a use of force incident where a peace officer is involved kills or seriously injures another person or when an officer is personally involved in any situation where there is serious injury or death of a person), certain mental and psychological reactions take place. The severity of the incident's effect on the officer will govern the action to be taken.

The Adult Custody Services Branch shall consider the following actions where an officer is involved in a traumatic incident:

- Immediately contact the spouse and family by an Officer known to the family and the Chief Superintendent, Superintendent or designate to provide an account of the facts known at that time.
- As soon as practicable, provide the officer involved an opportunity for direct and private communication with the spouse and family.
- Remove the officer from the scene and allow a time for recovery before commencing a detailed interview.



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- Arrange for the Chief Superintendent, Superintendent or designate to meet with the officer to provide an opportunity to express their feelings and to deal with the moral, ethical and/or psychological after-effects of the incident.
- Provide the necessary assistance and support to ensure the officer returns to a state of emotional and physical well-being as soon as possible.

CRITICAL INCIDENT STRESS MANAGEMENT

A critical incident is a situation that is traumatic for the front-line worker involved and causes them to experience unusually strong emotional reactions anytime during or after an incident. This is applicable to emergency response personnel among others, i.e., peace officers, firefighters, and paramedics.

The **New Brunswick Critical Incident Stress Management Program** (NB CISM) is intended to reduce the build-up of stress in those who are at high-risk for burnout due to exposure to critical incidents, and to promote good mental health for front-line workers. Understanding the impact of critical incident stress and applying appropriate interventions when incidents occur have been found to be helpful to front line workers in dealing with the abnormal stress encountered in their daily work.

The Program is accessible to all enforcement agencies and officers.

When a front-line worker encounters a traumatic event, within the first 48 – 72 hours following the event, the front-line worker is placed in contact with a Peer Diffuser. A Peer Diffuser is a colleague who works in the same or similar field as the victim and has received CISM training. Once the officer has met with their Peer Diffuser, they will then have a clinically lead debriefing with a professional at a later date.

Agencies not already participating in the program may contact their regional Community Mental Health Centre to obtain the name and phone number of the regional CISM Team Leader for additional information on the program. The CISM Team Leader is responsible for arranging any CISM interventions as needed.

Mental Health Services and the College of Psychologists of New Brunswick have collaborated on the formation of a provincial team made up of mental health professionals and front-line peer support personnel trained in CISM. The team is responsible for providing stress management education, creating a culture of wellness in the workplace, and responding to individuals and groups following critical incidents. Officers of the team are local mental health professionals, such as psychologists, social workers, nurses, and clergy. The team also works in close cooperation with the RCMP, the military, Correctional Services of Canada, and the Red Cross. These persons are specially trained to recognize possible problems faced by front-line workers, provide support in their own workplaces, and participate in post-incident interventions.



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OFFICERS ON LEAVE

In the event an Officer goes on leave (due to critical incident excluding vacation or training) that is equal to or greater than 14 days, they may be requested to surrender their uniform, duty belt complete with handcuffs/restraint devices, baton and O.C. spray, to their Chief Superintendent, Superintendent, or designate.

ADMINISTRATION

TRAINING

Training Committee

A committee comprised of Adult Custody Services instructors will be established to develop Use of Force training requirements for Adult Custody officers.

Committee Meetings

Training Committee instructors will meet two times per year in person to discuss, prepare, and practice for mandatory sessions. Other contact methods such as online meetings and email are anticipated and will be encouraged throughout the year as required.

All training will be mandatory. The Training Committee will identify the necessary training for each unit within the Adult Custody Services branch, and officers will only be required to complete Use of Force training that pertains to their unit.

Certain elements of the DPS Use of Force training will require annual training/recertification at the discretion of the Chief Superintendent/Superintendent or designate; however, specialty training that fits within the parameters of the DPS Use of Force Model may also be offered from time to time based on need. Timeframes for recertification will be decided by the Chief Superintendent/Superintendent or designate, and officers must meet and continue to meet training/re-certification requirements as determined by the Department.

Exemptions

Adult Custody officers may be exempt from training only when authorized by a doctor's note or after receiving approval from their respective Chief Superintendent/Superintendent or designate.

If a doctor's note, Chief Superintendent/Superintendent or designate exemptions, or a combination thereof, prevents an Adult Custody officer from attending two successive training sessions; where applicable, they may be assigned alternate duties until the necessary training has been completed.

Re-Qualification

If a Adult Custody officer does not pass the first qualification scenario, the officer shall attempt a second scenario after brief training assistance (remedial) instruction. An officer who does not pass the second attempt, where applicable, may be assigned alternate duties until such time the necessary training has been completed.

Adult Custody Services will be provided remedial training and shall be required to attempt a qualification scenario within a timeframe specified by the Chief Superintendent/Superintendent or designate.

If the officer does not pass the first qualification scenario on this date, the officer shall be provided a second attempt



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at qualifying after a brief remedial instruction. If an officer fails to qualify on their second qualification attempt, the officer may be assigned to alternate duties until the necessary training has been completed.

Scheduling of Training Sessions

The requirements for attending the mandatory Use of Force training are to ensure that Adult Custody officers can use issued equipment safely and effectively within acceptable risk levels.

Equipment shall not be issued until the required training has been successfully completed and officers have received certification

BREACH OF POLICY

Any breach of this policy may result in an internal or external investigation. Please refer to the Adult Custody Services Code of Conduct and Department.

DISCLAIMER

Any policy currently used but not referred to in the above Use of Force Policy will remain in place until such a time as they are revisited by the Adult Custody Services branch.

APPENDIX A

USE OF FORCE MODEL

In dealing with certain behaviors, a number of interventions may be appropriate. The diagram on page 15 illustrates all the intervention options available to a Adult Custody officer. It provides the officer with situational factors that should be considered in selecting an appropriate intervention. The Use of Force Model is based on the concept of control.

The assessment process begins in the center of the model with an incident confronting the officer. The assessment process moves outward and addresses the subject's behavior and the officer's Perceptions and Tactical Considerations. Based on the officer's assessment of the conditions represented by these inner circles, an officer selects from the use of force options contained within the model's outer circle. An officer must continue to Assess Plan and Act to determine if their actions are appropriate and/or effective or if a new strategy should be selected. The whole process is dynamic and constantly evolving until the situation is brought under control. The model acknowledges that officers do not apply force options in consecutive steps or stages from the lowest force option to the highest, but rather they must select the most reasonable force option or combination of options available in the circumstances. Authority to use force separates law enforcement officials from other officers of society and the reasonable use of force is central to every officer's duty. The Use of Force Model provides a framework that



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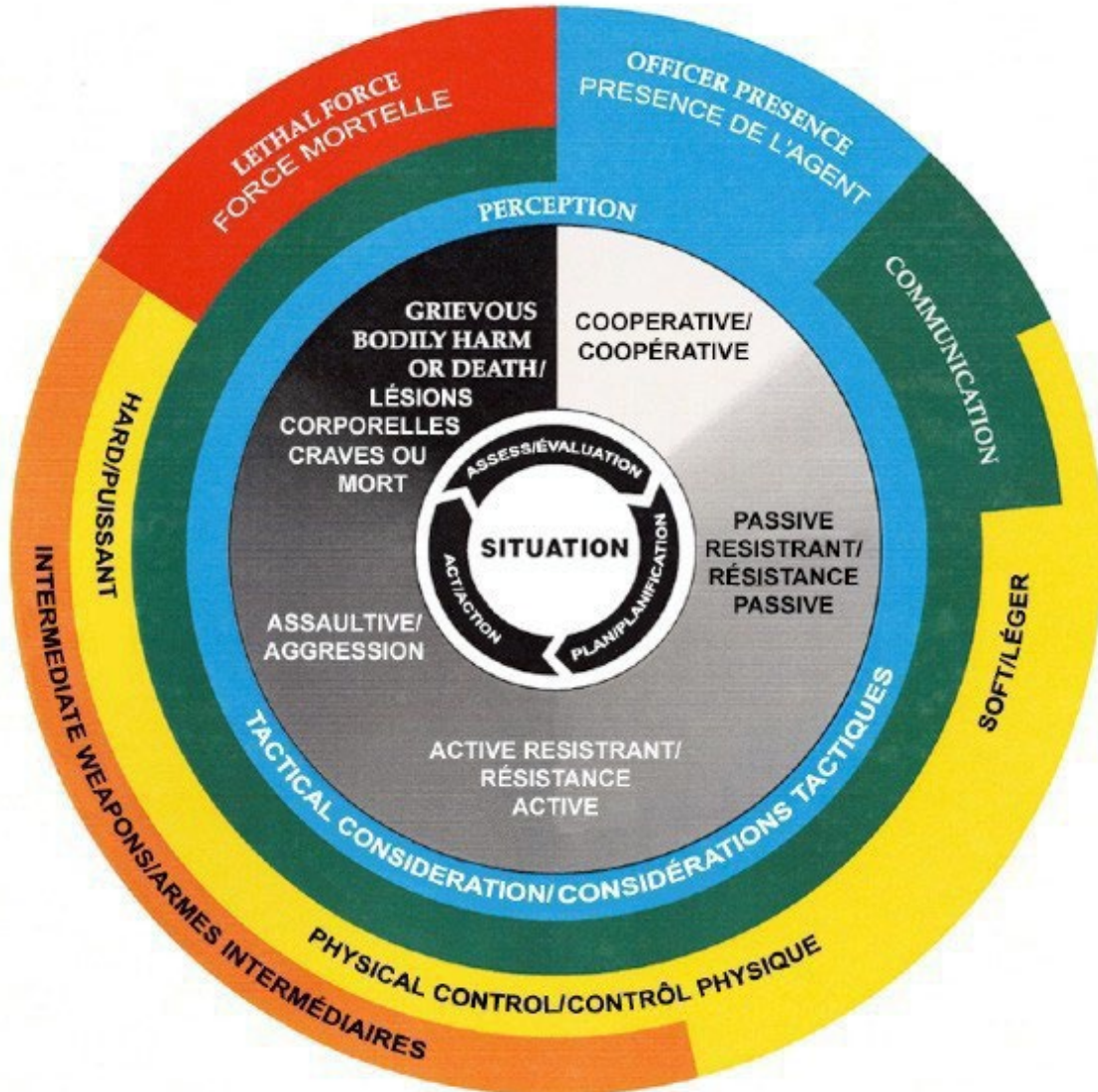
guides the officer in that duty.

Control tactic skills acquired through proper training are the foundation for use of force by Adult Custody officers. The Use of Force Model provides a professional approach to explaining the use of force. It effectively illustrates, both to experienced officers and to recruits, how to analyze a subject's behavior and choose the most reasonable force option. The theory behind the model enables both officers and the agency to clearly articulate use of force situations. It also provides a framework that can be clearly explained to a judge or layperson.

RELATED POLICY

- D15 Searches
- D18 Client Escorts
- D20 Emergencies
- D21 Disturbances
- D27 Segregation
- D28 Cell Extraction
- D32 Oleoresin Capsicum – Pepper Spray
- D47 Electro-Muscular Disruption Device
- D48 Critical Incidents - Investigation & Reporting
- D50 Incident Reports
- B7 Staff Conduct and Deportment
- Adult Institutional Policy Manual N.B

National Use of Force Framework
Le cadre national de l'emploi de la force



The officer continuously assesses the situation and acts in a reasonable manner to ensure officer and public safety.

L'agent doit continuellement évaluer la situation et agir de manière raisonnable afin d'assurer sa propre sécurité et celle du public.