British Columbia Adult Corrections Use-of-Force Review



December 2019

Howard Sapers

British Columbia Adult Corrections
Use-of-Force Review

Howard Sapers
Independent Reviewer

December 30, 2019

Table of Contents

Executive Summary 1
- Context 1
- Maintaining a Safe Workplace 2
- Alternatives to Use of Force 2
- Use-of-Force Policies and Models 2
- The Role of Health Professionals 3
- Documenting Use of Force 3
- Oversight, Reviews and Debriefing 4
- Staff Discipline 4
- Training 5
- Legislative and Policy Framework 5
- BC Use-of-Force Data Analysis and Institutional Observations 5
- Recommendations 6

Mandate 7

Methodology 7
- Briefings 7
- Interviews 7
- Literature Scan 8
- Supporting Documents and Reports 8
- Policy and Legislative Review 8
- Jurisdictional Scan 8
- Institutional Visits 8
- Statistical Analysis 8

Context 8
- The Changing Nature of Corrections 9
- Corrections as a High Reliability Organization 10
- Westcoast Prison Justice Society Report 11

Some Additional Factors Influencing the Use of Force 11

The Use of Force 14
- Force Options Management Model 15

Alternatives to Use of Force 17

Maintaining a Safe Workplace 18

The Role of Health Professionals 19
Documenting Use of Force 20
Use-of-Force Oversight and Reviews 21
Debriefing 23
Critical Incident Stress Management 23
Listening to Those in Custody 24
Staff Discipline 25
Focus on Training 26
Training Staff 26
Mentorship 27
Online Training 28
Training Scenarios 28
Certification 29
Use-of-Force Training in Connection to Legislation, Human Rights and International Standards 30
Correctional Officer Mental Health 31
Incorporating Trauma Knowledge into Training and Practice 33
British Columbia Trauma Informed Practice in Youth Custody 35
Medical Considerations Relating to Use of Force 36
Legal and Policy Framework Scan 37
Some Essential Elements for a Use-of-Force Legal and Policy Framework 38
BC Corrections Adult Custody Overview 39
What Senior Leaders Told Me 39
What Correctional Centre Management Told Me 40
What Correctional and Security Officers Told Me 40
What Bargaining Unit Representatives Told Me 41
What Released Prisoners Told Me 41
BC Adult Correctional Centres 41
Alouette Correctional Centre for Women 41
Ford Mountain Correctional Centre 42
Fraser Regional Correctional Centre 42
Kamloops Regional Correctional Centre 42
Nanaimo Correctional Centre 42
North Fraser Pretrial Centre 43
Okanagan Correctional Centre 43
Prince George Regional Correctional Centre 43

Surrey Pretrial Services Centre 43
Vancouver Island Regional Correctional Centre 44
Incident Reporting 44
Historical Use-of-Force Policy 44
June 2019 Use-of-Force Policy: 45
Findings 55
Recommendations 56
Corrections as High Reliability Enterprise 56
Legislation and Policy 56
Training and Staffing 57
Role of Health Care 57
Incident Reporting and Quality Assurance 58
Oversight and Reviews 58
References 60
Appendix A: Correctional Officer Learning and Development 68
Appendix B: The Road to Mental Readiness 69
Appendix C: Use-of-Force Policies by Jurisdiction 70
Appendix D: Jurisdiction Details 95
British Columbia 95
Alberta 96
Saskatchewan 97
Manitoba 99
Ontario 100
Quebec 102
New Brunswick 103
Nova Scotia 104
Prince Edward Island 106
Newfoundland and Labrador 106
Yukon 107
Northwest Territories 108
Nunavut 109
Canada 113

Tables and Figures

Figure 1: British Columbia Adult Corrections Branch Force Options Management Model 16
Table 1: Certification and recertification of use-of-force training 30
Table 2: BI & HQ tracked use of force 2017/18 47
Table 3: 2018 Use-of-force rates 48
Table 4: Force type frequency analysis PGRCC (N = 54) (2019 data) 49
Table 5: 2017/2018 Average count and cell utilization 50
Table 6: 2018 Snapshot double bunking rate 51
Table 7: Use of force, cell utilization and staff-to-prisoner ratios for 2018 52
Figure 2: Percentage of cells used and incidents of force per 100 prisoners 53
Figure 3: Percentage of prisoners double bunked and incidents of force per 100 prisoners 53
Figure 4: Correctional officer-to- prisoner ratio and incidents of force per 100 prisoners 54

Abbreviations

ACE	adverse childhood experiences
AFWI	Alberta Family Wellness Initiative
BI	business intelligence
C&R	control and restraint
CAMH	Centre for Addiction and Mental Health
CEW	conductive energy weapons
CISM	Critical Incident Stress Management
CSC	Correctional Service of Canada
ERT	emergency response team
FMCC	Ford Mountain Correctional Centre
FPS	fingerprint section
FRCC	Fraser Regional Correctional Centre
HRO	high reliability organization
ICON	Integrated Corrections Operations Network
ISO	Investigation and Standards Office
KRCC	Kamloops Regional Correctional Centre
NFPC	North Fraser Pretrial Centre
s.15	
OCC	Okanagan Correctional Centre
PGRCC	Prince George Regional Correctional Centre
PSP	public safety personnel
QIP	quality improvement plan
RMT	risk management team
SPSC	Surrey Pretrial Services Centre
TIBS	Trauma Informed Behaviour Support
UFR	Use of Force Review
VIRCC	Vancouver Island Regional Correctional Centre

Executive Summary

Use of force is a high-risk aspect of correctional operations. In the Spring of 2019, I was contracted by the British Columbia Corrections Adult Custody Division to conduct a review of use-of-force polices, procedures and practices and to provide a report including recommendations and options to ensure a standard of excellence.

There are opportunities for British Columbia Corrections to strengthen the way that staff is supported to better de-escalate and manage use-of-force situations. Improvements can also be made to more consistently report and track incidents, and to augment oversight of the application of force options. Staff well-being assistance, trauma awareness and the role of health professionals can be enhanced.

Context

The population in provincial custody is changing. A new generation of prisoners does not necessarily follow traditional and mostly unspoken rules for conduct. Staff working in correctional facilities believe change this has led to intensified violence with prisoners becoming more self-interested with little concern for consequences. Additionally, there has been a significant increase in prisoners with mental disorders without corresponding increases in mental health training and prisoner access to clinical supports. Changes in sentencing, sentence administration and the use of pretrial custody are creating population pressures on provincial sentenced and remand centres.

Academic literature, operational reviews and investigations have identified numerous factors that contribute not only to increased or even excessive use of force but also to overall violence in institutions. Crowding is identified as a contributing factor to increased use of force. When staff face large numbers of frustrated prisoners, there may be an increased response escalation to ensure staff are able to maintain control. Crowding can also reduce options for population management, leading to an increase in the number of incompatible prisoners being housed together or in units that are not suited to their custody needs. Similar problems arise when high prisoner-to-staff ratios lead correctional officers to feel "outnumbered," even in otherwise uncrowded institutions.

The impact of poor officer-management relationships, which leave staff feeling unsupported, has been documented. Correctional officers have reported that while use-of-force policies seem adequate, there is frustration that they are not being enforced by managers. Research suggests there is a general lack of leadership and management training that emphasizes the skills required to motivate staff and encourage adherence to policy. Gaps in mental health awareness training, training in de-escalation techniques and refresher training for front-line staff are also recognized as contributing factors. A "Code of Silence," in which some staff report that they are not able to intervene or accurately report or complain about another officer's actions, has been identified.

There are circumstances where organizations must successfully operate in a high-risk environment, similar to correctional facilities. High reliability organizations (HROs) are organizations that succeed in avoiding adverse outcomes despite high levels of risk and complexity. The principles of operating as an HRO should be applied to BC Corrections.

Maintaining a Safe Workplace

A safe environment for staff is a safe environment for those in custody. How risks are identified and managed impacts the frequency and intensity of use-of-force incidents. Safety is not a result of singular discrete activities but rather an outcome of a comprehensive, integrated and ongoing strategy.

A good example of such an approach can be found in Ontario's Centre for Addiction and Mental Health (CAMH), which operates a significant forensic program, including the treatment of patients found to be not criminally responsible. In 2015, CAMH established its hospital-wide Safe & Well program (Centre for Addiction and Mental Health, 2016), which focuses on eliminating avoidable patient death and eliminating physical injury to staff. Elements of the initiative include risk assessment, leadership development, safety planning, modelling respect and civility, staff engagement, staffing level adjustments, a wellness centre, and peer support. The program is anchored by a training program titled Trauma-Informed De-Escalation Education for Safety and Self-Protection (TIDES) (Centre for Addiction and Mental Health, 2018). The Safe & Well program has yielded positive results. Incidents of workplace violence are at or below target levels, employees have reported feeling more positive about organizational commitment to safety and wellness, and enterprise-wide collaborations have been strengthened.

Alternatives to Use of Force

Verbal strategies have proven to be the best weapon to de-escalate situations. De-escalation strategies have long been part of the use-of-force continuum, with verbal communication being an officer response on this continuum. However, initial training has tended to focus on more hands-on force options. While officers understand the value of de-escalation strategies, they may not be sure how to practically employ de-escalation. Correctional officers require more formal training that emphasizes how to manage aggression through de-escalation. The lack of prioritizing verbal and other de-escalation techniques may make these options less likely for correctional officers to employ in conflict situations.

In the United Kingdom, correctional policy clearly outlines steps to actively de-escalate, including having the officer explain their purpose or intention, presenting a reason for a change in the prisoner's behaviour and ensuring that staff maintain non-threatening, non-verbal communication. The policy also provides correctional officers with specific examples and guidance (HM Prison Service, 2015). Training in de-escalation strategies should operationalize detailed polices and procedures using escalated use-of-force scenarios where recruits must demonstrate their ability to use their voice to manage simulated incidents.

Some jurisdictions have taken de-escalation strategies further by implementing formal confrontation avoidance policies that call for consideration of situational factors.

Strengthening policies and training to include de-escalation and confrontation avoidance as stand-alone options will not only demonstrate their importance in the application of the use-of-force continuum but will also increase officer accountability if there is failure to reasonably apply these techniques.

Use-of-Force Policies and Models

Most correctional services, including British Columbia, have policies that detail a use-of-force continuum. However, some go further and have policies that specifically refer to use-of-force

incidents that are either planned and calculated or are immediate and spontaneous. Separating force incidents that are planned and calculated allows policy to identify additional opportunities for de-escalation and alternate resolution. Categorizing an incident as planned and calculated or immediate and spontaneous also strengthens data collection and enhances the information available to fully analyze the deployment of force within, among and between correctional institutions. Several jurisdictions, including the Correctional Service of Canada, have also improved their force options models to more specifically emphasize re-assessment and the consideration of broader situational and individual factors when choosing force options.

The Role of Health Professionals

Correctional policy increasingly calls for incorporating medical and mental health input into decisions about how to respond to prisoners with known mental health concerns and diagnoses.

Most use-of-force policies call for a prisoner to be examined by medical personnel after force has been applied. Some jurisdictions also require all prisoners that were involved in a use of force to receive a mental health assessment following the incident. There are jurisdictions that actively involve medical and mental health teams before and during incidents. Some policies require medical consultation before the use of certain types of force options or to assess the medical implications of force for all planned use-of-force interventions. Medical staff will attend both planned and, when possible, spontaneous interventions, and assume an advising and monitoring role during the application of force.

In the development of policies and protocols, attention must be paid to health-care professionals' ethical and professional obligations, and the foundational principle of "doing no harm."

Documenting Use of Force

It is standard to require involved staff to complete a use-of-force report and use video documentation where possible. Some jurisdictions require both directly involved and witness staff to file post-incident reports. Others specify that volunteers are also subject to reporting requirements. Policies vary regarding the specifics for video recording and retention time. In jurisdictions that differentiate between planned and calculated and immediate and spontaneous force, there are different standards for video recording different types of interventions.

It is not unusual for correctional services to have incomplete, inconsistent or inaccurate use-of-force reporting. In the United Kingdom, the Prison Service created a specific role that is responsible for ensuring that all required documentation is completed properly and submitted, and that the appropriate authorities have been notified.

I examined a sample of use-of-force incidents reports prepared for posting to the Integrated Corrections Operations Network (ICON). The quality of these reports was highly variable, with many containing poorly written incident summaries, conflicting information or both.

The institution-level data examined as part of this review revealed a discrepancy in the way use-of-force incidents are defined and tracked. A better understanding or definition of a use-of-force event will help minimize data discrepancies. Further, improving the quality of provincial use-of-force reporting will increase reliability and consistency in use-of-force data and the resulting business intelligence. Quality information about incidents will allow the branch to analyze how variables contribute to use-of-force and how to respond accordingly. Improved force incident reporting and tracking tools are currently being developed and deployed.

The consideration of business intelligence needs should drive the creation of reporting forms, the timeframes for reporting, definitions for categories of force incidents and the variables to be documented. Data quality and reliability should be at the forefront of any reporting regime design.

Oversight, Reviews and Debriefing

Review and oversight of use-of-force incidents is required to ensure reasonable force was used and policies were followed, and to assist correctional agencies to manage risk. Most agencies follow a similar pattern:

- there is an initial internal review;
- flagged incidents are referred up the chain of command; and
- incidents with serious bodily harm or significant compliance concerns are forwarded to independent bodies or legal units.

Some correctional services allow prisoner input into critical incident reviews or provide specific policy direction for how to respond to prisoner concerns about inappropriate force. The West Coast Prison Justice Society has called for new initiatives to listen to prisoners' voices post-use-of-force, recommending that all prisoners involved in a force incident be interviewed; be offered an opportunity to make written submissions; be allowed to view use-of-force videos; and receive use-of-force written reviews when completed.

The Police Executive Research Forum (2016) recommends that police services adopt a policy that use-of-force incidents are not only reviewed to ensure the force was appropriate in a specific situation but also that they "review data and enforcement practices to ensure that they are "*fair and non-discriminatory*" (p. 48). Though a correctional environment differs greatly from policing in the community, there may be an opportunity to incorporate similar practices in corrections.

The Investigation and Standards Office (ISO) does not review use-of-force incidents on a routine basis. As of December 2, 2019, only four incidents had been reviewed during the current year. The role of the ISO should be expanded, and routine inspections conducted by the ISO should include a sample of use-of-force incident reports and local reviews.

Most correctional services have post-incident processes that also include formal or informal debriefing. Debriefs are an important part of review and oversight; however, some correctional officers have indicated debriefs seem punitive. Incorporating routine debriefs into British Columbia use-of-force policy will foster recognition of positive front-line actions, increase incentives for staff to follow training and policies, and clarify the role and purpose of debriefing.

Post-incident support must include critical incident stress management. Responding to critical incident stress is a core employer responsibility and an important part of correctional operations. Successful post-incident supports provide quick, temporary and active involvement to hasten a return to routine and decrease the negative elements of distress.

Staff Discipline

BC correctional officers are expected to exhibit professional conduct, and all public service employees are subject to clear codes of conduct detailed in human resources policy.

During this review, some managers raised concerns about the difficulty of imposing sanctions for misconduct. Front-line staff complained that discipline was at times arbitrary or imposed as a

means of shifting blame from management. A common concern was the length of time it takes to conclude the disciplinary process.

While discipline for misconduct is important, negative events often happen for a multitude of intertwined reasons. Adopting the model of an HRO will help focus attention on avoiding or solving problems.

Training

Correctional staff rely on their initial and continued training to keep themselves safe and to maintain care, custody and control of prisoners.

Several jurisdictions provide significant training on the medical considerations relating to the use of force. Training in British Columbia could be better linked to international and domestic human rights laws and standards. Additionally, based on data submitted by British Columbia to the National Corrections Use of Force Committee about certification, there are opportunities to strengthen requirements for certification of weapons and standards for use-of-force training. Supervisors and managers should receive refresher training on the use-of-force continuum and proportionate responses to be better able to make determinations about appropriate versus excessive use-of-force incidents.

Mental health and resiliency information must also be incorporated into training. Several supports, services and programs are in place across other sectors, including the Road to Mental Readiness from the Department of National Defence, the TIDES program at CAMH, and Mental Health First Aid Training provided by the Mental Health Commission of Canada. The role of trauma in criminalized behaviour and in how correctional staff experience their work is increasingly understood. This review highlights the Brain Story Certification Course and the Alberta Family Wellness Initiative as promising mechanisms to better link trauma knowledge to informed practices.

Methods of training delivery are also key. British Columbia can further enhance officer training through additional scenario training and by increasing interactive learning as part of online training. Finding the right trainer is just as important as finding the right recruit. Identifying a range of personnel to provide instruction, including designated trainers, instructors, facilitators and master trainers, will help support correctional centres to keep staff current.

Finally, while the Adult Custody Division indicates that training is provided in partnership with the Justice Institute of British Columbia, it is not clear where primary responsibility lies for ensuring training content, strategies and tools are up to date. More clarity around who is responsible to identify and address training gaps would be beneficial.

Legislative and Policy Framework

Across Canada almost all substantive use-of-forces guidance is found in policy or regulation as opposed to legislation. This is a significant shortcoming. British Columbia can choose to be a leader in this area by including comprehensive use-of-force sections in the provincial *Corrections Act*.

BC Use-of-Force Data Analysis and Institutional Observations

Data quality issues and the small number of incidents undermine the ability to conduct robust statistical analyses. Discrepancies between data sets are likely a result of quality control issues and a backlog in recording and reporting from some institutions. Factors contributing to backlogs

include information management practices and inconsistent interpretation of what constitutes a reportable use of force. Incomplete incident reports and poor incident report writing are also noted. The new (June 2019) use-of-force policy, enhanced headquarters tracking, and the soon-to-be renewed incident reporting forms may help address some of these concerns.

Based on the available data, institutions with the highest rates of double bunking and cell utilization appear to have higher rates of force incidents. While there does not immediately appear to be any pattern connecting correctional officer-to- prisoner ratio and use-of-force, this analysis is limited because it does not control for important variables such as custody status, security level or location of incidents. The relationship between the staff complement and use-of-force prevalence could be further tested by incorporating human resources data into the analysis.

Between June 17 and October 21, 2019, 249 use-of-force incidents were reported under the new policy and tracked using the enhanced variable set. Nearly half the incidents involved Indigenous prisoners. The rate of Indigenous involvement ranged from 0% (Nanaimo Correctional Centre [NCC]) to 67.1% (Prince George Regional Correctional Centre [PGRCC]). The use of soft control techniques was the most frequently reported use of force (58.3%). Soft control was most often used at Vancouver Island Regional Correctional Centre (VIRCC) (71.4%) and least frequently used at Fraser Regional Correctional Centre (FRCC) (16.7%). Among all reported incidents, 32.8% involved two or more use-of-force types, including 6.1% that reported three or more types. Surrey Pretrial Services Centre (SPSC) reported the largest proportion of incidents involving two or more uses-of-force types (37.8%), followed closely by North Fraser Pretrial Centre (NFPC) (35.9%). VIRCC is also trending toward the one-third mark of incidents involving two or more use-of-force types.

Recommendations

This review makes 37 recommendations under six headings:

- Corrections as a high reliability organization
- Legislation and policy
- Training and staffing
- Role of health care
- Incident reporting and quality assurance
- Oversight and reviews

A commitment to modernizing the legal framework, reporting, oversight, training and staffing will help ensure that appropriate levels of force are used, incidents are uniformly tracked and understood, and risk is appropriately managed. Action on the recommendations flowing from this review will contribute to the British Columbia Corrections Branch, Adult Custody Division vision of "Inspiring Excellence, Changing Lives."

British Columbia Adult Corrections Use-of-Force Review

Mandate

On April 15, 2019, I entered into an agreement with the British Columbia Corrections Branch, Adult Custody Division to conduct a comprehensive review of the use of force within adult correctional facilities. Specifically, in the context of the Adult Custody Division vision of "Inspiring Excellence, Changing Lives," I was contracted to:

> …conduct a comprehensive review of the use of force to confirm a standard of excellence in the areas of:
>
> - training for new staff and refresher training for experienced staff
> - incident reporting
> - quality assurance
> - local and provincial policies
> - oversight.
>
> This review should result in a concise report including:
>
> - an executive summary
> - provincial overview including centre-by-centre variations
> - context setting for current social/legal/political issues regarding use of force
> - key findings
> - recommendations and implementation options to achieve a standard of excellence (Government of British Columbia, 2019).

Methodology

Briefings

Beginning in April 2019, I reviewed use-of-force policy documents, internal reports and training materials provided by the Corrections Branch. Subsequent to the document reviews, senior officials briefed me about the status of force options training, use-of-force practices, documentation, review, oversight and discipline.

Interviews

Briefings were supplemented by interviews to gain a sense of top-of-mind use-of-force concerns and expectations of the report I was to prepare. The branch prepared a list of stakeholders who could provide additional insight. I conducted in-person and telephone interviews with justice sector partners and non-government organizations, released prisoners, academics, defence counsel and provincial legal counsel.

Literature Scan

A Google Scholar literature search was conducted, and current research and publications were selected for review to help provide context and direction. Source documents are referenced.

Supporting Documents and Reports

Use-of-force incident reports, business intelligence statistics, related documents including internal reports and analysis, and publicly released government reports were used to inform this review.

Policy and Legislative Review

Current British Columbia policy and legislation was reviewed. During the review period, a new use-of-force reporting policy was introduced.

Jurisdictional Scan

Canadian and selected international jurisdictions were scanned. Available use-of-force policies and related legislations for Canadian jurisdictions were collected and reviewed. A comparison with the British Columbia policy and legal framework was undertaken. Unique features, good practices and gaps were noted.

Institutional Visits

Between May and September 2019, all 10 British Columbia correctional centres were visited. This allowed for observation of the work environment and face-to-face discussions with senior and front-line staff. Being on-site provided a better understanding of the spaces in which force was used and the unique character of each of the facilities.

Statistical Analysis

Key variables were identified and data for each correctional centre were collected. I conducted an analysis to check for significant relationships, trends and patterns. Reporting was complicated due to the small number of incidents, incomplete and inconsistent reporting and recording practices, and mid-study policy change.

Context

Force is used in correctional facilities to maintain safety and security for staff and prisoners. The use of force is a high-risk activity and reviews of use-of-force in correctional environments increasingly raise questions about these practices. There are issues within corrections that may contribute to excessive or inappropriate use-of-force. Front-line correctional officers may feel disconnected and unsupported by their managers while working in often overcrowded and understaffed facilities. These same correctional officers may not have received adequate training upon entering corrections. The training they did receive likely focused too heavily on use-of-force tools and techniques and not enough on de-escalation and avoidance strategies. Finally, places of custody are work environments that typically have a strongly entrenched, though unwritten, code that may protect or ignore those who engage in excessive force and punish those who refuse to do the same, or even worse, "rat" on their colleagues.

Many corrections agencies are introducing innovative strategies, such as including mental health and other clinical professionals in situations that traditionally have only been responded to by correctional officers. This allows them to better implement alternatives to force and to minimize force if it is used.

One significant issue is the lack of research that focuses on the unique features of provincial corrections. The majority of research on use of force in correctional environments in Canada has been conducted within federal prisons, yet these findings are used to inform the understanding of provincial environments (Griffin, 2002). Federal prisons and provincial jails, particularly those with pretrial populations, differ substantially, and there is a need for more research that recognizes the particular pressures and realties of provincial corrections.

The Changing Nature of Corrections

While there are numerous factors that contribute to carceral violence and the use of force, one that has been consistently identified is the changing nature of individuals in provincial custody (Boyd, 2011; Office of the Auditor General of British Columbia, 2015; Throness, 2014). Foremost among the changes identified is that the current custody population appears to no longer follow the so-called "con code" where there were unspoken but solidified rules about violence in custody (Clemmer, 1940). Violence, under the traditional code, served the specific function of restoring order, tended to occur one-on-one and older prisoners were respected and generally left out of violent interactions. "Today's young inmates are more self-interested and with fewer loyalties, capable of engaging in acts of serious violence with little awareness of or concern about the consequences of their actions" (Throness, 2014, p. 8). Staff at BC provincial facilities have reported that this change regarding the con code has led to intensified violent interactions with an increase in group attacks on a single individual (Boyd, 2011). Closely connected to this change in the character of younger prisoners is the increase in identified threat groups behind bars. Gang-affiliated prisoners are considered high-risk populations that present safety challenges. Officers argue that they, in response, have had to increase their level of force to de-escalate violent situations involving many aggressors (Sapers, 2018).

A significant and complex challenge is the increase in the proportion of the custody population with identified mental health concerns. The British Columbia Corrections Branch Performance, Research and Evaluation Unit (2016) reports that "60% of individuals under B.C. Corrections supervision have been diagnosed with a mental health and/or substance use disorder" (p. 1). Provincial correctional officers in British Columbia see this increase in mentally ill prisoners in their correctional facilities and report that they feel they are not qualified to deal with their complex needs (Throness, 2014). Absent adequate mental health training and readily available alternative strategies, correctional officers may rely on their use-of-force training which does not properly equip them to pause and assess the cause of a prisoner's behaviour before they respond. Human Rights Watch in the United States found that "the misuse of force against prisoners with mental illness is widespread and may be increasing." Prisoners with mental illnesses were more likely to have force used upon them for seemingly insignificant behaviours, such as urinating on the floor or banging on their cell doors (Human Rights Watch, 2015). Within the confines of a correctional institution, even small prisoner misbehaviours can be interpreted as wilful disobedience that must be controlled. Correctional officers will often escalate force with mentally ill prisoners as these prisoners may be incapable of complying or advocating for themselves (Human Rights Watch, 2015). When mentally ill prisoners are in medical distress, correctional officers are often underprepared to properly respond, and when they do intervene, they have too little clinical backup.

Other issues include the impact of changes in sentencing and sentence administration policies that cumulatively have resulted in more people spending more time in custody before their release. Related to this, a high volume of pretrial detention custody admissions puts further pressure on provincial remand centres.

Corrections as a High Reliability Organization

Corrections deals with many aspects of risk. Institutional safety, individual safety of staff and the custody population, and safety of the public, must all be considered and balanced in every decision and action taken. Managing risk is a core correctional practice because inattention can lead to tragic consequences. Correctional services are not alone operating in high-risk environments. Nuclear power plants, air traffic control, aircraft carriers and health-care organizations are examples of high-risk enterprises requiring high reliability operations. A high reliability organization (HRO) has been described as one that has succeeded in avoiding adverse outcomes despite high levels of risk and complexity (Christianson, Sutcliffe, Miller, & Iwashyna, 2011). Quoting a senior U.S. Naval officer, Christianson et al. provide the following dramatic example of a complex, risky operating environment:

> So you want to understand an aircraft carrier? Well, just imagine that it's a busy day, and you shrink San Francisco Airport to only one short runway and one ramp and one gate. Make planes take off and land at the same time, at half the present time interval, rock the runway from side to side, and require that everyone who leaves in the morning returns that same day. Make sure the equipment is so close to the edge of the envelope that it's fragile. Then turn off the radar to avoid detection, impose strict controls on radios, fuel the aircraft in place with their engines running, put an enemy in the air, and scatter live bombs and rockets around. Now wet the whole thing down with sea water and oil, and man it with 20-year-olds, half of whom have never seen an airplane up-close. Oh, and by the way, try not to kill anyone.

Successful HROs share five identified characteristics:

1. Preoccupation with failure
2. Reluctance to simplify
3. Sensitivity to operations
4. Commitment to resilience
5. Deference to experts (HIROC, 2017).

Operating as an HRO reflects a mindset; an attitude that does not deny risk or ignore failures. HROs understand that even small errors can have serious consequences, so they do "sweat the small stuff." It is not difficult to envision a correctional service as an HRO. Attention to detail in correctional operations promotes safety, accountability and predictability.

Applying an HRO lens to corrections means focusing on getting policy and practice right, training to a high standard of competence, actively looking for small deviations and addressing them quickly, diving into problems to identify root causes, constantly seeking front-line input and feedback, anticipating trouble and preparing for unexpected events, and employing practices supported by the best evidence throughout. This includes understanding that reviews and audits are helpful, not threatening, and that the primary purpose of investigating a negative event is to promote continuous improvement and to prevent similar occurrences, not to find fault and support discipline.

Westcoast Prison Justice Society Report

In June 2019 the West Coast Prison Justice Society released *Damage/Control: Use of Force and the Cycle of Violence and Trauma in B.C.'s and Federal Prisons* (referred to as *Damage/Control* throughout) (West Coast Prison Justice Society/Prisoners' Legal Services, 2019). This report offered 35 recommendations to the BC Corrections Adult Custody Division, seven recommendations to the Provincial Health Services Agency, one recommendation to the Investigation and Standards Office (ISO) and three recommendations to the Government of British Columbia to address five broad findings:

1. Force is used in response to medical and emotional distress.
2. Force is used to coerce compliance when there is no immediate safety risk.
3. Post-use-of-force medical assessments are inadequate, and the role of health care is too narrow.
4. Prisoner voices are devalued, and prisoners are denied adequate access to information used against them.
5. Greater public accountability is needed when officers use force.

Taken together, if implemented, the recommendations would result in all use-of-force incidents being investigated, as opposed to simply reported, and correctional practice overall would be more trauma informed. There would be new limiting criteria for an emergency response deployment, policy restrictions on the allowable reasons for a use-of-force, and enhanced policy direction for structuring discretion and decision-making. Accountability would be improved through enhanced documentation and data collection, increased quality control of incident report writing, mandatory prisoner debriefing and an enhanced role for public health agency staff in post-incident assessment and treatment.

Damage/Control makes a valuable contribution to better understanding concerns around the use of force in BC correctional facilities. The issues identified reflect many of the findings detailed in this review. Without directly assessing the individual recommendations, it is safe to say that they deserve serious consideration. Where appropriate, I will incorporate some of *Damage/Control's* findings into this discussion.

Some Additional Factors Influencing the Use of Force

There are several issues identified in use-of-force literature as contributing to violence and an increased use of force. Among these is a "Code of Silence" as part of negative corrections culture. Such a code was clearly identified in a report by the Ontario Ombudsman in 2013 (Marin). In investigating allegations of excessive use of force against prisoners, the ombudsman discovered a strongly entrenched code among correctional officers defined as "an unwritten social incentive to protect and show solidarity for co-workers, even if it means conspiring to lie, destroy, and falsify records. Staff who breach this code become victims themselves" (p. 9).

While this code does not directly cause excessive use of force, it does contribute and helps to maintain a shroud of secrecy when excessive force occurs. Under the code, staff do not feel they can intervene in an incident, accurately report what they have witnessed or come forward to lodge a complaint against co-workers. Such codes, identified in corrections and policing, may be so

powerful that individuals conform to the unwritten rules out of a real fear of bullying, lack of backup in dangerous situations and even death threats (Prenzler, 2009). To attempt to combat this issue, some organizations have implemented a "Duty to Intervene," where police or correctional officers have an obligation to intervene when they believe a colleague is about to use excessive force or when force becomes excessive during the incident (Phoenix Police Department, 2017; Rembert & Henderson, 2014; TLS Enterprises, 2019). While this may not curb all instances of excessive use of force, it may provide an opportunity for staff to intervene or report these instances when it is perceived as a legal duty. Ontario has included specific reference to the code and whistleblower protection in its renewed policy (Ontario Ministry of Community Safety and Correctional Services, 2013).

Boyd's (2011) report on the working conditions inside BC correctional facilities relied on correctional officer surveys to identify problematic aspects of their working conditions. Consistently, managers and relationships with management were identified as problems. Many officers reported poor relationships with their managers and felt there was a lack of support from management in general. This disconnect between front-line staff and management can make correctional officers feel as though they are on their own in difficult situations, consequently feeling compelled to make their own rules, which may lead to excessive force (Griffin, 2002). Some have also argued that the use-of-force policies in place in provincial correctional institutions are sufficient in their guidance but are not enforced by management (Boyd, 2011). Correctional and police officers have expressed frustration with policy decisions made by management that seem unrealistic or dismissive of the dangers experienced by those on the front line. To combat the complaint that management is out of touch with front-line work, Wittmann (2018) recommended that those in management positions with the Calgary Police Service complete regular ride-alongs.

Research has identified a lack of management and leadership training for managers, resulting in limited emphasis on the skills needed to successfully motivate staff and foster policy adherence (Baker, Gordon, & Taxman, 2014; Marin, 2013; Russo, Woods, Drake, & Jackson, 2018). Not only has correctional management training received criticism but so has general correctional officer training. Recruit suitability and ensuring that correctional services are hiring individuals whose values align with those of the organization are also important considerations. Recognizing that verbal de-escalation is important in avoiding use of force means that it is paramount to select recruits with the appropriate temperament and interpersonal skills (Throness, 2014). In addressing the recruitment of law enforcement officers, the United Nations identified that it was not enough to ensure recruits have appropriate physical and psychological qualities, but that they must also have the appropriate moral qualities (United Nations, 1990). Selecting the correct recruit is only part of the solution; organizations must then provide the correct training. Most often much of the focus of new recruit training is centred on learning use-of-force techniques rather than how to assess and understand situational factors. "We must recall that correctional officers, even when instructed to be peace officers, are trained in the use of force tactics; therefore, they are primed to anticipate violence when interacting with prisoners" (Ricciardelli & Gazso, 2013, p. 105). This priming can cause correctional officers to escalate a situation, rather than de-escalating it, as they are trained to focus on a prisoner's behaviour and then formulate a response.

Other negative elements of the work environment in prisons and jails have been identified, including harassment and bullying, sexualized and unprofessional relationships, and favouritism. Such environments do not support good correctional practice and threaten institutional safety. Toxic and dysfunctional correctional workplaces are not new and have been heavily documented

and reported on. Some recent examples include workplace reviews at the provincially operated Edmonton Remand Centre (TLS Enterprises, 2019) and the federal Edmonton Maximum Security Institution (Wakefield, 2018).

With the increase in identified mental health concerns among prisoners in Canadian correctional environments, it is clear there is a need for increased mental health training for new recruits, as well as for more experienced officers. Weill & Haney (2017) found that correctional officers lack the understanding of the psychological consequences of incarceration on prisoners and argued that correctional officer training should be "sensitizing correctional officers to the 'pains of imprisonment' and their potentially damaging psychological effects" (p. 312). This sensitization may provide an opportunity to introduce a comprehensive mental illness training program as part of the core curriculum; "tactical training and mental health training need to be interwoven to improve response to critical incidents" (Police Executive Research Forum, 2016, p. 60).

Finally, the issue of crowding has been identified in academic literature and technical reports as a contributing factor to an increase in violence and use of force. Crowding was explored in British Columbia by the provincial Auditor General, who found at that time that "Correctional centres in British Columbia are over capacity, operating at 140% occupancy on average with individual centres ranging from 104% to 177%" (2015, p. 4). This crowding led to double bunking in cells that were designed to house one prisoner. When prisoners are crowded together in institutions, it not only presents the possibility of increased violence amongst each other but also more aggression toward the correctional staff. Correctional officers have reported that BC facilities are chronically understaffed, and that they often face large groups of frustrated and potentially violent prisoners while working entire units by themselves (Boyd, 2011). When prisoner behaviour occurs that requires use-of-force intervention, correctional officers may feel they need to escalate their response to quickly maintain order, as perceiving they are outnumbered increases their level of threat. Correctional officers may engage in force options that are disproportionate to the immediate incident because they feel an excessive response is needed to ensure their safety.

In their study, Martin, Linchtenstein, Jenkot & Forde (2012) recognize that the academic community is split on the causal relation between crowding and violence. Some researchers argue that crowding is not the reason for increased violence, but that extraneous variables (e.g., the role of management), which researchers failed to measure, are responsible. Nonetheless, Martin et al., (2012) reported "the consensus among respondents is that crowding led to stress, problems with safety, increased violence, and in most cases, impaired job performance is evidence of how correctional officers viewed crowding in the most negative terms" (p. 99). Further, Weill & Haney (2017) argue that prison overcrowding also leads to depersonalization of prisoners. When prisoners are treated as things that can be warehoused and crowded together, it becomes easy for correctional officers to morally disengage, thus creating fertile grounds for prisoner abuse. The Office of the Correctional Investigator of Canada has stated "Prison crowding is linked to increased levels of institutional violence and unrest and may be a contributing factor to higher incidences of disease transmission and infection rates in federal penitentiaries. There are growing concerns regarding incompatible prisoners and other population management issues, including the influence of gangs, drugs and extortion" (2011).

The Use of Force

The use of force in correctional facilities often reflects concerns about safety within a carceral environment. A 2014 examination into the safety of corrections in British Columbia presented sobering figures of prisoner and correctional staff injuries. "Over the past five years, there were 413 staff injuries due to inmate-on-staff assaults and threats – more than double the events in 2009" (Throness, 2014, p. 6). Regarding those in custody, "The tale of injuries suffered by inmates is a sad one indeed. Over the past five years, there were 4,203 events involving assaults. However, there were 5,382 injuries, as more than one person was injured in some events…Over the past five-year period, injuries increased from 830 in 2009 to 1,145 in 2013 – an overall increase of 70%" (Throness, 2014, p. 7).

Use of force in provincial correctional facilities in British Columbia is legislated by the *Corrections Act* (Correction Act, SBC 2004, c. 46), which contains only one section specifically addressing use of force.

> **12** (1) Officers and employees appointed under this Act may use a reasonable degree and means of force for any of the following purposes:
>
> (a) to prevent injury or death to a person;
>
> (b) to prevent property damage;
>
> (c) to prevent an inmate from escaping;
>
> (d) to maintain custody and control of an inmate.
>
> (2) A device used to physically restrain an inmate may only be used in prescribed circumstances and in accordance with prescribed procedures.

The *Correction Act Regulation* (Correction Act Regulation, BC Reg 58/2005) further addresses use of restraint devices.

> **Use of physical restraint devices**
>
> 9 (1) An authorized person may use a type of physical restraint device that is approved by the provincial director if circumstances require use of the physical restraint device in order to
>
> (a) prevent injury or death to a person,
>
> (b) prevent property damage,
>
> (c) prevent an inmate from escaping, or
>
> (d) to maintain custody and control of an inmate.
>
> (2) A physical restraint device must not be used to restrain an inmate for more than 4 continuous hours unless
>
> (a) authorized by the person in charge under subsection (3), or
>
> (b) the inmate is on an escorted absence from the correctional centre.

(3) The person in charge may authorize the use of a physical restraint device to restrain an inmate for more than 4 continuous hours but, unless subsection (4) applies, for no more than 16 continuous hours, if

(a) the person in charge believes on reasonable grounds that the use of the physical restraint device is necessary for the safety of the inmate or for the safety of another person, and

(b) other means of control of the inmate have been exhausted or are not reasonable in the circumstances.

(4) The person in charge may authorize the use of a physical restraint device to restrain an inmate for more than 16 continuous hours with approval from the provincial director.

(5) A person in charge who authorizes the use of a physical restraint device under subsection (4) must review the condition of the inmate with the provincial director every 12 hours following the approval of the provincial director while the physical restraint device is being used.

(6) The provincial director may at any time revoke his or her approval under subsection (4).

The Adult Custody Division, Corrections Branch Use of Force policy addresses excessive and prohibited force and the criminal liability for engaging in such behaviours:

1.2.4. Excessive force—criminal liability

Correctional officers are criminally liable for force used in excess of that allowed by section 25(1), according to section 26 of the *Criminal Code*.

The officer and the Corrections Branch may be civilly liable in such circumstances.

1.2.5. Prohibited force

1. Under no circumstances may a staff member apply force as punishment.

2. No person may consent to take part in an action that is inhumane or degrading.

Force Options Management Model

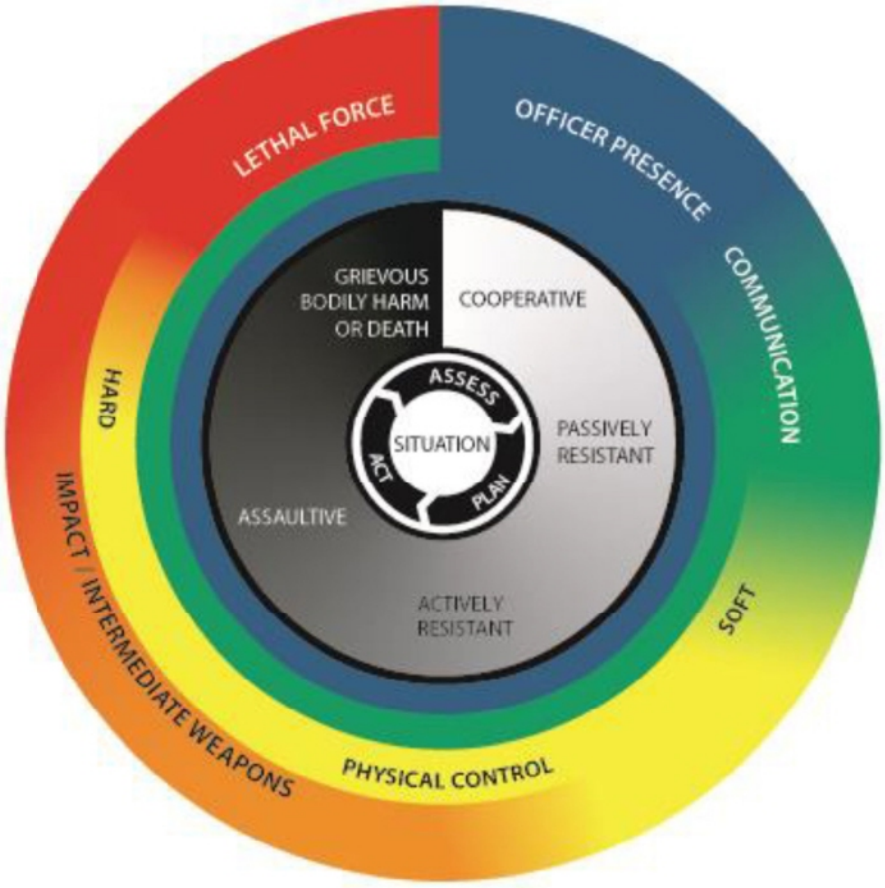
As is the case in most jurisdictions, the BC Adult Custody Division employs a use-of-force model that guides decision-making. The model, represented as a wheel (see Figure 1), outlines officer options to address a situation and assess subject behaviour. It is used to train officers and can be used as a reference when making decisions related to the level of interaction and when explaining use-of-force actions. An important feature of the model is that it conceptualizes use of force as a continuum and suggests that force can escalate and de-escalate as needed.

The outer area of the wheel details use-of-force options for officers. BC policy authorizes staff presence, communications, hard and soft physical control techniques, intermediate weapons, and lethal force. Decisions about force choices are to be informed through constant assessment and reassessment of several factors, including:

- the seriousness of the situation;
- the safety of all present;

- the need to act immediately;
- the distance and time considerations;
- the number of officer's responding or available;
- the number of subjects involved;
- the correctional officer's prior knowledge of the subjects;
- the subjects medical and mental history;
- the physical environment; and
- the presence of a correctional supervisor on scene.

Figure 1: British Columbia Adult Corrections Branch Force Options Management Model



(Justice Insitute of British Columbia, 2004a)

The behaviour of the prisoners involved is central to the assessment process. Choices about the use of force will be influenced by how cooperative, resistant, assaultive or injured the subjects are.

A force option is to be engaged only after a full and prudent assessment of the totality of the circumstances. That said, moving away from a strict focus on the use-of-force continuum to a more flexible model based on critical thinking may mitigate an overreliance on force. (For more information on a dynamic and responsive Critical Decision-Making Model being adopted by police, please see Police Executive Research Forum's (2016) *Guiding Principles on Use of Force.*)

While most correctional services have policies that detail a use-of-force continuum, some go further and have policies that specifically refer to de-escalation and categorize use-of-force

incidents as either planned and calculated or are immediate and spontaneous. Immediate and spontaneous use-of-force events are those that pose an immediate threat: when a prisoner becomes assaultive to other individuals or attempts self-harm; or situations when there is destruction of property (U.S. Department of Justice, Federal Bureau of Prisons, 2014). Planned and calculated use of force "is feasible and preferred to immediate use of force in most cases and is appropriate when the detainee is in a location where the detainee poses no immediate threat of harm, even if the detainee is verbalizing threats or brandishing a weapon, provided staff sees no immediate danger of the detainee's causing harm to himself or others" (U.S. Immigration and Customs Enforcement, 2013, p. 216). The rationale behind this delayed use of force is that it "affords staff time to strategize and resolve situations in the least confrontational manner and to de-escalate the situation" (U.S. Immigration and Customs Enforcement, 2013, p. 2016). By specifically designating a planned and calculated use-of-force category, correctional officers can make the determination that an incident does not require immediate intervention, then step back and evaluate the situation with their managers, and in some cases, health-care staff. Rembert & Henderson (2014) argue that "an individual's fear and adrenalin rush can cause correctional officers to lose control and act more violently than necessary" (p. 206).

Planned and calculated use of force may reduce the opportunity for excessive or inappropriate force motivated by fear or adrenalin. Categorizing an incident as planned and calculated or immediate and spontaneous also strengthens data collection and enhances the information available to fully analyze the deployment of force within, among, and between correctional institutions.

Alternatives to Use of Force

De-escalation strategies have long been part of the use-of-force continuum with verbal communication being a response option on the continuum. However, initial training has tended to focus more on hands-on force options. The lack of prioritizing verbal and other de-escalation techniques may result in them not being top of mind options for correctional officers to employ in conflict situations. British Columbia has previously stated that verbal de-escalation training must be enhanced for all recruits (Throness, 2014).

Most correctional officers understand the value of de-escalation strategies. Ricciardelli & Gazso (2013) interviewed provincial correctional officers and found that "participants explained that tactful and non-threatening communication when confronting prisoners in front of their peers was essential to reducing threat. Indeed, many described their voice as their most powerful weapon when on duty" (p. 110). While officers understand the value of de-escalation strategies, they may not be sure how to practically employ de-escalation. Correctional officers require more formal training that emphasizes how to manage aggression through de-escalation. In the United Kingdom, correctional policy clearly outlines steps to actively de-escalate, including having the officer explain their purpose or intention, providing a reason for a change in the prisoner's behaviour and ensuring that they maintain non-threatening non-verbal communication. In addition, the policy provides correctional officers with specific examples and guidance (HM Prison Service, 2015). Accompanying detailed policies and procedures, training in de-escalation strategies should mimic escalated use-of-force scenario-based training where recruits must demonstrate their ability to use their voice to de-escalate simulated scenarios.

Some agencies not only employ de-escalation practices but also have formal conflict or confrontation avoidance policies. Here, it is not simply enough to employ de-escalation strategies,

but correctional officers are also required to avoid conflict or step away from a confrontation to ensure force is used as a last resort. Typical of such policies, one U.S. jurisdiction requires its correctional officers to consider preclusion, asking them: "Have you reasonably exhausted all of your avenues of retreat at that time and at that place?" (Nevada Department of Corrections, n.d.). In addressing this question, correctional officers are not only to consider if they should employ a de-escalation technique but also consider if they can withdraw entirely from the event and allow an opportunity for a "slow down." The U.S. Immigration and Customs Enforcement Agency confrontation avoidance policy is similar but provides additional considerations. Confrontation avoidance occurs before the authorization of calculated use of force where a team must determine if there is any strategy that can be used to not only maintain control but also avoid any further confrontation. For instance, the policy suggests involving staff who are most familiar with the detainee and who "might yield insights into the detainee's current agitation or even pinpoint the immediate cause" (U.S. Immigration and Customs Enforcement, 2013, p. 216). This staff may be engaged to reason with the detainee, with the goal of reducing the likelihood of escalation. The Correctional Service of Canada has developed similar policy (Correctional Service Canada, 2018).

Creating policies and procedures that focus on de-escalation as a stand-alone option highlights its importance and increases correctional officer accountability should they fail to be compliant with policy.

Maintaining a Safe Workplace

Safe workplaces do not just happen. Purposeful activity is required to establish and maintain healthy and safe environments. A safe environment for staff is a safe environment for those in custody. How risks are identified and managed will impact the frequency and intensity of use-of-force incidents. Safety is not a result of singular discrete activities but rather an outcome of a comprehensive, integrated and ongoing strategy.

A good example of such an approach can be found in Ontario's Centre for Addiction and Mental Health (CAMH). CAMH is Canada's largest psychiatric teaching hospital and one of the world's leading mental health research centres. The hospital operates a significant forensic program, including the treatment of patients found to be not criminally responsible. Starting in 2015, CAMH established its hospital-wide Safe & Well program (Centre for Addiction and Mental Health, 2016). Safe & Well, adapted from the U.K.'s Safe Wards initiative, focuses on eliminating avoidable patient death and eliminating physical injury to staff. Elements of the initiative include risk assessment, leadership development, safety planning, modelling respect and civility, staff engagement, staffing level adjustments, a wellness centre, and peer support. One high-impact component is the establishment of daily Team Huddles. These short stand-up gatherings have been implemented across all inpatient, outpatient and emergency departments. These check-in activities create a supportive environment and allow staff to talk openly about risks and mitigation concerns. To anchor the Safe & Well strategy, CAMH has developed the Trauma-Informed De-Escalation Education for Safety and Self-Protection (TIDES) training program (Centre for Addiction and Mental Health, 2018). TIDES is a trauma-informed and patient-centred three-day course that offers hands-on training with a focus on prevention and intervention. The Safe & Well program has yielded positive results. Incidents of workplace violence are at or below target levels, employees have reported feeling more positive about organizational commitment to safety and wellness, and enterprise-wide collaborations have been strengthened. In 2018, CAMH received the Canada Awards of Excellence Platinum Award for Healthy Workplaces for its Safe & Well strategy and programs (Excellence Canada, 2018).

The Role of Health Professionals

The role of health professionals must be considered when discussing use of force in custodial environments. Traditionally, use-of-force protocols and the application of force options were strictly within the domain of correctional officers. However, correctional policy increasingly calls for incorporating medical and mental health input into decisions about how to respond to prisoners with known mental health concerns and diagnoses.

Most use-of-force policies (including BC's) call for a prisoner to be examined by medical personnel after force has been applied. This is necessary to determine if the prisoner has sustained any injuries, to treat injuries and to provide documentation (Correctional Service Canada, 2018). Some jurisdictions add to this process by requiring all prisoners involved in a use-of-force to receive a mental health assessment following the incident. This allows the institution to determine if a mental health issue led to the incident and what measures could be put into place in future interactions with the prisoner to prevent escalation of force (Minnesota Department of Corrections, 2018; Oklahoma Department of Corrections, 2018). There are also jurisdictions that not only require the services of medical and mental health professionals post-incident, but also actively involve these teams before and during incidents. Some policy requires medical consultation before the use of certain types of force options, such as chemical agents (U.S. Department of Justice, Federal Bureau of Prisons, 2014) or electronic weapons (Oklahoma Department of Corrections, 2018). The integrated involvement of health-care staff is a significant aspect of HM Prison Service (2015) use-of-force policy. This policy differentiates between planned and spontaneous interventions. Medical staff are required to attend spontaneous use-of-force incidents ("respond to codes") when they are on the premise. During planned interventions, health-care staff are actively involved in the planning of the intervention, presenting the medical implications of use of force. They must then attend these planned interventions and take on the role of monitoring and advising on the application of force options. HM Prison Service's policy presents a shift in focus regarding the use of force. Policy makes it clear that it the goal is not restoring order at all costs, but about approaching potentially volatile situations more holistically and with an emphasis on less (rather than more) force (HM Prison Service 2015).

Regional, national and international organizations representing health-care professionals have issued statements about the role of clinicians working in correctional settings. These statements typically reflect ethical and professional obligations and reinforce the foundational principle of "do no harm." A recent example is the World Medical Association Statement on Solitary Confinement released in October 2019. The statement makes 19 recommendations, and in part reads:

> The WMA and its members reiterate their firm and long-standing position condemning any forms of torture and other cruel, inhuman or degrading treatment or punishment and reaffirm the basic principle that doctors should never participate in or condone torture or other cruel, inhuman or degrading treatment (2019).

In *Damage/Control*, the West Coast Prison Justice Society called for increased awareness of how the use of force is traumatizing and can make pre-existing health conditions worse as well as for more prominent participation of health-care professionals when responding to situations involving mentally ill prisoners. Recognizing that this is easier said than done, *Damage/Control* makes several specific recommendations that would help implement the changes they are calling for. Several recommendations were directed to—or would require the involvement of—the

Provincial Health Services Authority that, as of October 1, 2018, assumed responsibility for health services provided in BC correctional centres. Among other issues, the recommendations addressed:

- the concerns about the "dual loyalty" of medical professions working in prisons
- the need for new policy and accountably for post-force medical assessments
- the collaborative development of a new model for recognizing and responding to incidents involving prisoners with mental health concerns and diagnoses
- the inclusion in post-force assessments of a determination of the adequacy of decontamination of the prisoner and their cell and personal effects
- the need for an expert on force and mental health to be engaged in problem identification and solving
- the creation of specialized officer and nurse teams to respond to situations involving emotional or medical distress

Documenting Use of Force

Use-of-force documentation procedures are similar in most jurisdictions reviewed. So are many of the shortcomings. All reviewed policies stipulate that staff involved in a use-of-force incident must complete a use-of-force report. All policies call for some form of video documentation of use-of-force incidents when possible. A study of use-of-force conducted by the Correctional Service Canada identified administrative shortcomings and incomplete documentation as primary issues (Varrette & Archambault, 2011). Incomplete, inconsistent and inaccurate documentation has also been noted in Ontario (Sapers, 2017).

Policies do have slight (and sometimes important) differences regarding the specific requirements for documentation. For instance, the Nevada Department of Corrections (n.d.) requires all staff involved in a use-of-force event to write a use-of-force report, but it goes much further by stating that anyone who witnessed the event must also write a report. Ontario recently imposed the same requirement. In Nevada (Nevada Department of Corrections, n.d.), the policy includes volunteers that were in the institution at the time and who saw the event. In the United Kingdom (HM Prison Service, 2015), there is a specified role of an "Orderly Officer," who is responsible for ensuring that all required documentation is completed properly and submitted, and the appropriate authorities have been notified.

Following use-of-force incidents, policy typically requires that prisoners receive medical attention, any identifiable injuries or wounds be photographed, and the images included with use-of-force documentation. In Ontario, provincial correctional facilities are required to take colour photographs of any prisoner injuries, as these have been valuable in use-of-force investigations (Ontario Ministry of Community Safety and Correctional Services, 2013). It is also required that photographs be taken 24 to 48 hours after the incident to ensure that any injuries that may have taken time to become visible are captured. Unfortunately, the Ontario Ombudsman found that photographing policies were rarely followed (Marin, 2013).

In jurisdictions that differentiate between planned and calculated and immediate and spontaneous force, there are different standards for video recording. Immediate and spontaneous incidents require that video recording of the event begin as soon as possible. The Oklahoma Department of Corrections (2018) adds a further requirement that during the video recording of spontaneous incidents, a supervisor must be seen reading the Spontaneous Incident/Use of Force

Checklist/Closure form. During planned interventions, an officer in charge must be recorded reading the Use of Force Special Instructions form. Finally, Oklahoma stipulates that if there are multiple prisoners involved in an incident, that multiple cameras be employed, so each prisoner is properly captured in the video recording (2018).

Policies vary considerably regarding the length of time that these videos must be stored. Of the policies reviewed, the Federal Bureau of Prisons (2014) identifies the shortest minimum time of two and a half years. The longest minimum time is stipulated in British Columbia's Adult Custody Policy (2005), which states that when video is available, a copy of the recording will be created when there is a critical incident review, investigation of staff misconduct, serious injuries or in situations when legal action is likely. This copy is kept on-site for the current year and an additional two years, then transported to off-site storage to be kept for another seven years.

I examined a sample of Integrated Corrections Operations Network (ICON) use-of-force incident reports. The quality of these reports was highly variable, with many having missing information, poorly written incident summaries, conflicting information or combinations of these. There was also variability between correctional centres as to what was reported and how it was described. I will elaborate on data quality issues later in this report.

The consideration of business intelligence needs should drive the creation of reporting forms, the timeframes for reporting, definitions for categories of force incidents and the variables to be documented. Data quality and reliability should be at the forefront of any reporting regime design.

Use-of-Force Oversight and Reviews

Review of use-of-force incidents is a critical component of an accountable correctional service that properly manages risk. Policies differ in how the review is to be conducted and documented. As an example, the Federal Bureau of Prisons (2014) has designated an After-Action Review Team that reviews all use-of-force and application-of-restraints incidents, whether calculated or immediate, to ensure that the use of force was proportionate and necessary. This team is comprised of the warden, the associate warden, a health services administrator and the captain. In addition to reviewing the relevant documents, they conduct a video review, which involves the thorough consideration of a minimum of 14 factors, including the actions of the prisoner, the correctional officer and the on-site supervisor. The review is to make a determination on whether the use-of-force team used "sound correctional judgement." The review team then prepares an After-Action Review Report stating their findings. If they feel there is cause for concern or that further investigation is warranted, the matter is referred to the Office of Inspector General, Office of Internal Affairs or the Federal Bureau of Investigation.

While the specifics of each review process are unique, most organizations follow a similar pattern. There is an initial review completed internally to determine if use of force was appropriate. If there is an issue identified in the initial review, the incident is referred up the chain of command for additional investigation. At this stage, if it is deemed that inappropriate or excessive force occurred, it is referred to an independent reviewer or legal unit, or both. Even when policies are very clear, it has been identified in the province of Ontario (Marin, 2013), and by the federal Correctional Investigator (Office of the Correctional Investigator, 2011), that the specified process is not always followed.

There are interesting approaches to post-use-of-force incidents detailed in some police agency policies. For instance, the Calgary Police Service not only conducts a review of use-of-force to ensure that officers followed protocol but they also conduct Subject Behaviour Officer Response debriefs to "capture information in order to identify gaps or deficiencies in training as well as acknowledge positive skill application" (Wittmann, 2018, p. 178). These debriefs are to be written but may also involve a secondary debrief conversation. What is important about this process is that each use-of-force incident allows the Calgary Police Service to reflect on their training and where they can improve as an organization when an officer uses excessive force. The other important aspect of this process is that it not only reviews incidents to determine if discipline is warranted but also focuses specifically on positive skill application. Provincial correctional officers in British Columbia have identified a lack of recognition for their positive front-line work and felt that their only interaction with management was punitive. Officers felt that this lack of recognition was problematic and led to loss of motivation (Throness, 2014). Incorporating debriefs (written or verbal) into a use-of-force review policy in provincial corrections will allow managers to provide formalized positive feedback to staff who are appropriately using force, which may motivate their officers and induce policy adherence.

The Police Executive Research Forum (2016) recommends that police services adopt a policy that use-of-force incidents are not only reviewed to ensure the force was appropriate in a specific situation but also that they "review data and enforcement practices to ensure that they are *fair and non-discriminatory*" (p. 48). This policy innovation allows the organization to step back and monitor the overall application of force to determine if specific populations are more likely to have force used against them and if force use results from bias or discrimination. Though a correctional environment differs greatly from policing in the community, there may be an opportunity to incorporate similar practices in corrections. In addition to determining if there are specific populations that are experiencing greater applications of force, it also provides an opportunity for prisoners to be engaged in providing feedback on policies that concern them.

The Investigations and Standards Office is an independent body of the BC Ministry of Attorney General. Its responsibilities include investigating complaints made by prisoners at provincial correctional centres and by probationers supervised in the community. ISO is also responsible for:

- reviewing inmate disciplinary appeals
- inspecting facilities and processes used by court services
- participating in critical incident reviews conducted by corrections branch or as determined by the director
- making recommendations based on findings (British Columbia Ministry of Attorney General, n.d.)

The ISO does not review use-of-force incidents on a routine basis. As of December 2, only four incidents had been reviewed during 2019. *Damage/Control* commented on the ISO and called for increased involvement in use-of-force reviews and accountability.

During my work, I was made aware of plans to increase the capacity of the Adult Corrections Branch to strengthen use-of-force accountability. While internal review is important, external eyes on a risk area of operations are necessary. *Damage/Control* specifically recommended:

> 28. In collaboration with the Investigation and Standards Office, approach the BC Government for funding to allow the Investigation and Standards Office to review every

use of force in a BC Corrections facility. In the interim, have the Investigation and Standards Office periodically review a random sampling of use of force incidents.

29. Incorporate a more in-depth review of use of force incidents into the checklist for inspections of BC correctional centres (West Coast Prison Justice Society/Prisoners' Legal Services, 2019).

Debriefing

Debriefing use-of-force incidents should be a normalized step. I did not find mention of formal debriefing in BC's new recruit training materials. There was, however, a discussion of debriefing in a presentation entitled *Force Options for Supervisors and Managers* (British Columbia Corrections and Community Justice Division, Justicie Insitutute of British Columbia):

> Whichever way you choose to intercede it is critical to follow up with the officer or officers later on. You may consider allowing the officer some time to decompress before talking to them. The officer may have just been involved in a stressful situation and there is still a surge of adrenalin flowing through their system. If you choose to speak to them right after the incident and don't allow them some time to decompress, they may get defensive and view your "talk" as punitive and not helpful. Therefore, it's not as important when you talk to the officer, but rather how you speak to them. That being said don't leave it for too long after. If the conversation is left for too long, then you run the risk of having the officer forget about the details and the impact of what you want to say may be lessened.
>
> The objective of your conversation with the officer is to provide more perspective on use of force applications and their responsibilities. If done correctly the officer should view the discussion as a learning opportunity. They should leave with a little more insight in the expectations around the use of force applications.
>
> At the conclusion advise the officer that your conversation will be reported and forwarded to their appraising officer and the Deputy Warden of Operations (slide 37).

Post-use-of-force debriefs are an important aspect of accountability. Because use-of-force reporting typically only requires a description of the subject's behaviours that led to use-of-force intervention, the events leading up to the incident are often lost. Debrief conversations allow for a conversation about the bigger picture. Was there an ongoing conflict? Had the prisoner been behaving differently? Were there warning signs before the incident? The debrief creates a learning opportunity for the correctional officer, the potential for recognition (when an incident was resolved correctly) and for the correctional institution to have a more wholistic understanding of use-of-force incidents.

Critical Incident Stress Management

Critical incident stress has been described as "An acute emotional, cognitive, and physical reaction that results from an exposure to a powerful, horrible, awful, terrifying, threatening or grotesque stimulus or to an overwhelming demand or circumstance" (Langer). Critical incident stress can produce heightened cognitive, physical, emotional and behavioural arousal. Unresolved stress may develop into a psychological condition, such as post-traumatic-stress-disorder, that can interfere with daily living.

Managing critical incident stress calls for a proactive approach and immediate intervention. Successful strategies provide quick, temporary, active, and supportive involvement to hasten a return to routine and decrease the negative elements of distress.

Responding to critical incident stress is a core employer responsibility and an important part of correctional operations. The Correctional Service of Canada defines their Critical Incident Stress Management (CISM) program as:

> …a program designed primarily for employees of the Service as they are likely to be involved in critical incidents because of the nature of their work. The first element is preventive, aimed at educating and preparing employees to deal with potential hazards of being exposed to very stressful events, and second, it focuses on providing support, assistance and follow-up services to individuals who have been involved in critical incidents. Some support, assistance and follow-up services may also be available for people who could be affected by the events, including employees, their families, visitors, etc., based on an evaluation of the situation, observed needs and/or requests brought forward.
>
> A critical incident is a traumatic event, outside the usual range of human experience, which could happen in an institution or in the community, which can cause a strong emotional reaction with the potential to affect one's ability to cope with the after-effects. CISM services shall be available in such circumstances as:
>
> - death of a colleague in the line of duty;
> - hostage taking;
> - death or injury of any person during use of force in the conduct of duties;
> - witnessing of another person being mutilated or dying;
> - being the victim of physical violence;
> - receipt by an employee of any serious threat to his or her physical well-being or that of his or her family, arising from the employee's employment with CSC;
> - having to work in an area where a critical incident is occurring, even though not directly exposed to this situation;
> - suicide of a colleague;
> - suicide of an offender;
> - any incident where there is intensive or negative media coverage; and
> - any other incident deemed critical by management in joint consultation with the Regional EAP Coordinator and a CISM mental health professional" (Correctional Service Canada, 2007).

Listening to Those in Custody

Prisoner committees, unit or tier reps, and prisoner input into local policy or procedure are mechanisms that allow corrections officials to learn from those in their charge, reduce tensions in the prison environment and identify and address concerns. Some correctional services allow for prisoner input in critical incident reviews (e.g., the Correctional Service of Canada (2010) as part of the mandate of Boards of Investigation) or provide specific policy direction on how to respond to prisoner concerns about inappropriate force (e.g., the Los Angeles County Sheriff's Department (2018) Use of Force Policy on Inmate Retaliation Reporting). As a feature of well-established investigative procedure, the West Coast Prison Justice Society has called for new initiatives to listen to prisoner's voices post use-of- force. *Damage/Control* recommended that all prisoners involved in a

force incident be interviewed, be offered an opportunity to make written submissions, be allowed to view use-of-force videos and receive use-of-force written reviews once completed.

Staff Discipline

Correctional officers are expected to adhere to a code of professional conduct. While there is no national or international uniform set of standards governing the work of correctional officers, the general purpose of codes of conduct is to offer direction on the legal, fair and professional discharge of duties and responsibilities. Codes, policies, directives, regulations and standing orders all interact and should be mutually reinforcing. Codes articulate values, such as truthfulness, vigilance, respect for human rights and sense of propriety.

Correctional officers who are found to be in violation of the code of conduct are subject to discipline. Behaviours such as receiving gifts from prisoners, being a party to the introduction of contraband into an institution, theft of institution property, neglect of duty and inappropriate use of force are examples of conduct subject to discipline. Discipline can result in coaching, reprimand, letters of expectation, suspension or dismissal.

In British Columbia, all public service employees are subject to standards of conduct detailed in human resources policy. Employees are expected to demonstrate the highest standards of conduct. Compliance with this policy is a condition of continued employment.

During this review, some managers raised concerns about the disciplinary process. Most concerns focused on the difficulty of imposing sanctions. Staff subject to discipline also raised concerns. Front-line members of staff complained that discipline was at times arbitrary or imposed as a means of shifting blame from management. A common concern mentioned was the length of time it takes to conclude the disciplinary process.

Between 2011 and 2018, there were 1,449 reported force incidents in BC correctional centres that involved the use of a restraint device or weapon. During that period, 47 employees were subject to a labour-relations investigation of their involvement in a force incident. When this data was retrieved (April 5, 2019) one employee had resigned before a disciplinary decision, and 11 investigations were still underway. Of the concluded matters, six resulted in dismissal, 13 in suspension of varying length, four in letters of expectation, 10 in letters of reprimand and one in participation in a coaching conversation. The outcome of one case was not reported.

While discipline for misconduct is important, negative events often happen for a multitude of intertwined reasons. Assigning blame or cause to a single individual or action often misses the larger point, which is the context in which the negative event occurred. For this reason, negative events must also be learning opportunities, much as a coroner is trained to determine both the cause and manner of death. Focusing only on the cause (e.g., gunshot) limits the ability to understand context and make recommendations aimed at preventing similar situations from occurring in the future. Adopting the model of an HRO (previously discussed) will not limit appropriate discipline or undermine accountability but will help focus attention on avoiding or solving problems and not on punishment.

Focus on Training

Training Staff

The International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Program, in cooperation with the International Corrections and Prisons Association, developed the *Basic Manual for Correctional Workers* (Hill, 2006) to be used as a baseline for countries around the word to develop their own training programs. They dedicate a section of the document to the art of teaching, emphasizing that finding the right individual to conduct training is critical to training success.

> When establishing a training program, probably more difficult than determining what to teach is the problem of our instructors learning how to teach. Many of our experienced personnel can do the various tasks in perfect harmony with the goal to be accomplished. Because of this, they are often chosen to teach the craft of corrections to basic trainees and even to experienced peers who wish to upgrade their skills. Unfortunately, experience, proficiency and even personal performance skills have little to do with the ability to teach others. Individuals learn at different paces; each class of students develops its own identity and personality. How does a teacher know when a student has acquired the necessary knowledge? How, in a classroom filled with people, does an instructor get the quiet and shy to participate without stifling those eager to participate? What question should an instructor ask and at what time during the lesson and to which student? What should be written on the blackboard? When should that become a group discussion? When should it be a discussion only between students? (Hill, 2006, p. 527)

Most correctional environments are staffed based on seniority. Long serving members of the staff are often given the opportunity to pursue alternate duties, such as training recruits. In the best-case scenarios, these individuals also happen to demonstrate superior skills and have an excellent track record. However, as identified by Hill (2006), this does not necessarily translate into becoming an excellent instructor. *Damage/Control* also raised the issue of having the right people involved in training as well as in first response. Specific skills (such as conflict resolution) and characteristics (such as empathy) were highlighted.

Issues related to training staff were also identified by the National Use of Force Committee when it proposed the National Force Options Training Standards Recommendations (Heads of Corrections Subcommittee, 2013). This committee identified that increased attention and scrutiny of the training received by correctional officers is required. With that in mind, they have recommended creating a national, minimum standard for training staff. This minimum standard would include the identification of various training roles:

> **Trainer:** A trainer is someone who provides instruction on a specific skill(s) or set of behaviours. The trainer is someone who facilitates and supports learning of staff according to established curriculum and learning objectives. Generally, trainers are field staff members with expertise in the subject area and who have been selected/assigned the role for varying lengths of time and commitment or on an "as-required" basis.
>
> **Instructor**: An instructor is someone who has the full range of instructional responsibilities, not only teaching but also includes student performance evaluation and can include course development. Being an Instructor involves understanding the purpose and concepts behind the training and how courses fit into the overall training model.

> Instructors can provide instruction and/or facilitate learning to a broader range of people including end users and trainers.
>
> **Facilitator**: A facilitator is someone who has been assigned to lead a group to meet a set of objectives. In the context of general training, the facilitator could be someone with or without extensive content expertise but with knowledge and experience running groups (e.g., a group of staff) in supporting intended learning or performance outcomes.
>
> **Master Trainers:** A Master Trainer is someone with facilitation and train-the-trainer experience in a specific subject matter. Master Trainers are recognized to have the experience and knowledge in a particular subject area beyond that of an instructor or trainer and are viewed as someone with adequate expertise to qualify someone else to teach in the subject area. Master Trainers can receive their designation through the organization or by an independent body such as a qualified vendor or qualified contractor or other authoritative body. Master Trainer's facilitate train-the-trainer's courses. (pp. 6-7).

The committee then identified selection criteria for trainers and master trainers. Trainers should possess professionalism, subject-matter knowledge, communication skills and organizational skills. Master trainers should be selected based on position within the organization, experience in training and curriculum development (Heads of Corrections Subcommittee, 2013, p. 22).

The BC Corrections, Adult Custody Division has one course in its Correctional Officer and Learning Development programs (British Columbia Corrections, Adult Custody Division, 2013) called Facilitation & Presentation, which may relate to enhancing training capabilities (see Appendix A). While all recruit training is delivered in partnership with the Justice Institute of British Columbia (2019) (and thus, would have qualified instructors teaching courses), there is no indication if continuing development and refresher training that is delivered in-house uses appropriately skilled trainers or instructors.

Mentorship

British Columbia provides a brief overview of the training program for individuals accepted for correctional officer careers on the Adult Custody Division website. Included on this page is a description of their mentoring program:

> In addition to training, you will take part in the Adult Custody Division's mentoring program. This program is designed to support new employees through a mentor/mentee partnership, which will enhance your knowledge and confidence and promote a team atmosphere where all staff can grow and develop. The program helps new employees adapt to the work environment, reduce stress, improve morale, promote a positive work environment, provide resources and create a positive network of support for all staff.
>
> The mentoring program fosters staff development through the sharing of expertise, values, skills and abilities. You will build on your skills and knowledge while attaining career development goals. The mentoring relationship is voluntary and places equal responsibility on you and your mentor to collaborate on your development. You are jointly accountable for what is to be learned and how the transfer of learning will take place (Government of British Columbia).

The opportunity to have a designated senior staff to turn to for continued guidance is an established good practice. It removes the formality that exists within trainer and student relationships, so new corrections officers may feel more comfortable asking for advice and

feedback. Mentorship also serves the correctional organization as the mentor can provide feedback on the progress of new employees, and involvement as mentors contributes to professional development.

A potential issue that could plague a mentorship program is if mentors do not understand their role or have themselves developed poor correctional habits. This concern is at least partially addressed through the *Mentoring* course available in the Correctional Officer Learning and Development program (Appendix A), but there is no indication of follow-up training, support or evaluation of mentors.

Online Training

Online training (or e-learning) has become an important tool in many professions as it can be a cost-efficient way to train employees widely dispersed throughout a province. In conjunction with the Justice Institute of British Columbia, the Adult Custody Division uses e-learning. The *Force Options for Supervisors and Managers* (British Columbia Corrections and Community Justice Division, Justicie Insitutute of British Columbia) module was examined for this review. Upon completion of this module, participants are congratulated on completing "self-directed training" (slide 42).

Self-directed training is a form of asynchronous learning. Asynchronous learning occurs when students structure their own learning on their own time and have little to no interaction with the trainer. While there are benefits to such formats (e.g., they are more accessible for individuals working full-time or living in remote areas), they provide limited opportunities for feedback and interaction with other learners.

Synchronous learning environments are more structured as they require students to be online with the instructor or their peers at certain times. These meetings can occur through video or voice conferences or webchat (available on most online learning management systems). Synchronous learning allows learners to consolidate their learning by receiving real-time feedback and engaging with the course content in different ways. Including synchronous aspects to the BC Corrections, Adult Custody Division online training would create more robust and meaningful training.

While online training is a great addition to training programs, it should not be used as a replacement for more traditional forms of training. For instance, Halifax Fire Services have incorporated online training into their learning activities by using a commercially available online learning management system. They use the platform extensively, but they view the online component of training as "pre-training" to supplement face-to-face learning. In this way, trainees can review the material (and be evaluated on theoretical aspects) before moving to more hands-on learning (Halifax Regional Municipality, 2018).

Training Scenarios

Scenario training is used by the BC Corrections, Adult Custody Division. The *Force Options* training requires that individuals demonstrate their practical knowledge. In addition, the *Interpersonal Communication* training indicates that trainees will have to "demonstrate effective conflict resolution skills in role-playing simulations" (Justice Insitute of British Columbia, 2004a, p. 37) and "demonstrate effective crisis intervention skills in role-play" (p. 53).

Some jurisdictions appear to better link training scenarios to actual operations. Her Majesty's Prison Service notes that "Training simulations should also reflect operational circumstances" (2015, p. 13). Interestingly, they also include a section specifically about scenario-based training in their use-of-force training syllabus:

> **Section 6. Scenario Based Training**
>
> Training should focus on raising safety awareness and reducing risk. This is largely knowledge-based, and Officers need to develop the skills to deal with potentially violent incidents.
>
> If Officers are to develop confidence in managing violence the training needs to be dynamic, realistic and cover key scenarios identified.
>
> To enhance learning scenario-based training will be broken into three basic stages:
>
> **Static, Fluid and Dynamic.**
> **STATIC** All techniques will be demonstrated by the Instructor emphasising:
>
> - Target
> - Medical Implications
> - Proportionality
>
> These techniques will be practiced by the officers in isolation and will be progressive leading to a strike being delivered at full power.
>
> **FLUID** In this stage, the Officer now practices the techniques as a response to a specific attack by their training partner (no more than 20% - 30% of full speed or power)
>
> **DYNAMIC**
> Dynamic training is the final stage of training and should only be practiced when proper Personal Protective Equipment i.e., Fist / Hitman Suit and supervision is present. Dynamic training is essentially full speed / power role-playing that tests the officers' ability to respond to a specific incident. (HM Prison Service, 2015, p. 50).

The Correctional Service of Canada (CSC) is also more intentional in using role-playing, though they refer to this training technique as "integration exercises." The trainer's manual for *Continuous Personal Safety Training—Self Defense, Arrest & Control and Baton* (Correctional Service Canada, 2017) contains specific integration exercise scenarios and instructions for debrief following the exercises.

Certification

This section relies on information taken from the National Corrections Use of Force Committee that examined use-of-force training and weapons recertification in each province and territory (except for Nunavut), as well as the CSC. The committee produced a final report entitled *Review & Recommendations of Use of Force Training* (2009).

Each jurisdiction was asked to identify the items on their scale of issue, which devices required certification for end-user use, which require user recertification, and for how long certification was valid. Below are the results from British Columbia.

The certification of weapons and use-of-force techniques in BC appears to be less stringent than in other jurisdictions. For instance, BC and Newfoundland and Labrador are the only provinces that do not require baton recertification. BC and the Northwest Territories are the only jurisdictions that do not require s.15 recertification.

The training, certification and recertification outlined in this report (National Corrections Use of Force Committee, 2009) refer to "end users." According to the *National Use of Force Committee's National Force Option Training Standards Recommendations* report (2013), an end user is "an individual or group who uses acquired knowledge and skills a part of their duties after receiving training in a particular product or system. End users are also often referred to as operators" (p. 6). This implies that recertification is only required for correctional officers who will be responding to conflict situations (such as an Emergency Response Team [ERT] member). While supervisors and managers may attend these incidents, they are not required to recertify if they are not end users. Supervisors and managers would benefit from recertification as they are responsible approving force option escalation and for initial determinations about appropriate use-of-force during incidents.

Table 1: Certification and recertification of use-of-force training

s.15

Use-of-Force Training in Connection to Legislation, Human Rights and International Standards

BC Corrections training does highlight relevant legislation about use of force (e.g., *Canadian Criminal Code*, *BC Corrections Act*, *Correction Act Regulation*). It is much less focused on a rights-based understanding (there is one mention of the Canadian Charter of Rights and Freedoms in the PowerPoint presentation entitled *Introduction*, (British Columbia Ministry of Justice, slide 8). According to the UN's *Basic Training Manual for Correctional Workers* (Hill, 2006) there must be a dedicated module about international standards in corrections training programs.

International Standards and Norms Impacting on Prison Work and Inmates

This module provides an in-depth introduction of the United Nations and other appropriate Standards and Norms defining the minimum standards of treatment required for detained and sentenced individuals. It covers inmate rights and staff responsibilities. Minimum time that should be allocated to this subject is 4 hours (p. 6)

The UN manual also provides a sample lesson plan for jurisdictions to modify for use in their own country. For example, Lesson 4, (International and Human Rights Standards Impacting on Corrections), contains the following learning objectives:

> At the completion of this course, the participants will be able to write, without benefit of notes (unless otherwise specified), the following:
>
> 1. A list of three (3) major UN or international standards impacting on prisons and prisoners.
> 2. A list of ten (10) basic rights for all prisoners.
> 3. A description of the basic philosophy in dealing with detainee and a description of the basic philosophy in dealing with convicted persons.
> 4. A listing of the two (2) steps in handling situations in which a person observes the violation of a prisoners human rights (Hill, 2006, p. 80).

In addition to this lesson plan, there is a section dedicated to United Nations and International Standards (section VIII).

Correctional Officer Mental Health

Correctional leadership and management are responsible for the identification and mitigation of unsafe work practices and environments. Failure to fully address this responsibility undermines effective correctional practice and contributes to increased risks, costs and challenging labour relations. Improved correctional outcomes and a more harmonious labour climate are more likely when staff are well supported and working in safe, well-maintained facilities and engaging with prisoners and colleagues in a respectful and appropriate manner.

Correctional environments are known to be stressful. A 2011 survey of correctional officers in British Columbia documented how prevalent stressful workplace incidents can be. During a one-year period, among the over 200 correctional officers surveyed:

- 90% had been exposed to blood and more than 75% to feces, spit or urine;
- 90% had responded to requests for staff assistance and to medical emergencies;
- 65% had received a credible threat of harm from an inmate;
- Almost 40% had been hit by feces, urine, vomit or spit;
- Just over 25% had been physically assaulted by an inmate; and
- More than 80% had responded to a serious injury of an inmate, while almost 20% had witnessed the death of an inmate (Boyd, 2011).

Recognizing and managing this stress is of critical importance to the safe operation of a prison or jail. The Canadian Institute for Public Safety Research and Treatment (CIPSRT) has been established to "Improve the lifetime wellness of Canadian public safety personnel, their leadership, and their families through collaborative research, knowledge exchange, and strategic

partnerships" (Canadian Institute for Public Safety Research and Treatment, n.d.). The full CIPSRT mission statement reads:

> To provide a Canadian Knowledge Exchange Hub for strategic public safety wellness research and analysis by working with public safety leaders and academics from across Canada to translate and mobilize research knowledge that meets the current and future needs of Canadian public safety personnel (PSP), their leadership, and their families (Canadian Institute for Public Safety Research and Treatment).

A CIPSRT research summary reports that public safety workers may be more likely to develop mental health issues as a result of frequent exposure to extreme stressors such as death, injuries and the suffering of others (Carleton, 2018).

CIPSRT research helps us better understand the need for enhanced trauma-informed training and programming. It also underlines the importance of a full array of staff well-being initiatives that respond to workplace stressors. CIPSRT offers online tools (Canadian Institute for Public Safety Research and Treatment, n.d.), including the Anonymous Self-Assessment Mental Health Screening Tool that can alert staff to warning signs of concerning levels of anxiety, depression, disrupted social functioning, risky alcohol use and other mental health issues.

Negative staff experiences have a direct impact on how those imprisoned will experience their custody. In turn, unfair or abusive treatment can contribute to assaultive and violent behaviour. When examining Ontario corrections, I concluded "How an institution 'feels' is largely shaped by the daily interactions that occur within it, and staff-inmate relationships often serve as the main source of human interaction for the incarcerated" (Sapers, 2017).

While there is an increasing recognition of the occupational stressors present in corrections including exposure to trauma and adverse experiences, most jurisdictions have been slow to incorporate this knowledge into recruiting, training, managing and promoting corrections staff. While there is a better understanding of how lifetime trauma may contribute to crime and conflict, this increased awareness has not resulted in enough effort to deploy trauma-informed practices and programs for staff and those in custody.

Research has found that a significant determinant of stress for prisoners is how safe they feel (Liebling, 2004; 2009). Prisoner perceptions of safety are linked to how approachable and respectful staff are in their interactions (Larocque, 2014). Respecting dignity, humanity, fairness and positive prisoner–staff interactions all improve the "survivability" of a correctional facility (Liebling, 2004). Liebling's research concluded that "respect is correlated with fairness, which in turn is correlated with order and well-being" (Liebling, 2004).

There are training and intervention initiatives available to help prepare and support public safety workers respond to stress and trauma. For example, the Mental Health Commission of Canada provides Mental Health First Aid (MHFA) training:

> MHFA is like regular first aid but rather than treating a physical injury, you treat a person who may be experiencing a mental health problem or in a mental health crisis. When you can recognize the signs of mental problems or mental crisis, you can administer mental health first aid until appropriate professional help is received or until the crisis is resolved (Mental Health First Aid, n.d.).

In November 2018, a mental health clinic for first responders was announced in Ottawa (Laucius, 2018). This Canadian Safety and Security Program-funded pilot project is not specifically designed to address corrections, but its work may help inform new approaches to support correctional staff as new clinical resources are developed.

Road to Mental Readiness (R2MR) was originally developed by the Department of National Defence to promote resiliency in employees, reduce stigma for seeking mental health treatment and improve mental health throughout one's entire career (see Appendix B). R2MR has been modified for police forces (Mental Health Commission of Canada, 2014) and has, more recently, been adapted for use in corrections. CSC developed a Steering Committee for Workplace Mental Health Injuries that recommended immediate adoption of the R2MR model (Correctional Service Canada, 2016).

BC Corrections' training would benefit from the inclusion of content focused on correctional officer mental health. In addition to this specific training, general use-of-force options training should include more information about the effects of stress on performance (e.g., physiological responses in high-stress situations). One police force that includes the impact of stress on force situations is the Royal Newfoundland Constabulary (RNC), which has devoted a section to "Survival Stress" in its *Use of Force Training Manual* (Royal Newfoundland Constabulary).

Correctional officer well-being is not solely a matter of training or the provision of support services. It is a function of enterprise-wide integrated activities that together create a climate of trust, respect, safety, fairness and inclusion. Environments that support resiliency as a routine aspect of work promote well-being.

Incorporating Trauma Knowledge into Training and Practice

One particularly interesting approach to incorporating trauma knowledge into training and practice is the Alberta Family Wellness Initiative's (AFWI's) *Brain Story Certification Course* (Alberta Family Wellness Initiative, n.d.).

The Palix Foundation (n.d.) in Alberta was formed to promote the AFWI. The goal of the AFWI is to harnesses knowledge about human development and apply it to training and program design in human and social services. The initiative works to broaden our understanding about how trauma, particularly early childhood adverse events, can shape lifelong behaviour. This approach to moving from trauma awareness to trauma-informed practice can be easily applied to corrections. The initiative explained in their own words (Palix Foundation, n.d.) (adapted):

The Alberta Family Wellness Initiative (AFWI) mobilizes knowledge about early brain development and its connection to lifelong physical and mental health, including addiction. We bring together stakeholders from many callings to collaborate on health solutions that will directly impact families and individuals.

Bridging the Gap Between "What We Know" and "What We Do"

The Alberta Family Wellness Initiative (AFWI) was created to bridge the gap between what we know scientifically about early brain development and what we do in policy and practice. Bridging this gap requires an understanding of how change occurs in the world, specifically how to foster cross-boundary, system-level, integrated change in policy, service provision, and on-the-ground practice.

The AFWI's theory of change is a causal hypothesis about how change happens, which links specific actions to desired outcomes. The AFWI catalyzes change by making scientific knowledge about early child and brain development—called the Brain Story—accessible to a wide range of policy-makers, practitioners, and the public. It also engages multi-disciplinary change agents working in numerous sectors and communities to apply Brain Story knowledge to their activities, strategies, and organizing principles.

The Brain Story is a story about how experiences shape our brains. As such, it is also a story about human relationships because we depend on those around us for the experiences that build our brain architecture.

As a community, when we identify how and when to support children and families in the course of development, we can change how the story unfolds so that all of us, regardless of background and life circumstances, have the chance to lead happier, healthier lives, build stronger communities, and reduce risk for mental health problems, including addiction.

Having a clearly defined theory of change helps the AFWI to pursue its goals effectively; it also establishes a framework for evaluating the success of its projects and initiatives.

Brain Story Certification

A free, in-depth course for anyone who wants to learn more about the science of brain development.

- Videos of more than 30 leading experts in neurobiology and mental health
- Certification in Brain Story science
- 19 modules self-paced that address the following key themes: Brain Architecture, Serve & Return, Types of Stress Response, Air Traffic Control, Resilience, and Adverse Childhood Experiences

(Alberta Family Wellness Initiative, n.d.).

British Columbia Trauma Informed Practice in Youth Custody

British Columbia has experience in translating trauma knowledge into practice. The *Youth Custody Services Trauma Informed Behaviour Support Model* (TIBS) developed and implemented by the Youth Justice Branch Ministry of Children and Family Development is based on the following six research-based principles:

1. **Positive Connections:** The model offers a basis for forming positive relationships by promoting respect and trust.
2. **Strengths Based:** The model focuses on factors that build resiliency in youth and works to identify the young person's strengths and needs. The model looks to the future and utilizes skill-building to assist youth in meeting needs.
3. **Self-Motivation:** The model assists to motivate youth to avoid negative behaviours by using language and techniques that encourage them to exhibit positive, pro social behaviours and skills.
4. **Emotional and Physical Safety:** The model is based on staff demonstrating knowledge about trauma, the impact of trauma on emotional and behavioural functioning and coping skills, and in implementing a variety of therapeutic approaches to support youth.
5. **Cultural Competence & Gender Responsivity**: The model is based on cultural respect and understanding as a critical part of the organizational culture, which includes acknowledging and appreciating differences in an un-biased and nonjudgmental manner.
6. **Holistic Environment:** The model recognizes the connections between youth, families and communities and the importance of collaborative relationships and partnerships for learning and healing. The TIBS Model is intended to support the translation of trauma-informed principles into practice. Included in the model are concrete processes and strategies to guide the professional work of service providers assisting youth (Ministry of Children and Family Development, 2018).

The TIBS initiative incorporates many elements of practice that are adaptable to adult corrections. Positive behaviour is encouraged, success is celebrated, the importance of establishing trust-based relationships is stressed, and staff provide positive role modelling throughout. TIBS emphasizes de-escalation. The TIBS handbook, provided to all staff, explains the importance of de-escalation in trauma informed practice:

> When responding to challenging behaviours, consistency and predictability are critical. Given that most youth in custody have a low tolerance for frustration and challenges with being flexible, a consistent and predictable response to challenging behaviours will ensure that expectations and accountabilities for not meeting expectations will be fair and expected, which will decrease stress and anxiety based responses from youth. However, it is important that consistency and predictability does not lead to rigidity.
>
> Training, professional development and skill building opportunities are a cornerstone of Youth Custody Services' training program. A comprehensive training agenda includes prevention, de-escalation, and management of crises as well as positive youth development, trauma sensitive interventions, and individual and group behaviour support strategies.

The Therapeutic Crisis Prevention Model provides a framework for implementing a crisis prevention and management system that reduces the need to rely on high-risk interventions. All adults learn and practice de-escalation strategies which can help a youth who is agitated or demonstrates low levels of aggressive but not assaultive behaviours. De-escalation strategies such as crisis communication, emotional first aid and crisis co-regulation provide the necessary support a youth needs when experiencing distress or when a youth uses violence to meet needs – goals (Ministry of Children and Family Development, 2018).

Medical Considerations Relating to Use of Force

A significant element in Her Majesty's Prison Service Use of Force training is the attention that is paid to medical considerations relating to use of force. HM Prison Service dedicates a section of their *Use of Force Training Manual* (United Kingdom Ministry of Justice, 2006) to discussing the medical implications that applying force can have in correctional environments.

This section of their use-of-force training explains the underlying medical conditions that can significantly exasperate force and restraint procedures, including positional asphyxia, excited delirium, psychosis and sickle cell disease. A brief overview, warning signs and symptoms, and when force should be halted is provided for each medical condition.

Correctional Service Canada (CSC) also includes medical considerations in training, though to a lesser extent than the HM Prison Service. With the *Personal Safety Training—Self Defense, Arrest & Control and Baton* trainer guide (Correctional Service Canada, 2017), trainers are reminded to prepare their students to be mindful of a variety of factors including:

- Participants will use arrest & control skills based on evolving situational factors and inmate behaviours, while considering their own strengths and weaknesses.
- Participants will continue to assess and reassess evolving situational factors and inmate behaviours.
- Participants will consider the following when managing an incident:
    - Inmate's Mental State
    - Altered Level of Consciousness
    - Inmate's Body Position during the arrest & control
    - Inmate's flexibility; utilizing more than one of the same restraint equipment or oversized handcuffs to control the inmate.
- The use of Flex Cuffs based on inmate's wrist size and injuries (p. 13).

CSC also identifies the potential danger of "Sudden In-Custody Death Syndrome," which can occur during a force incident or when restraints are applied to a prisoner. The training provides some examples of risks, such as: "Potential risks to overweight inmates who are handcuffed and left in the prone position", and, "Subjects level of consciousness" (Correctional Service Canada, 2017, p. 15).

The inclusion of medical considerations demonstrates that both HM Prison Service and the CSC reinforces the expectation that correctional officers are responsible for continuously evaluating the prisoner while applying force and restraints.

BC Corrections, Adult Custody Division upgraded their *Force Options* training in 2015 to include a section on Positional Asphyxia. This section includes a description, contributing factors, warning signs and recommendations to reduce the risk of asphyxia.

Legal and Policy Framework Scan

To better understand how British Columbia's use-of-force practices compare with practices in other jurisdictions, I have scanned all Canadian and selected American and international correctional services regarding their legal and policy frameworks.

Fundamental rights and obligations should normally be specified in statute, with additional detail in regulations. Among the 13 provincial–territorial jurisdictions, three (Ontario, Quebec and New Brunswick) have no details regarding appropriate use of force in their statutes or regulations. Three jurisdictions (Alberta, Prince Edward Island, and Newfoundland and Labrador) have provisions solely in their regulations. Seven have provisions in their statutes (British Columbia, Saskatchewan, Manitoba, Nova Scotia, Yukon, Northwest Territories and Nunavut). However, these provisions are extremely limited, except for Nunavut, where a new statue governing correctional services was passed on June 14, 2019.

On September 19, 2019, the Yukon Supreme Court ruled on a matter that engaged questions about whether Yukon had legal authority to separately confine an offender based solely on a section of an operational policy. The Court concluded that the way in which the policy was promulgated was insufficient, particularly when s7 of the *Charter of Rights and Freedoms* is considered (Sheepway v. Hendriks, 2019 YKSC 50 (CanLII)). This ruling reinforces expectations that fundamental justice issues must be appropriately addressed in the legislative, regulatory and policy scheme that governs correctional practice.

Yukon, the CSC and HM Prison Service offer good examples of defining allowable force in legislation or policy. Ontario, CSC and HM Prison Service have clear policy on what constitutes excessive force. Vermont policy makes it clear that physical force is only allowable once all non-physical force options have been exhausted.

CSC and Ontario each address retaliation and the reporting of misconduct. CSC makes specific reference to a tip line in its use-of-force policy, encouraging staff members to report wrongdoing. Ontario has specific whistle blower provisions in its legislation.

In January 2018, CSC issued a renewed policy directive (CD-567) addressing the management of incidents. The new policy significantly enhances the requirements for staff to assess and re-assess situational factors when planning, executing and reporting on uses of force.

HM Prison Service Order Number 1600 provides use-of-force policy direction. Annex C of this order spells out comprehensive conflict resolution expectations and modalities. The policy specifically mentions authorization of only the least restrictive measures required to respond to the situation. There are also clearly stated requirements for a complete video record of all non-spontaneous incidents. HM Prison Service policy also details incident reporting requirements and includes debriefing as a core component of post-incident requirements. HM Prison Service—as well as Ontario, Vermont, and the U.S. Bureau of Prisons—emphasize de-escalation in policy.

The Oklahoma Department of Corrections Use-of-Force policy includes detailed documentation and reporting guidelines. It also spells out specific training requirements before staff are authorized to use chemical weapons. The U.S. Federal Bureau of Prisons policies include detailed after-action requirements and activities. CSC specifically includes the display of a weapon as a use of force.

As with HM Prison Service, all U.S. jurisdictions surveyed have significant video recording requirements. Several jurisdictions have issued detailed direction regarding the use of photography in post-incident reviews. Ontario's policy addresses the type of image, storage and retention of images and the photographing of staff.

The role of health professionals in force incidents and their aftermath is addressed in detailed policy by Ontario, CSC, HM Prison Service and the U.S. Bureau of Prisons.

Unlike British Columbia, almost all comparator jurisdictions have policy restrictions in place about the use of force or application of restraints on pregnant prisoners. Several jurisdictions, including Ontario and Yukon, have additional gender-specific policy that is absent in BC.

Please see Appendix C for additional detail on comparator jurisdiction policies.

Some Essential Elements for a Use-of-Force Legal and Policy Framework

The BC *Correction Act* (Correction Act, SBC 2004, c. 46) is typical of the other provinces and territories in that it speaks primarily to the purpose of the using force, including the application of restraining devices.

Ideally a comprehensive legislative and policy framework would address:

Purpose—There may be several purposes, and each requires consideration. For example, is prevention of any property damage a justifiable purpose for use of force?

Definition of use of force—For example, is a deliberate display of a baton a use of force? What if the baton is waived in a menacing fashion? Or is it only a use of force if the baton connects with the prisoner?

Limits on the use of force—For example, is there a statement that force should be used with restraint and only when other less violent alternatives have been used? That it should not be used if the prisoner is in a contained area or not presenting an immediate risk?

Training—For example, is training on the use of force mandatory? Is re-training? Weapons certification?

Gender—For example, are there any differences where the prisoner is a man or woman? Or when a female prisoner is pregnant or in childbirth?

Reportable uses of force—For example, what types of uses of force should be mandatorily reported to senior management? When and in what form?

Quality of Reports—For example, what data are necessary to inform business intelligence and enhance accountability?

Complaints—For example, is there a specified and effective way for a prisoner to complain or grieve a use of force?

Health care—For example, when are health-care professionals engaged? In what capacity?

Investigations—For example, when is it mandatory to investigate a use-of-force? When is it discretionary?

Consequences—For example, what are the consequences for a staff member who is found to have used force contrary to the law or policy?

Compensation—For example, what remedy or compensation, if any, is available to a prisoner where the use-of-force has been unlawful?

Additional details about how the surveyed jurisdictions address essential use-of-force considerations can be found in Appendix D.

BC Corrections Adult Custody Overview

I met with senior leaders, correctional centre management, correctional and security officers, bargaining unit officials and released prisoners. The purpose of my discussions was to gain insight into top-of-mind issues about the use of force and to get a sense of what staff expected from this review. The following are notable observations and comments shared during these discussions. This input shaped my understanding of the climate and culture of adult corrections in British Columbia and assisted in the development of recommendations.

What Senior Leaders Told Me

- Use of force is a high-risk area of operations
- Need to set-up staff for success
- Good labour relations is a major priority
- We have to take care of our people
- Protect inmates
- Poor documentation is a big vulnerability
- We need good documentation—Can't rely on cameras—blind spots, no audio
- The current documentation leaves gaps in understanding—gaps in business intelligence
- Leadership and staff at the centres need to better understand why we ask them to report the way we do
- Not many incidents reviewed by ISO—little experience
- Role of ISO needs to be reviewed
- Need to return to the importance of relationships in keeping safe
- There is too much emphasis on taking action, not taking time
- Staff look to engage, not disengage
- Maybe there should be more use-of-force oversight, particularly for serious incidents
- Use-of-force review process needs to be better resourced and incidents need to be better tracked
- How does our training re-enforce negative culture?
- Leadership needs training too
- Our training should be more strategic—are we preparing the next generation of leaders?
- How many incidents happen because we are not doing our jobs, offering programs, etc.?
- We need increased research and analytical capacity

What Correctional Centre Management Told Me

- Things are ever changing—that's a good thing but scary too
- The branch needs to be more thoughtful about change management
- The courts send us way too many mentally ill
- BC Corrections has trouble recruiting and retaining good officers
- My biggest problem is that I don't have enough people
- We all need more training
- New COs lack the skill to just talk
- COs are too eager to use spray
- How can you teach confidence?
- Training about the bigger picture is missing
- We need to train staff to understand the context and be more situationally aware
- We need to focus more on incident management not just use of force
- Every use of force is a training opportunity
- We have so few incidents, I worry about prep to do the job
- I think staff are well trained but not practised, so they get rusty and make mistakes
- Staff forget to take a step back first
- Poor report writing skills
- The incident reports are usually incomplete
- We need a more streamlined and standardized reporting process
- There is too much review—are the reviewers trained?
- The review process should help ongoing quality improvement
- We need new KPIs to measure things like quality of reports and how staff treat inmates
- There isn't enough accountability—hard to discipline staff
- We just can't make discipline stick
- The union still just wants to be guards
- The union is more interested in protecting their own than working to address problems

What Correctional and Security Officers Told Me

- Hard to trust management or headquarters
- They talk about CO accountability—what about management accountability?
- We never get feedback when we do something right
- We are told to de-escalate, but we're not told how
- If I have to use force, it's too late
- We need more tools; more training too
- If I take the training, I will be expected to use it
- I have never received refresher training on the weapons I'm expected to use
- Refresher training should be more frequent and teach us new things
- Can't do anything anymore. Can't touch the inmate
- Inmates aren't afraid of us anymore
- A lot of COs are fearful of inmates and fearful of being fired
- We are hearing about trauma, but we're not really told what to do about it
- Whose trauma is the question I want answered—ours or theirs?
- Staff wellness means more than having a pizza day

What Bargaining Unit Representatives Told Me

- Officer-to-prisoner ratio is too low
- We need more training and more COs
- They say we have nothing but time, but when you are defending yourself, you'd better act fast
- A lot of change at the same time (seg reforms)
- With everything going on, the time to get staff buy-in is now
- COs are afraid to use force
- Staff don't want to be blamed
- Too much discipline for minor stuff
- Management blames us for their lack of leadership
- The employer is too far removed from what is happening on the floor
- Our members are being asked to act like a bunch of sheep among a bunch of wolves

What Released Prisoners Told Me

- Don't see as much excessive force now as in the old days
- Guards power trip
- If you're Native, forget it
- I was beat by two guards and everyone just watched
- It's easy to get away with stuff, but when you get caught, they pound you
- Not very many guards know how to talk to people
- Nobody can be happy in jail
- On the unit, you walk on eggshells. You have to be someone you're not
- When the officers show us respect, we show them respect

BC Adult Correctional Centres

The snapshots below are based on fiscal year 2017/18 data. The data provide a very high-level picture of the 10 facilities and are an introduction to a more detailed centre-by-centre analysis.

Alouette Correctional Centre for Women

- Built: 2004, most recent expansion 2012
- Custody type: Secure, medium, open
- Number of cells: 188
- 2017/18 average daily count: 147
- 2017/18 percentage of cells used: 78%
- 2017/18 percentage double bunked: 0%
- Number of reported use-of-force Incidents: 16
- Correctional officer FTE Dec. 2018: 103

Ford Mountain Correctional Centre

- Built: 1981
- Custody type: Medium, open
- Number of cells: 94
- 2017/18 average daily count: 87
- 2017/18 percentage of cells used: 92%
- 2017/18 percentage double bunked: 0%
- Number of reported use-of-force incidents: 1
- Correctional Officer FTE Dec. 2018: 35

Fraser Regional Correctional Centre

- Built: 1990, most recent expansion 2008
- Custody type: Secure, medium, open
- Number of cells: 304
- 2017/18 average daily count: 359
- 2017/18 percentage of cells used: 118%
- 2017/18 percentage double bunked: 79%
- Number of reported use-of-force incidents: 24
- Correctional Officer FTE Dec. 2018: 162

Kamloops Regional Correctional Centre

- Built: 1990, most recent expansion 2008
- Custody type: Secure, medium, open
- Number of cells: 185
- 2017/18 average daily count: 205
- 2017/18 percentage of cells used: 111%
- 2017/18 percentage double bunked: 49%
- Number of reported use-of-force incidents: 26
- Correctional Officer FTE Dec. 2018: 157

Nanaimo Correctional Centre

- Built: 1953
- Custody type: Medium, open
- Number of cells: 190
- 2017/18 average daily count: 137
- 2017/18 percentage of cells used: 72%
- 2017/18 percentage double bunked: 0%
- Number of reported use-of-force incidents: 0
- Correctional Officer FTE Dec. 2018: 74

North Fraser Pretrial Centre

- Built: 2001
- Custody type: Secure
- Number of cells: 300
- 2017/18 average daily count: 411
- 2017/18 percentage of cells used: 137%
- 2017/18 percentage double bunked: 81%
- Number of reported use-of-force incidents: 124
- Correctional Officer FTE Dec. 2018: 208

Okanagan Correctional Centre

- Built: 2016
- Custody type: Secure, medium, open
- Number of cells: 360
- 2017/18 average daily count: 297
- 2017/18 percentage of cells used: 82%
- 2017/18 percentage double bunked: 60%
- Number of reported use-of-force incidents: 66
- Correctional Officer FTE Dec. 2018: 157

Prince George Regional Correctional Centre

- Built: 1996, most recent expansion 2010
- Custody type: Secure, medium, open
- Number of cells: 172
- 2017/18 average daily count: 238
- 2017/18 percentage of cells used: 138%
- 2017/18 percentage double bunked: 51%
- Number of reported use-of-force incidents: 29
- Correctional Officer FTE Dec. 2018: 120

Surrey Pretrial Services Centre

- Built: 1991, most recent expansion 2014
- Custody type: Secure
- Number of cells: 383
- 2017/18 average daily count: 455
- 2017/18 percentage of cells used: 119%
- 2017/18 percentage double bunked: 81%
- Number of reported use-of-force incidents: 78
- Correctional Officer FTE Dec. 2018: 223

Vancouver Island Regional Correctional Centre

- Built: 1913, most recent expansion 1984
- Custody type: Secure, medium
- Number of cells: 207
- 2017/18 average daily count: 283
- 2017/18 percentage of cells used: 137%
- 2017/18 percentage double bunked: 91%
- Number of reported use-of-force incidents: 43
- Correctional Officer FTE Dec. 2018: 160

Incident Reporting

Some incident reporting schemes encourage documenting the broad context in which the force incident occurred, as well as any awareness of the relationships among and between the involved individuals and any precursor information or indicators. Some have expansive definitions of what is reportable, including the threat of force, the display of a weapon or the overwhelming presence of correctional officers. *Damage/Control* recommended the removal, display or threatened use of chemical agents be distinctly reported and recorded (West Coast Prison Justice Society/Prisoners' Legal Services, 2019). The report also called for better tracking and public reporting of force incidents, disaggregated by race, gender, disability and correctional centre. As an accountability measure, tracking and reporting repeated policy violations by the same member of staff was also recommended.

New use-of-force policy requirements for reporting were introduced in British Columbia in June 2019 and the headquarters (HQ) use-of-force analyst began augmented tracking of incidents at that time. The Adult Custody Division is in the process of further improving its incident reporting and tracking. Findings reported and recommendations made in *Damage/Control* would be helpful in this undertaking.

Historical Use-of-Force Policy

Reporting requirements

1. Use of control tactics identified in section 1.2.12, other than the use of restraints employed in external or internal escorts, are reported in the Corrections Branch Use of Force Report.

2. The warden maintains a record of use of force incidents when control tactics are employed.

3. When an inmate is injured and requires medical treatment resulting from of a use of force, the injury is photographed.

4. Reports and audio visual recordings resulting from incidents of a serious nature, incidents involving excessive use of force, and incidents involving the use of s.15
s.15
s.15 are forwarded to the provincial director, Adult Custody Division.

June 2019 Use-of-Force Policy:

Reporting requirements

1. The warden maintains a written record of all use of force incidents.

2. The warden or designate ensures all use of force incidents identified in section 1.2.12 to 1.2.14 s.15 s.15 are reported to the provincial director and the headquarters policy and program analyst responsible for operations within two hours of the incident. The notification includes:

- A brief synopsis of the circumstances;
- Whether the preliminary assessment suggests injury to inmate/ staff or both; or
- Any information which suggests a potential newsworthy event.

3. Correctional centre staff refer to the *Use of Force Reporting Guide* for further direction on reporting use of force incidents.

4. Incidents involving force are recorded using the *Use of Force Report*. Correctional centre staff submit the completed "Part A: Use of Force Details" section to the assistant deputy warden before the end of shift.

5. The completed "Part B: Assessment & Findings" is submitted to the policy and program analyst responsible for operations within the timelines identified in section 1.2.17 for primary reviews.

6. When required, the completed Part C: Deputy Warden Secondary Review of the *Use of Force Report* is submitted to the policy and program analyst responsible for operations within the timelines identified in section 1.2.18 for secondary reviews.

In the past, not all submitted use-of-force reports were tracked by a HQ use of force analyst. When the new use-of-force policy was implemented on June 17, 2019, the dedicated analyst began tracking force incidents, recording the following variables:

- Backlog/current UOF
- CLIFF number (unique HQ correspondence tracking number)
- Incident date
- Date notification received at HQ
- Received within two hours (to track policy compliance with two-hour reporting requirement)
- Due date (to track compliance with 21- and 31-day submission due dates for primary and secondary reviews)
- Completion date to check compliance with 21- and 31-day submission requirements
- Centre
- Inmate(s) name(s)
- Inmate(s) CS number(s)
- Inmate(s) gender(s)
- Inmate(s) race as identified in Cornet
- Time of day
- Incident number (populated from incident report generated in ICON)

- Type(s) of force used
- Type of review completed (primary or secondary)
- Reviewed by the HQ Force Options Coordinator for policy compliance issues
- Status (reported to HQ, submitted to HQ, analyst review, force options review, return to DW if revisions are required, force options review, PD review, completed)
- E-approval number (a unique identifier that is created in the electronic approval system, which the HQ/analyst review is sent to PD)
- Documented deficiencies when submitted to HQ
- Recommendations identified by centre, HQ analyst, HQ Force Options Coordinator, or any combination of these
- Recommendations status

Consistent and real-time data collection that is based on the information needed to support business intelligence and decision-making would help address some interesting questions. For example, what staffing and human resources factors (such as vacancy rates, average years of service, staff turnover, use of overtime, sick leave use, level of compliance with training requirements, percentage of managers in acting positions) make use-of-force incidents more or less likely?

During the writing of this report, I was made aware of ambitious plans to develop and implement new business intelligence requirements, as well as the data collection tools and policies to support them. This is an opportunity to better integrate human resources and operational data analysis. In addition, a new post-incident reporting form is being developed. This new form will capture physical control techniques in addition to the currently captured types of force. The newly captured data will present a more complete picture and will allow for more complete analysis.

Statistical analysis is undermined by poor quality data and inconsistent reporting. For example, I received two sets of records with very different data in response to a request for the number of reported force incidents, by institution, for the 2017/18 fiscal year. The first set of data was from business intelligence (BI) and represented all use-of-force ICONs (incident reports) generated at the centre level. The second set of data was drawn from the use-of-force reports which were formally submitted to headquarters and tracked. BI and HQ tracked incidents for the fiscal year 2017/18 are presented in Table 2.

Table 2: BI & HQ tracked use of force 2017/18

Centre	FY2017-2018	2017/2018 HQ tracked incidents
Alouette Correctional Centre for Women (ACCW)	16	18
Ford Mountain Correctional Centre (FMCC)	1	0
Fraser Regional Correctional Centre (FRCC)	24	27
Kamloops Regional Correctional Centre (KRCC)	26	20
Nanaimo Correctional Centre (NCC)	0	0
North Fraser Pretrial Centre (NFPC)	124	8
Okanagan Correctional Centre (OCC)	66	31
Prince George Regional Correctional Centre (PGRCC)	29	20
Surrey Pretrial Services Centre (SPSC)	78	51
Vancouver Island Regional Correctional Centre (VIRCC)	43	23
All Reporting Locations	**407**	**199**

The numbers in Table 2 reflect all incidents that were reported to involve at least one of the indicators in the UOF section of the reporting form:

s.15

The reporting form does not specifically include physical handling or ERT deployment as discrete indicators of a use-of-force incident.

While not documented, the discrepancies between data sets are likely a result of a backlog in recording and reporting from some institutions. For example, as of June 21, 2019, the in-year review backlog for FRCC was eight, for OCC, 14 and for SPSC, 11. The NFPC backlog was 24 for 2017, 95 for 2018 and 37 for 2019. PGRCC also had a multi-year backlog totalling 107.

Other factors contributing to data differences include information management practices and inconsistent interpretation of what constitutes a reportable use of force. As mentioned, a renewed use-of-force policy was released on June 17, 2019. This new policy may help address these concerns.

Before the June 2019 policy deployment, there was variation between centres in how incidents were documented and reported. This local policy implementation variation combined with poor documentation and relatively small number of incidents results in unreliable year-to-year and centre-to-centre comparisons.

While there are limitations, BI data benefits from internal consistency. For this reason, I conducted further analysis using 2018 BI data to look for relationships and draw broad conclusions.

2018 Institutional Use-of-Force Rates and Analysis

Table 3 reports a calculated rate of reported incidents of force per 100 prisoners for each institution based on annualized data. Due to data limitations, caution is required when using this information. For example, VIRCC lists 34 use-of-force incidents in an Excel file shared with HQ. The BI data indicates that there are 43 incidents. Importantly, this discrepancy was apparent only because VIRCC collected their data in a very clear way. Backlogs and other institutional reporting practices made it more challenging to detect errors in locally collected data from other centres.

Notwithstanding, some interesting questions are suggested by this ranking. For example, why is the rate for OCC more than three times the rate of FRCC? Why is the rate for NFPC (the highest ranked centre) nearly 50% higher than the rate at OCC, the second highest ranked centre?

Table 3: 2018 Use-of-force rates

Rank	Institution	Average daily count	Number of UOF incidents (2018)	Rate of UOF per 100 prisoners
1	NFPC	411	124	30.17
2	OCC	297	66	22.22
3	SPSC	455	78	17.14
4	VIRCC	283	43	15.19
5	KRCC	205	26	12.68
6	PGRCC	238	29	12.18
7	ACCW	147	16	10.88
8	FRCC	359	24	6.69
9	FMCC	87	1	1.15
10	NCC	137	0	0

Some centres have developed their own unique use-of-force data sets. An example is taken from SPSC. This institution has put considerable effort into collecting and analyzing use-of-force data as part of a violence-reduction initiative. Specifically, there are 10 sheets in an Excel file shared

with the review. They are labelled repeats, ages, age pop'n, unique, times, location, month, area, IM's in incidents, and count average. However, information recorded in these sheets is of limited use beyond the institution because of the site-specific labels and definitions. This makes it difficult to reconcile the local data set with the data collected and reported to HQ for BI analysis.

The data collected by PGRCC as part of a 2019 special project are an example of a good starting point for analysis. The Excel file contains an entry for each use of force and includes additional information that can help generate insights into incident patterns. As examples, the data include helpful variables such as code type, location, and time. These are all useful indicators that can be used moving forward. At this point, analysis is limited due to the small number of incidents. Even with these small numbers, it is possible to gain some basic insights because the data appears to be reliably tracked. Table 4 is an analysis of the frequency of force types based on the PGRCC figures.

Table 4: Force type frequency analysis PGRCC (N = 54) (2019 data)

Type of force	**n**
Multiple techniques	1
Balance displacement	8
Physical control	9
Chemical agents	14
Emergency ERT	5
Transfer ERT	17
Total	**54**

s.15

Using just a few additional variables, and consistent definitions and reporting practices across the branch, a more sophisticated analysis is possible. For example, checking for relationships between force incidents, prisoner-to-staff ratio, cell utilization and double bunking may provide some insight into the conditions that either mitigate or exacerbate the potential for use of force.

The following tables use data provided in December 2019 in response to a specific information request.

Table 5: 2017/2018 Average count and cell utilization

Facility	Average count	Number of cells	Percentage of cells	Incidents of force
ACCW	147	188	78	16
FMCC	87	94	92	1
FRCC	359	304	118	24
KRCC	205	185	111	26
NCC	137	190	72	0
NFPC	411	300	137	124
OCC	297	360	82	66
PGRCC	238	172	138	29
SPSC	455	383	119	78
VIRCC	283	207	137	43
ACD	2,618	2,383	110	N/A

Table 5 reports a simple calculation of cell utilization, but it does not provide complete information about institutional crowding. An additional indicator of crowding is the rate of double bunking. While an annual average of the use of double bunking would be a reliable measure, only snapshot data was available. A January 2018 snapshot (Table 6) presents the percent of prisoners double bunked.

Table 6: 2018 Snapshot double bunking rate

Facility	Units closed	Prisoner count	Percentage of prisoners double bunked
ACCW	4	122	0
FMCC	0	75	0
FRCC	1	313	14
KRCC	1	210	48
NCC	3	127	0
NFPC	0	390	46
OCC-M	2	311	15
OCC-F	0	18	0
PGRCC-M	1	211	55
PGRCC-F	0	33	73
SPSC	2	437	52
VIRCC	3	282	87
TOTAL	**17**	**2,529**	**32**

Annualized data (except for double bunking) are used to check for any trends or simple relationships when considering prisoner count, available cells, cells used, rate of double bunking, correctional officer FTEs, the ratio of correctional officers to prisoners, and the number and rate of use-of-force incidents. Table 7 presents these numbers for 2018.

Table 7: Use of force, cell utilization and staff-to-prisoner ratios for 2018

Facility	Prisoner count	Number of cells	% doubled bunked	% of cells used	CO FTE	CO to prisoner ratio	Reported use of force	UOF per 100 prisoners
ACCW	147	188	0	78	103	0.84	16	10.88
FMCC	87	94	0	92	35	0.47	1	1.15
FRCC	359	304	14	118	162	0.52	24	6.69
KRCC	205	185	48	111	157	0.75	26	12.68
NCC	137	190	0	72	74	0.58	0	0.00
NFPC	411	300	46	137	208	0.53	124	30.17
OCC	297	360	15	82	157	0.5	66	22.22
PGRCC	238	172	128	138	120	0.49	29	12.18
SPSC	455	383	52	119	223	0.51	78	17.14
VIRCC	283	207	87	137	160	0.57	43	15.19
Average*	**261.9**	**238.3**	**39**	**108.4**	**139.9**	**0.576**	**40.7**	**12.83**

**Double bunking rates represent a January 2018 snapshot and not an annual average. All other data represent a one-year period.*

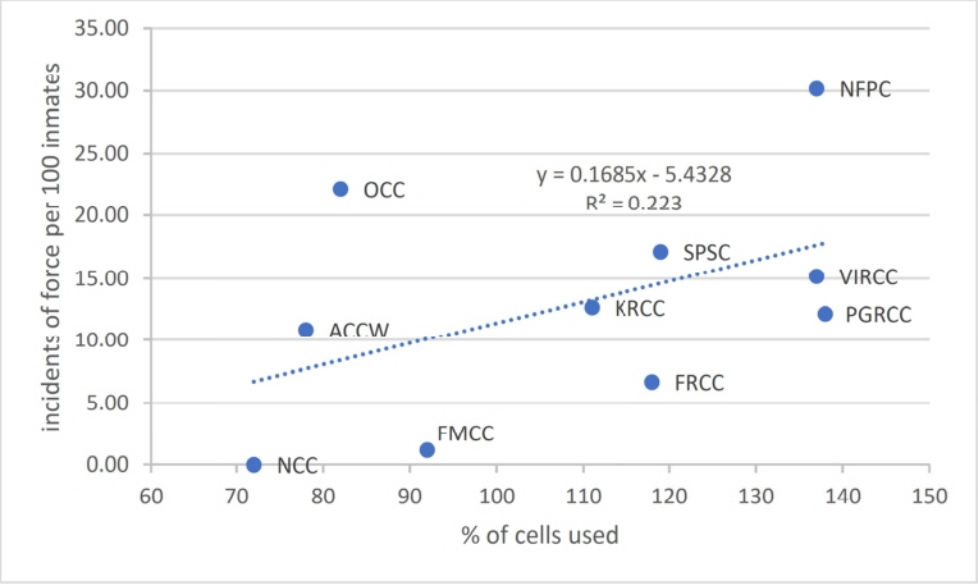
The data suggest that the institutions reporting the highest cell utilization and the most double bunking also have the highest rates of force incidents per 100 prisoners. The five centres with the highest reported combined double bunking and cell utilization (PGRCC, NFPC, SPSC, VIRCC and KRCC) and the five centres reporting the highest rate of use of force (NFPC, OCC, SPSC, VIRCC and KRCC) have considerable overlap.

While OCC reports a high rate of use of force, OCC data do not indicate crowding. OCC is not yet fully operational, which may explain the apparent anomaly. In the case of OCC, a high rate of use of force may be explained by looking at other variables, such as the average years of service of correctional officers or the number of unfilled or underfilled positions.

If OCC is removed from the analysis, there is complete overlap between crowded centres and those with the highest rate of force incidents. When looking at the relationship between the correctional officer-to- prisoner ratio and the use-of-force, there is no apparent pattern. However, this analysis is limited because it does not control for important variables, such as custody status, security level or location of incidents. Data about previously identified human resources variables is also missing from this analysis.

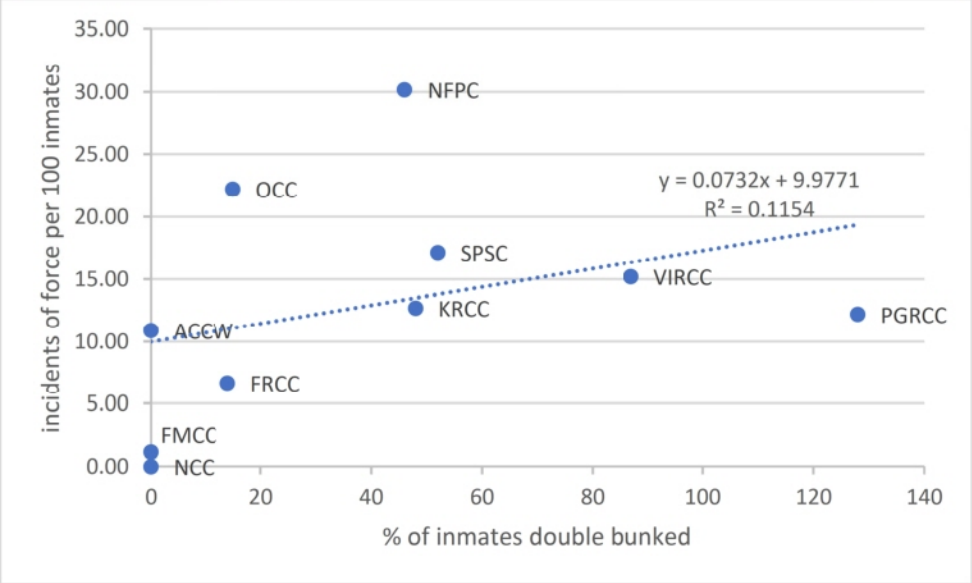
Linear regression is a basic statistical test used to assess the relationship between dependent and independent variables. Below are plots illustrating the relationship between cell utilization, rate of double bunking, correctional officer-to- prisoner ratio and the number of reported incidents of force per 100 prisoners. All figures below are based on data presented in Table 7.

Figure 2: Percentage of cells used and incidents of force per 100 prisoners



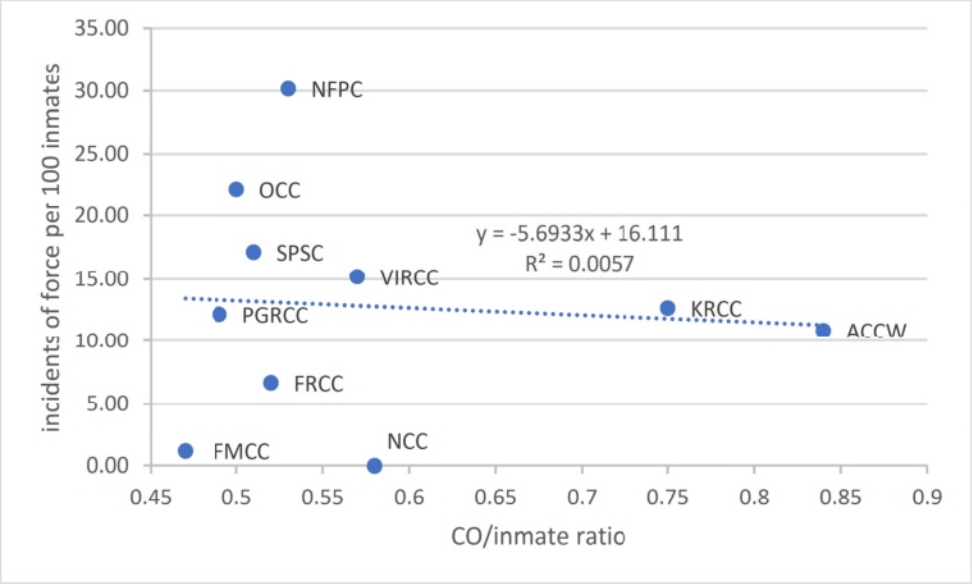
A preliminary linear regression analysis indicates a positive relationship ($R^2 = 0.223$) between percentage of cells used and the number of reported incidents of force in British Columbia Adult corrections facilities.

Figure 3: Percentage of prisoners double bunked and incidents of force per 100 prisoners



A preliminary linear regression analysis indicates a weaker positive relationship ($R^2 = 0.1154$) between the percentage of prisoners doubled bunked and the number of reported incidents of force. This relationship assumes that the percentage of prisoners double bunked in January 2018 is representative of the entire year.

Figure 4: Correctional officer-to- prisoner ratio and incidents of force per 100 prisoners



A preliminary linear regression analysis does not suggest a strong relationship between the correctional officer-to- prisoner ratio and the number of reported incidents of force.

Figures 2, 3 and 4 depict some interesting results that suggest a need for additional analysis. For example, NCC and FMCC appear to cluster together away from the regression line when compared to most other correctional centres. This may be easily explained as these two institutions are moderately populated, program and activity intensive, and operate at reduced security levels consistent with the custody population. On the other hand, NFPC, with its high rate of use-of-force, is well above the regression line. This may, individually or in combination, reflect unique influences such as prisoner demographics, human resources factors, incident response issues or reporting and documentation gaps.

Early Results from the June 2019 Policy Change

As mentioned above, the June 2019 role-out of the new use-of-force reporting policy was accompanied by enhanced tracking, including several new data points. Between June 17th and October 21st, 249 use-of-force incidents were reported under the new policy and tracked using the enhanced variable set. A preliminary analysis of the 249 incidents reveals some trends. Nearly half the incidents (46.2%) involved Indigenous prisoners. The rate ranged from 0% (NCC) to 67.1% (PGRCC). The use of soft control techniques was the most frequently reported use of force (58.3%). Soft control was most often used at VIRCC (71.4%) and least frequently used at FRCC (16.7%). Of all reported incidents, 32.8% involved two or more use-of-force types, including 6.1% that reported three or more types of force used. SPSC reported the greatest proportion of incidents involving two or more uses of force (37.8%), just two per cent greater than NFPC (35.9%). VIRCC is also trending toward the one-third mark of incidents involving two or more uses of force.

Findings

Based upon my review of relevant literature, internal documents, observations, conversations and analysis of available data, BC Adult Corrections is not experiencing crisis regarding the use of force. That said, the absence of crisis is an inadequate measure when evaluating a high-risk aspect of correctional services. This review has identified concerns and some means of addressing them.

There is no single issue that overwhelmingly influences the use of force in a correctional centre. Key issues include a poor physical environment, the changing profile of those in custody, crowding, degree of trauma awareness, insufficient staffing, lack of initial or refresher staff training and sufficiency of staff well being supports. Inadequate oversight, inconsistent documentation and poor data quality undermine the ability to identify and address concerns.

Appropriate legislation, regulation and operational policy are required to govern how force is used. The recent Yukon Supreme Court decision in *Sheepway v. Hendriks, 2019 YKSC 50 (CanLII)* is an important source of guidance when considering policy renewal.

Correctional services operate in complex environments that require the identification and management of risk. The use of force is a particularly risky part of operations. Risk and complexity are hallmarks of high reliability organizations. HROs put a priority on avoiding adverse events, learning from errors and building resiliency.

Elements of the correctional environment or culture may contribute to the frequency and nature of force incidents. Front-line staff may believe that management has created an atmosphere in which local operational policy is out of touch with the lived reality in correctional centres. A code of silence may protect perpetrators of excessive force and prevent witnesses from coming forward. Poor recruit suitability and deficiencies in supervision, feedback and mentoring may leave officers ill-equipped to appropriately respond to incidents. Renewed training content and techniques, together with staff wellness initiatives, implementation of trauma-informed practices and commitment to problem-solving as opposed to fault finding are required.

Situations will arise when force is necessary to keep prisoners and staff safe. It is overly simplistic to consider only the immediate circumstances of individual incidents if the purpose is to gain a deeper understanding of why force is used and to develop strategies to ensure force is always proportionate and employed only when necessary. To truly understand why use-of-force incidents occur, the broad context in which force is considered must be carefully considered and the stressors common in correctional environments must be acknowledged. This analysis requires timely and high-quality data, and the capacity to analyze and understand it. Human resources and operational data should help inform the analysis, leading to better integration of human resources and business planning. Independent of this review, BC Adult Corrections has identified data quality concerns. Resolution of these concerns must become a priority.

The role of health professionals when a force incident is planned, executed and reviewed needs to be enhanced. Post-incident medical reviews are an important part of accountability and policy compliance. Better documentation in the form of written reports, video recordings and photographs is needed. Mandatory and robust debriefing would enhance accountability as well as reinforce good practice. It is necessary to change policy and practice to reduce barriers to prisoner complaints about inappropriate force, to create opportunities for prisoner input into force

incident reviews and to share information with those involved in a force incident. The Inspections and Standard Office can and should play a more significant oversight role.

There are many organizations and agencies that are working to address workplace safety and the prevention of violence. Several examples of good practices and the resources available to support them have been identified, including:

- The Alberta Family Wellness Initiative *Brain Story Certification* for trauma awareness training (n.d.):
- The Safe & Well (Centre for Addiction and Mental Health, 2016) and TIDES (Centre for Addiction and Mental Health, 2018) initiatives at the Centre for Mental Health and Addiction to support staff safety and well-being; and
- Tools and resources made available by the Canadian Institute for Public Safety Research and Training (n.d.).

BC Adult Corrections is well placed to build on its solid foundation and adopt lessons from other jurisdictions and sectors. Strengthened policy, innovative strategies that call for greater mental health training and supports, de-escalation-based interventions, enhanced reporting and recording of events, and more meaningful use-of-force oversight and review processes will provide increased assurance that when force is used, it is used without bias, appropriately and judiciously.

Recommendations

Corrections as High Reliability Enterprise

1. Revise operational policy, training standards and performance management to focus on creating a high reliability mindset. The five characteristics of high reliability organizations should be fostered in all aspects of operations.

Legislation and Policy

2. Revise the legal and policy framework to reflect best practice in legislative, regulatory and policy drafting. The existing framework should be examined considering the *Sheepway v. Hendriks*, 2019 YKSC 50 (CanLII) decision.
3. Expand the definition of force to include all tools and techniques, as well as the intention to use them, the display of a weapon, other show of force, and the use of unauthorized tools or techniques. The expanded definition must be codified in legislation and reflected in operational policy.
4. Mandate training and certification in all use-of-force tools and techniques for staff who approve the use-of-force, are authorized to use force, or who are responsible for initial review of force incidents. Refresher training should be delivered at least every two years and staff be annually re-certified in the use of all weapons and restraints.
5. Implement policy to specifically address the role of health-care professionals in post-use-of-force assessments and detail the minimum elements of an assessment. (See recommendation 20 below.)

6. Modernize the use-of-force model to include conflict avoidance and de-escalation as stand-alone options; an enhanced consideration of the broad situational context in which use-of-force scenarios develop; increased focus on the need for specific knowledge of the subjects involved; and to better address differences between planned and spontaneous incidents.

Training and Staffing

7. Take immediate action to renew of the Adult Custody Retention Strategy and fully implement the Division's recruitment strategy to ensure that staff shortages are addressed on a priority basis.
8. Pilot specialized teams of experienced correctional officers in high volume – high population pretrial custody centres that will perform routine risk-management activities (i.e., movement of high-risk prisoners, cell extractions, responding to Code Yellows, required searching of prisoners when returning to living units).
9. Implement self-assessment and online support for staff who are concerned about their well-being. The tools made available through the Canadian Institute for Public Safety Research and Treatment should be considered.
10. Integrate correctional officer safety, well-being and mental health into all operational training. Consider adapting the TIDES and Safe & Well initiatives in place at the Centre for Addiction and Mental Health.
11. Include Critical Incident Stress Management (CISM) awareness in recruit training and incorporate the CISM process and language into the staff wellness regime.
12. Review the staff discipline process for opportunities to make it more expeditious and better understood.
13. Select staff to be in-house trainers and mentors based on their skills and competencies as teachers and role models and implement regular trainer and mentor evaluations.
14. Develop trauma-informed training that focuses on responding to mentally ill prisoners and those in emotional distress or experiencing behavioural dysregulation. Consider making the Brain Story Certification training offered through the Alberta based Palix Foundation available to all members of staff.
15. Incorporate training about human rights and the Charter of Rights and Freedoms throughout recruit and refresher training.
16. Develop a repository of tested and purposeful role-play scenarios that are adaptable to local operations.
17. Develop and deliver training about trauma, and how to respond to individuals with mental illnesses or other known health conditions. Emphasize better understanding of the impact of force incidents on individuals.
18. Update training programs to include a focus on the importance of timely, accurate and complete reporting, and data collection about use-of-force incidents.

Role of Health Care

19. Revise policy to recognize the dual loyalty of health-care professions in corrections, and to create opportunities and methods to mitigate conflicts that may interfere with the discharge of their professional and ethical obligations.
20. Revise operational routine and policies to formalize the authority of health-care staff to determine the nature, method and circumstances of post-use-of-force medical assessments. Policy must direct that indications of ill-treatment or excessive force be immediately reported to a designated authority.

21. Give health-care staff have sole authority for the use of all restraints and for interventions to address self-harm and suicidality.
22. Request the Provincial Health Services Authority to develop a renewed model and protocols for recognizing and responding to medical distress and emergencies, including those related to mental health issues.

Incident Reporting and Quality Assurance

23. Implement the new incident reporting forms and definitions as quickly as possible.
24. Each centre should individually track the variables identified and used for HQ use-of-force analysis. Useful additions would be collecting data on housing type (e.g., segregation, general population), custody status (e.g., sentence, remand), security classification of prisoners involved, and specific location of the incident.
25. Incorporate human resources data (e.g., length of service, training compliance, turnover, unfilled and underfilled positions) into any analysis of operational data, including use-of-force.
26. Reporting must allow for determination that incidents are lawful and appropriate, or if not, what specific aspects were noncompliant. To achieve this, there must be vigilance to ensure data quality and integrity. Dedicated staff must be in place locally and at HQ to capture, screen for quality and analyze use-of-force data.
27. Identify opportunities to increase standardization and automation of use-of-force management and reporting.
28. All staff must be involved in the quality assurance process and be knowledgeable about how the data they collect informs operational decisions. Performance expectations for the timeliness and quality of use-of-force reporting should be clearly articulated.
29. Once data quality, timeliness of reporting and consistency have been addressed, develop and implement a framework for analysis that allows for centre-to-centre comparisons and the early identification of anomalous trends within and across centres.
30. Identify capacity and resources in each correctional centre to support ongoing training and coaching to enhance the quality of report writing.
31. Modernize operational policy to include more detail about the purpose of photographs, limitations on recording images, the ability to record staff images, and the storage and retention of images. Ontario policy provides a good example.
32. Upgrade video recording equipment, require all planned use-of-force incidents to be audio and video recorded, and develop policy to better address expectations for monitoring of video feeds.

Oversight and Reviews

33. Expand the role of the Investigation and Standards Office (ISO) to include mandatory review of every use-of-force resulting in serious harm or death, or any use-of-force incident referred by the Adult Corrections Branch for independent review.
34. Routine inspections conducted by the ISO should include a sample of use-of-force incident reports and local reviews.
35. Establish a pool of trained staff external to the correctional centre involved to conduct a review of all relevant issues when the same staff or prisoners are repeatedly involved in force incidents.
36. Make post-use-of-force debriefing sessions that focus on officer conduct, attitude, good practice and lessons learned a routine part of incident management.

37. Offer all prisoners involved in a force incident an interview, an opportunity to make written submissions, the viewing of use-of-force videos, and use-of-force written reviews once completed.

References

Act respecting the Québec correctional system, C.Q.L.R. c. S-40.1. (n.d.). Quebec. Retrieved from https://www.canlii.org/en/qc/laws/stat/cqlr-c-s-40.1/latest/cqlr-c-s-40.1.html

Adult Custody Division, Corrections Branch, British Columbia Ministry of Justice. (2005). *Adult custody policy*. Retrieved from http://docs.openinfo.gov.bc.ca/d26445513a_response_package_jag-2013-00337.pdf

Alberta Family Wellness Initiative. (n.d.). *Brain Story certification course*. Retrieved from https://www.albertafamilywellness.org/

Alberta Justice and Solicitor General. (2019). *Workplace review: Edmonton Remand Centre*. Government of Alberta.

Baker, T., Gordon, J. A., & Taxman, F. S. (2014). A hierarchical analysis of correctional officers' procedural justice judgments of correctional institutions: Examining the influence of transformational leadership. *Justice Quarterly*, *32*(6), 1037-1063. doi:10.1080/07418825.2013.877517

Be a role model: 'People first' approach transforms Corrections. (2018, July 23). *Kelowna Capital News*. Retrieved from https://www.kelownacapnews.com/marketplace/be-a-role-model-people-first-approach-transforms-corrections/

Bill 1 Corrections Act. (n.d.). Nunavut. Retrieved from https://assembly.nu.ca/sites/default/files/Bill-1-Corrections-Act-EN-FR.pdf

Boyd, N. (2011). *Correctional officers in British Columbia, 2011: abnormal working conditions*. Burnaby: Simon Fraser University. Retrieved from http://former.bcgeu.ca/sites/default/files/FINAL%20Boyd-Report-2011.pdf

British Columbia Corrections and Community Justice Division, Justicie Insitutute of British Columbia. (n.d.). *Force options for supervisors and managers*.

British Columbia Corrections Branch Performance, Research and Evaluation Unit. (2016). *Mentally ill offenders and high frequency offenders.* Retrieved from https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/corrections/research-evaluation/issue-11.pdf

British Columbia Corrections Branch, Justice Institute of British Columbia. (2015). *Force options*. New Westminster: JIBC.

British Columbia Corrections, Adult Custody Division. (2013). Correctional officer learning and development.

British Columbia Ministry of Attorney General. (n.d.). *Investigation & Standards Office*. Retrieved December 5, 2019, from https://www2.gov.bc.ca/gov/content/justice/criminal-justice/investigation-standards-office

British Columbia Ministry of Justice. (n.d.). *Introduction*.

British Columbia Provincial Policing Standards. (2017). *Use-of-force instructor training.* Retrieved from https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/police/standards/323_use-of-force_instructor_training.pdf

Canadian Association of Chiefs of Police. (2000). *A national use of force framework*. Retrieved from https://www.cacp.ca/cacp-use-of-force-advisory-committee-activities.html?asst_id=199

Canadian Institute for Public Safety Research and Treatment. (n.d.). Retrieved December 16, 2019, from https://www.cipsrt-icrtsp.ca/

Canadian Institute for Public Safety Research and Treatment. (n.d.). *Mandate.* Retrieved November 9, 2018, from https://www.cipsrt-icrtsp.ca/about-us/

Canadian Institute for Public Safety Research and Treatment. (n.d.). *Welcome to self-assessment tools.* Retrieved from https://ax1.cipsrt-icrtsp.ca/

Carleton, R. N. (2018). Mental disorder symptoms among public safety personnel in Canada. *The Canadian Journal of Psychiatry*, *63*(1), 54–64. doi:10.1177/0706743717723825

Centre for Addiction and Mental Health. (2016). *Peaceful places: CAMH pilots global Safewards program.* Retrieved from https://www.camh.ca/en/camh-news-and-stories/peaceful-places-camh-pilots-global-safe-wards-program

Centre for Addiction and Mental Health. (2018). *Quality Improvement Plan (QIP) narrative for health care organizations in Ontario.* Retrieved from https://www.camh.ca/-/media/files/camh-2018-2019-qip-narrative-pdf.pdf

Christianson, M. K., Sutcliffe, K. M., Miller, M. A., & Iwashyna, T. J. (2011). Becoming a high reliability organization. *Critical Care*. doi:10.1186/cc10360

Clemmer, D. (1940). *The prison community*. New York: Rinehart.

Consolidated Newfoundland and Labrador Regulation 993/96. (n.d.). Newfoundland and Labrador. Retrieved from https://www.assembly.nl.ca/Legislation/sr/regulations/rc960993.htm#29_

Correction Act Regulation, BC Reg 58/2005. (2005). British Columbia. Retrieved from http://www.bclaws.ca/civix/document/id/complete/statreg/58_2005/search/type:(regulation%20)%20AND%20CIVIX_DOCUMENT_ROOT_STEM:(Correction)%20AND%20CIVIX_DOCUMENT_ANCESTORS:781755088?2#hit1

Correction Act, SBC 2004, c. 46. (2004). British Columbia. Retrieved from http://www.bclaws.ca/civix/document/id/complete/statreg/04046_01

Correctional Institution Regulation 205/2001. (2001). Alberta. Retrieved from http://www.qp.alberta.ca/1266.cfm?page=2001_205.cfm&leg_type=Regs&isbncln=9780779790241

Correctional Service Canada. (2007, June 30). *Critical incident stress management*. Retrieved from https://www.csc-scc.gc.ca/lois-et-reglements/253-2-gl-eng.shtml

Correctional Service Canada. (2010, November 19). *Commissioner's directive: Incident investigations.* Retrieved from https://www.csc-scc.gc.ca/politiques-et-lois/041-cd-eng.shtml

Correctional Service Canada. (2016). *Mental health initiative.* Retrieved from https://www.lte-ene.ca/en/features/mental-health-initiative

Correctional Service Canada. (2017). *Correctional officer continuous development. Personal safety training: self-defense, arrest & control and baton.*

Correctional Service Canada. (2018). *Commissioner's directive 567-1.* Retrieved from https://www.csc-scc.gc.ca/politiques-et-lois/567-1-cd-eng.shtml

Correctional Services Act R.S.P.E.I. 1988, c. C-26.1. (1988). Prince Edward Island. Retrieved from https://www.princeedwardisland.ca/sites/default/files/legislation/C-26-1-Correctional%20Services%20Act.pdf

Correctional Services Act Regulations. (n.d.). Prince Edward Island. Retrieved from https://www.princeedwardisland.ca/sites/default/files/legislation/C%2626-1G-Correctional%20Services%20Act%20Regulations.pdf

Correctional Services Act, 2012, c. C-39.2. (2012). Saskatchewan. Retrieved from http://www.publications.gov.sk.ca/freelaw/documents/English/Statutes/Statutes/C39-2.pdf

Correctional Services Act, C.C.S.M. c. C230. (n.d.). Manitoba. Retrieved from http://web2.gov.mb.ca/laws/statutes/ccsm/c230e.php

Correctional Services Act, SNL 2011, c. C-37.00001. (2011). Newfoundland and Labrador. Retrieved from https://www.assembly.nl.ca/Legislation/sr/statutes/c37-00001.htm

Correctional Services Act, SNS 2005, c 37. (2005). Nova Scotia. Retrieved from https://www.canlii.org/en/ns/laws/stat/sns-2005-c-37/latest/sns-2005-c-37.html?searchUrlHash=AAAAAAAAAAEAEFJTTlMgMTk4OSwgYyAxMDMAAAABABAvMjI3ODItY3VycmVudC0xAQ&resultIndex=8

Correctional Services and Reintegration Act, 2018, S.O. 2018, c. 6, Sched. 2. (2018). Ontario. Retrieved from https://www.ontario.ca/laws/statute/18c06#BK120

Correctional Services Regulations, 2013, c. 39.2 Reg. 1. (n.d.). Saskatchewan. Retrieved from http://www.publications.gov.sk.ca/freelaw/documents/English/Regulations/Regulations/C39-2R1.pdf

Correctional Services Regulations, NS Reg 99/2006. (2006). Nova Scotia. Retrieved from https://www.canlii.org/en/ns/laws/regu/ns-reg-99-2006/latest/ns-reg-99-2006.html

Corrections Act 2009, SY 2009, c. 3. (2009). Yukon. Retrieved from http://www.gov.yk.ca/legislation/acts/corrections2009.pdf

Corrections Act S.Nu. 2019,c.13,s.74. (2019). Nunavut.

Corrections Act, 2011, c. 132. (2011). New Brunswick. Retrieved from http://laws.gnb.ca/en/ShowPdf/cs/2011-c.132.pdf

Corrections Act, R.S.N.W.T. 1988, c. C-22. (1988). Northwest Territories. Retrieved from https://www.justice.gov.nt.ca/en/files/legislation/corrections/corrections.a.pdf

Corrections Act, Revised Statutes of Alberta 2000, c. 29. (2000). Alberta. Retrieved from http://www.qp.alberta.ca/1266.cfm?page=c29.cfm&leg_type=Acts&isbncln=9780779807468

Corrections and Conditional Release Act. S.C. 1992, c. 20. (1992). Canada. Retrieved from https://laws-lois.justice.gc.ca/eng/acts/C-44.6/

Corrections and Conditional Release Regulations (SOR/92-620). (n.d.). Canada. Retrieved from https://laws.justice.gc.ca/eng/regulations/SOR-92-620/index.html

Corrections Regulation. O.I.C. 2009/250. (2009). Yukon. Retrieved from http://www.gov.yk.ca/legislation/regs/oic2009_250.pdf

Corrections Service Regulations, R.R.N.W.T. 1990, c. C-21. (1990). Northwest Territories. Retrieved from https://www.canlii.org/en/nt/laws/regu/rrnwt-1990-c-c-21/latest/rrnwt-1990-c-c-21.html

Excellence Canada. (2018). *Canada Awards for Excellence recipient profile: Centre for Addiction and Mental Health*. Retrieved from https://excellence.ca/centre-for-addiction-and-mental-health_hwp/

General Regulation 84-257 under the Corrections Act. (n.d.). New Brunswick. Retrieved from https://www.canlii.org/en/nb/laws/regu/nb-reg-84-257/latest/nb-reg-84-257.html

Government of British Columbia. (2019, April 15). Agreement between Howard Sapers, contractor, and Her Majesty the Queen in right of the Province of British Columbia.

Government of British Columbia. (n.d.). *Do you have what it takes? Be a role model, be a peace officer*. Retrieved from https://www2.gov.bc.ca/assets/gov/careers/for-job-seekers/current-bc-government-job-postings/featured-careers/acd_co_applicant_guide.pdf

Griffin, M. L. (2002). The influence of professional orientation on detnetion officers' attitudes toward the use of force. *Criminal Justice and Behavior*, *29*(3), 250-277.

Halifax Regional Municipality. (2018). *Leveraging Brightspace for online training*. Halifax.

Heads of Corrections Subcommittee. (2013). *National force options training standards recommendations*. Adult Institutional Corrections.

Hill, G. (2006). *Basic training manual for correctional workers*. The United Nations. Retrieved from http://ispac.cnpds.org/download.php?fld=pub_files&f=20.basictrainingmanualforcorrectionalworkers2006.pdf

HIROC. (2017). *High reliabilty and resiliency*. Retrieved December 5, 2019, from https://www.hiroc.com/resources/risk-notes/high-reliability-and-resiliency

HM Prison Service. (2015). *Use of force*. Retrieved from https://www.justice.gov.uk/downloads/offenders/psipso/pso/pso-1600.doc

Human Rights Watch. (2015). *Callous and cruel: Use of force against inmate with mental disability in US jails and prisons.* Retrieved from https://www.hrw.org/report/2015/05/12/callous-and-cruel/use-force-against-inmates-mental-disabilities-us-jails-and

Jervis, V. (2019). The role of trauma-informed care in building resilience and recovery. *Prison Service Journal*, *242*(March), 18-25. Retrieved from https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ%20242%20March%202019_Prison%20Service%20Journal.pdf

Justice Insitute of British Columbia. (2004a). *Force options training.* New Westminster: JIBC.

Justice Institute of British Columbia. (2004b). *Interpersonal communication skills.* New Westminster: JIBC.

Justice Institute of British Columbia. (2019, March 7). *Corrections Academy: Adult correctional officer.* Retrieved from http://www.jibc.ca/programs-courses/schools-departments/school-criminal-justice-security/corrections-academy/programs/adult-correctional-officer

Justice Institute of British Columbia. (2019). *Police use of force: A listing of materials available at the Justice Institute Library.* Retrieved from https://www.jibc.ca/sites/default/files/library/pdf/Police_Use_of_Force_-_JIBC_Library.pdf

Klinoff, V. A., Van Hasselt, V. B., Black, R. A., Masias, E. V., & Couwels, J. (2018). The assessment of resilience and burnout in correctional officers. *Criminal Justice and Behavior*, *45*(8), 1213–1233. doi:10.1177/0093854818778719

Langer, R. (n.d.). *Critical incident stress management.* Retrieved December 6, 2019, from http://www.aema.alberta.ca/documents/PL2_LANGER_CISM.pdf

Larocque, R. (2014). *Penal practices, values and habits: Humanitarian and/or punitive? A case study of five Ontario prisons.* Univsersity of Cambridge.

Laucius, J. (2018, November 1). Ottawa first responders to get Canada's first research-based mental health clinic. *Ottawa Citizen.* Retrieved from https://ottawacitizen.com/news/local-news/ottawa-first-responders-to-get-canadas-first-research-based-mental-health-clinic

Liebling, A. (2004). *Prisons and their moral performance: A study of values, quality, and prison life.* Oxford University Press.

Liebling, A. (2009). Women in prison prefer legitimacy to sex. *British Society of Criminology Newsletter*, pp. 19-23. Retrieved from http://www.britsoccrim.org/new/newdocs/bscn-63-2009-Liebling.pdf

Los Angeles County Sheriff's Department. (2018, November 12). *Use of force policy on inmate retaliation reporting.* Retrieved from http://shq.lasdnews.net/shq/mpp/force-policy.pdf

Marin, A. (2013). *"The Code": Investigation into the Ministry of Community Safety and Correctional Services' response to allegations of excessive use of force against inmates.* Retrieved from https://www.ombudsman.on.ca/Files/sitemedia/Documents/Investigations/SORT%20Investigations/The-Code-EN.pdf

Martin, J. L., Linchtenstein, B., Jenkot, R. B., & Forde, D. R. (2012). "They can take us over at any time they want": Correctional officers' responses to prison crowding. *The Prison Journal, 92*(1), 88-105. doi:10.1177/0032885511429256

Mental Health Commission of Canada. (2014). *The Road to Mental Readiness (R2MR): Reduce stigma and increase resiliency in polic employees.* Retrieved December 16, 2019, from https://www.mentalhealthcommission.ca/sites/default/files/1%252520PG%252520R2MR%252520Police%252520Backgrounder%252520ENG_0_0.PDF

Mental Health First Aid. (n.d.). *Looking for mental health first aid training?* Retrieved from Mental Health First Aid: https://www.mhfa.ca/en/form/looking-mental-health-first-aid-training

Ministry of Children and Family Development. (2018). *Youth custody services trauma informed behaviour support model handbook.*

Ministry of Community Safety and Correctional Services. (2014). *Institutional services policy and procedures manual: Security and controls: Security control equipment.* Government of Ontario.

Ministry of Correctional Services Act, R.R.O. 1990, c. M.22. (n.d.). Ontario. Retrieved from https://www.ontario.ca/laws/statute/90m22

Ministry of Correctional Services Act, R.S.O. 1990, c. M.22. R.R.O. 1990, Reg. 778. (1990). Ontario. Retrieved from https://www.ontario.ca/laws/regulation/900778

Minnesota Department of Corrections. (2018). *Policy number 301.081. Use of force and restraints — adult.* Retrieved from http://www.doc.state.mn.us/DocPolicy2/Document/301.081.htm

National Corrections Use of Force Committee. (2009). *Final report of the National Corrections Use of Force Committee: Review and recommendations of use of force training.*

National Use of Force Committee. (2013). *National force options training standards recommendations.*

Nevada Department of Corrections. (n.d.). AR 405. Use of force.

Office of the Auditor General of British Columbia. (2015). *An audit of the adult custody division's correctional facilities and programs.* Retrieved from http://former.bcgeu.ca/sites/default/files/page/attachments/AGBC%20Corrections%20report%20FINAL%20%282%29.pdf

Office of the Correctional Investigator. (2011). *2010-2011 Annual Report.* Her Majesty the Queen in the Right of Canada.

Oklahoma Department of Corrections. (2018). *Use of force standards and reportable incidents.* Retrieved from http://doc.ok.gov/Websites/doc/Images/Documents/Policy/op050108.pdf

Ontario Ministry of Community Safety and Correctional Services. (2013). *Institutional services policy and procedures manual: Security and controls, use of force.*

Palix Foundation. (n.d.). Retrieved from Palix Foundation: https://www.palixfoundation.org/

Phoenix Police Department. (2017). *Operations orders.* Retrieved from https://www.phoenix.gov/policesite/Documents/operations_orders.pdf

Police Executive Research Forum. (2016). *Critical issues in policing series: Guiding principles on use of force.* Retrieved from https://www.policeforum.org/assets/30%20guiding%20principles.pdf

Prenzler, T. (2009). *Police corruption: Preventing misconduct and maintaining integrity.* Boca Raton, FL: CRC Press.

R. v. Nasogaluak, SCR 206 (2010).

Regulation under the Act respecting the Québec correctional system, CQLR c S-40.1, r 1. (n.d.). Quebec. Retrieved from https://www.canlii.org/en/qc/laws/regu/cqlr-c-s-40.1-r-1/latest/cqlr-c-s-40.1-r-1.html

Rembert, D. A., & Henderson, H. (2014). Correctional officer excessive use of force: Civil liability under Section 1983. *The Prison Journal*, *94*(2), 198-219. doi:10.1177/0032885514524731

Ricciardelli, R., & Gazso, A. (2013). Investigating threat perception among correctional officers in the Canadian provincial system. *Qualitative Sociology Review*, *9*(3), 96-120.

Royal Newfoundland Constabulary. (n.d.). *Use of force training manual.* Retrieved from Commission of Inquiry Respecting the Death of Donald Dunphy: https://www.ciddd.ca/documents/exhibits/P-0624.pdf

Russo, J., Woods, D., Drake, G. B., & Jackson, B. A. (2018). *Building a high-quality correctional workforce: Identifying challenges and needs.* Santa Monica, CA: RAND Corporation. Retrieved from https://www.rand.org/pubs/research_reports/RR2386.html

Sapers, H. (2017). *Corrections in Ontario: Directions for reform.* Queen's Printer for Ontario. Retrieved from https://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/Corrections%20in%20Ontario%2C%20Directions%20for%20Reform.pdf

Sapers, H. (2018, December). *Institutional violence in Ontario, final report-case study: Toronto South Detention Centre.* Retrieved from Ontario Ministry of the Solicitor General: https://www.mcscs.jus.gov.on.ca/english/Corrections/IndependentReviewOntarioCorrections/InstitutionalViolenceOntarioFinalReport.html

Sheepway v. Hendriks, 2019 YKSC 50 (CanLII).

Throness, L. (2014). *Standing against violence: A safety review of BC Corrections*. Retrieved from https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/corrections/reports_publications/standing_against_violence.pdf

TLS Enterprises. (2019). *Workplace review: Edmonton Remand Centre.* Correctional Services Division, Alberta Justice and Solicitor General.

Twiss, D., & Hodgson, P. (2008). *Orientation guide for corrections educators: Road back home project, phase two.* Retrieved from http://en.copian.ca/library/learning/orientation/orientation.pdf

U.S. Department of Justice, Federal Bureau of Prisons. (2014). *Program statement: Use of force and application of restraints.* Retrieved from http://www.aele.org/law/2008JBSEP/5566_006.pdf

U.S. Immigration and Customs Enforcement. (2013). *2.15 Use of force and restraints.* Retrieved from https://www.ice.gov/doclib/detention-standards/2011/2-15.pdf

United Kingdom Ministry of Justice. (2006). *Use of force training manual.* HM Prince Service Training and Development Group.

United Nations. (1990). *Basic principles on the use of force and firearms by law enforcement officials.* Retrieved from https://www.un.org/ruleoflaw/files/BASICP~3.PDF

Varrette, S., & Archambault, K. (2011). *A review of use of force in three types of correctional facilities.* Retrieved from https://www.csc-scc.gc.ca/research/092/005008-0236_01-eng.pdf

Wakefield, J. (2018, August 14). Eleven prison staff fired, suspended or quit as Edmonton Institution conducts misconduct investigation. *Edmonton Journal*. Retrieved October 25, 2019, from https://edmontonjournal.com/news/local-news/more-firings-suspension-and-departures-in-edmonton-institution-staff-misconduct-investigation

Weill, J., & Haney, C. (2017). Mechanisms of moral disengagement and prisoner abuse. *Analyses of Social Issues and Public Policy, 17*, 286-318. doi:10.1111/asap.12142

West Coast Prison Justice Society/Prisoners' Legal Services. (2019). *Damage/Control: Use of force and the cycle of violence and trauma in BC's federal and provincial prisons.* Retrieved from https://prisonjustice.org/wp-content/uploads/2019/06/use-of-force-report-online-1.pdf

Wittmann, N. (2018, April). *Use of force in the Calgary Police Service.* Retrieved from https://www.calgary.ca/_layouts/cocis/DirectDownload.aspx?target=http%3a%2f%2fwww.calgary.ca%2fcps%2fDocuments%2fIndependent%2520Use%2520of%2520Force%2520Review%2520-%2520Report.pdf&noredirect=1&sf=1

World Medical Association. (2019). *WMA statement on solitary confinement*. Retrieved from https://www.wma.net/policies-post/wma-statement-on-solitary-confinement/

Appendix A: Correctional Officer Learning and Development



(British Columbia Corrections, Adult Custody Division, 2013)

Page 74 of 130 PSS-2021-12786

Appendix B: The Road to Mental Readiness

THE ROAD TO MENTAL READINESS (R2MR)

Reduce Stigma and Increase Resiliency in Police Employees

AUGUST 2014

THE GOOD NEWS

If identified and treated early, mental health concerns can be temporary and reversible.

Employees who understand normal reactions to stress and how to manage these reactions are more resilient. They have the ability to recover from stress, traumatic events, and adverse situations.

It is possible to train people to recognize changes in their own mental health and become more resilient.

WHAT IS R2MR?

Originally developed by the Department of National Defence, R2MR is a training program with two levels:

- one for police employees
- one for police leadership

R2MR Primary Course Goals:

- To improve short-term performance and long-term mental health outcomes
- To reduce barriers to care and encourage early access to care

R2MR Leadership Course Goals:

- To provide the tools and resources required to manage and support employees who may be experiencing a mental illness
- To assist supervisors in maintaining their own mental health as well as promoting positive mental health in their employees

Preliminary evaluation results show that participating in R2MR training reduces stigma that often surrounds mental health problems and mental illness and increases resiliency. Participants say that they find it applicable in both their work and home lives.

THE FACTS

Mental or emotional fatigue is a factor in 28% of cases of absenteeism within police organizations.

Work stress, workloads, and work-life issues have a negative impact on the physical and mental health of a substantive portion of Canada's police personnel.

The police workplace culture tends to make it difficult for employees to seek help.

Stigma is a major barrier preventing people from seeking help for mental health problems or mental illness.

The fear of stigma often delays diagnosis and treatment.

The Mental Health Commission of Canada is coordinating the effort to bring R2MR to police organizations across the country. For more information, contact Mike Pietrus, Director, Opening Minds for more information: mpietrus@mentalhealthcommission.ca

CALGARY OFFICE
Suite 320, 110 Quarry Park Blvd SE
Calgary, AB T2C 3G3
Tel: 403-255-5808
Fax: 403-385-4044
www.mentalhealthcommission.ca

OTTAWA OFFICE
Suite 600, 100 Sparks Street
Ottawa, ON K1P 5B7
Tel: 613-683-3755
Fax: 613-798-2989

Mental Health Commission of Canada

Commission de la santé mentale du Canada

(Mental Health Commission of Canada, 2014)

Appendix C: Use-of-Force Policies by Jurisdiction

Terms and jurisdictions	Definitions
Use of force	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	s. 1.2.3 Lawful Use of force by a correctional officer "1. Correctional officers may use a reasonable degree of force to: • Prevent injury or death to a person; • Prevent property damage; • Prevent an inmate from escaping; or • Maintain custody and control of an inmate" Though not policy, the B.C. "Use of Force Reporting Guide" defines use of force as: "Use of force is the application of force by an officer in the course of their duties on or off the correctional centre's property that is intended to gain the cooperation and control of an incarcerated person"
Ontario Ministry of Community Safety and Correctional Services Institutional Services Policy and Procedures Manual Section: Security and Controls	3.1.4 force only when required 3.1.5 force as action of last resort 4.16 Any application of physical force by an employee of the Ministry against an inmate. No employee shall use force against an inmate unless force is required in order to enforce discipline and maintain order within the institution; defend the employee or another employee or inmate from assault control a rebellious or disturbed inmate or conduct a search… R.R.O. 1990, Ref. 118, s. 7(1). 4.16.1 Amount of force must be reasonable and not excessive
Yukon Corrections Adult Custody Policy Manual Section B: Security, Safety and Control Subsection B 2: Use of Force	Item B 2.1 Provision 2. "The Correctional Officer will ensure that a use of force meets the requirements of the *Corrections Act*, section 19, which specifies four general justifications for it: 2.1 preventing the injury or death of a person; 2.2 preventing property damage;

	2.3 preventing an inmate from escaping; or 2.4 maintaining custody and control of an inmate"
Correctional Service of Canada (Policies listed in right column)	CD 567-1 8. "Any use of force will be limited to only what is necessary and proportionate to manage the incident" Definitions (no sections) "Use of force: any action by staff, on or off of institutional property, that is intended to obtain cooperation and gain control by using one or more of the following measures: s.15
HM Prison Service Order Number 1600: Use of Force	2.2 "The use of force will be justified, and therefore lawful, only: • if it reasonable in the circumstances • if it is necessary • if no more force than is necessary is used • if it is proportionate to the seriousness of the circumstances"
U.S. Department of Justice-Federal Bureau of Prisons No. 5566.06, CN-1- Use of Force (No. 5576.04- OC Aerosol Spray- only used in Chemical section)	1. ["PURPOSE AND SCOPE §552.20. The Bureau of Prisons authorizes staff to use force only as a last alternative after all other reasonable efforts to resolve a situation have failed. When authorized, staff must use only that amount of force necessary to gain control of the inmate, to protect and ensure the safety of inmates, staff and others, to prevent serious property damage, and to ensure institution security and good order. Staff are authorized to apply physical restraints necessary to gain control of an inmate who appears to be dangerous because the inmate: a. Assaults another individual; b. Destroys government property; c. Attempts suicide; d. Inflicts injury upon self; or e. Becomes violent or displays signs of imminent violence."

State of Vermont, Agency of Human Services, Department of Corrections Use of Force, Chapter: Security and Supervision #413- A	3. Levels of Force "The level of force and type of force equipment that may be used is dictated by the assessed risk presented, the severity of the conditions of the situation confronted, and the staff person's assessment of what would be objectively reasonable. Levels of force are characterized as: a. Non-Lethal Force – A level of force that would be reasonably expected not to result in serious bodily injury or death. b. Less Lethal Force – A level of force that significantly reduces the likelihood of serious physical injury or death as compared to force commonly known as lethal. c. Lethal Force – A level of force that creates a substantial likelihood of causing serious bodily injury or death. All force has a potential to be lethal depending on how it is employed."
Oklahoma Department of Corrections Use of Force/ Reportable Incidents OP-050108	Section 1. "Use of force is defined as any physical contact in a confrontative situation which is required to enforce or control the behavior of inmates or as the use of fire power, chemical agents, inflammatory agents, or other instruments to enforce order in the facility and, in some cases, in the scope of district duties. Staff may exercise the use of verbal orders, physical contact or, as a last resort, lethal force in instances of justifiable self-defence, to protect persons from imminent death or serious bodily harm, to protect the security of the physical plant, to prevent escapes and/or capture escapees." II. Level of Force Force is broken into two levels of force: II.B.1. Less Lethal Force III.A. Lethal Force
Excessive force	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	s. 1.2.4 Excessive Force- Liability 1. may be criminally liable 2. may be civilly liable
Ontario Ministry of Community Safety and Correctional Services	3.1.6- "When an employee uses force against an inmate, the amount of force used shall be reasonable and not excessive having regard to the nature of the threat posed by the inmate

	and all other circumstances of the case- R.R.O. 1990, Reg. 778, s. 7(2)." 3.1.9 "Excessive Use of Force will not be tolerated. Employees found to have applied force in excess of approved methods may be subject to criminal charges and/or appropriate disciplinary penalties, up to and including dismissal" 4. "Any application of physical force by an employee of the Ministry against an inmate that exceeds the necessary amount of force required to control an inmate. Excessive Use of Force is inconsistent with the standards determined by law, good judgement, Ministry policies, procedures and training. It is deemed unreasonable and excessive, having regard to the nature of the threat posed by the inmate and all other circumstances of the case" 6.5 Inmate Allegations of Staff Assault or Excessive Use of Force • outlines procedure for inmates to make allegations and Use of Force Local Investigation Protocol employed*
Yukon Corrections	Item B 2.1 Provision 3.3 "section 26 of the Criminal Code provides that an excessive use of force by a peace office is an offence"
Correctional Service of Canada	CD 567-1 Definitions (no sections) "Serious violation: when there is a possibility that the law and/or policy was flagrantly or willingly disregarded and results in inappropriate practices, means, methods, operations or processes."
HM Prison Service	2.8 No More Force Than is Necessary "No more force than is necessary shall be used. Any greater force than is necessary could be deemed as unlawful."
Oklahoma Department of Corrections	S 1. "Employees may use reasonable force as required in the performance of their duties; however unnecessary or excessive force is not authorized."

Prohibited force	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	1.2.5 Prohibited Force "Under no circumstance may a staff member apply force as punishment"
HM Prison Service	2.1 "The use of force by one person on another consent is unlawful unless it is justified"
State of Vermont, Agency of Human Services, Department of Corrections	S 2. "Prohibitions on the Use of Force: a. Staff shall not use force prior to employing non-physical alternatives, except in an emergent situation. b. Staff shall not use or permit the use of excessive force. c. Staff shall not use or permit the use of force as punishment or discipline. d. Staff shall not use force when the use of that force would endanger a third party, except when failure to intervene creates a greater risk to all."
Contentious use of force	
Ontario Ministry of Community Safety and Correctional Services	4.4 "Any application of force, that based on initial investigation, is determined to have the potential to bring about police or legal action, public or political criticism, media attention, or labour unrest"
Show of force	
Correctional Service of Canada	CD 567-5 8. Displaying or charging a firearm as a show of force
Oklahoma Department of Corrections	Section II.A: "When possible, a show of force will be used prior to any planned use of force. A show of force is the demonstration to an inmate/ offender that sufficient numbers of staff and resources are available to subdue or control the inmate/ offender who is disruptive. A show of force will not be made without sufficient staff and equipment to control the situation and a commitment to use that force."
Planned incidents Calculated use of force	
Correctional Service of Canada	CD 567-1 Definitions (no sections) "Planned use of force: a situation where time and circumstances allow for a Correctional Manager/ Crisis

	Manager to authorize an intervention plan, which may require a use of force measure to safely resolve an incident"
HM Prison Service	4.28 "Planned incidents involving C&R are used when there is no urgency or immediate danger."
U.S. Department of Justice-Federal Bureau of Prisons	5. b. Calculated Use of Force and/or Application of Restraints. This occurs in situations where an inmate is in an area that can be isolated (e.g., a locked cell, a range) and where there is no immediate, direct threat to the inmate or others. When there is time for the calculated use of force or application of restraints, staff must first determine if the situation can be resolved without resorting to force (see §552.23).
Oklahoma Department of Corrections	7.a.8 Planned Use of Force Terminology used but not defined. It appears to be situations which are not emergent.
Spontaneous or unplanned incidents **Immediate use of force**	
Correctional Service of Canada	CD 567-1 Definitions (no sections) "Spontaneous use of force: a situation requiring an immediate intervention by staff based on an assessment of risk, in which at least one use of force measure is required to prevent imminent harm to oneself or others."
HM Prison Service	4.29 "Unplanned incidents occur when there is an immediate threat to someone's life / limb or to the security of an establishment and staff need to intervene straight away."
U.S. Department of Justice-Federal Bureau of Prisons No. 5566.06, CN-1- Use of Force (No. 5576.04- OC Aerosol Spray- only used in Chemical section)	5. a. Immediate Use of Force. Staff may immediately use force and/or apply restraints when the behavior described in §552.20 constitutes an immediate, serious threat to the inmate, staff, others, property, or to institution security and good order.
Oklahoma Department of Corrections Use of Force/ Reportable Incidents OP-050108	Spontaneous terminology used but not defined. It appears to be allowable in emergency situations.

Code of silence **Reporting of misconduct**	
Ontario Ministry of Community Safety and Correctional Services	4.2 "Actions perpetuated by an individual or group of individuals who fail to accurately report work related on-duty or off-duty behaviour for which an OPS employee may be disciplined by the employer. Code of Silence infractions include behaviour that results in or attempts to counsel, conceal, conspire or misrepresent on-duty or off-duty acts for which an OPS employee may be disciplined by the employer. Code of Silence infractions also include behaviour that threatens or results in reprisal against any individuals, or those associated with individuals who: 4.2.1 Report on-duty or off-duty violations; 4.2.2. Attempt to report on-duty or off-duty violations; 4.2.3 Are aware of individuals who reported or have attempted to report on-duty or off-duty violations"
Correctional Service of Canada	CD 568-1 Recording and Reporting of Security Incidents Annex F CSC Tip Line (1-866-780-3784) "This initiative which operates across the country allows individuals to anonymously provide information to the Correctional Service of Canada. The scope of the National Monitoring Centre was expanded to include the Tip Line as the National Monitoring Centre has the capability of answering, gathering and managing such calls on a 24/7 basis."
Punishment	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	This is addressed in 1.2.5 and called "Prohibited force". Staff are not to use force as punishment.
Ontario Ministry of Community Safety and Correctional Services	3.1.7 explicitly states force *never* to be used as punishments
U.S. Department of Justice-Federal Bureau of Prisons	6.b. Force may not be used to punish an inmate.

Oklahoma Department of Corrections Use of Force/ Reportable Incidents OP-050108	S. 1 explicitly states that (physical) force cannot be used as punishment
Conflict resolution	
Ontario Ministry of Community Safety and Correctional Services	3.1.1 Staff should use verbal intervention skills, diffusion of hostility and peaceful resolution Strategies when possible 8.0 Defusion [sic] of Hostility
HM Prison Service U.S. Department of Justice-Federal Bureau of Prisons	2.13 Conflict Resolution Staff are to try to prevent violence by avoiding danger (2.14), defusing the situation (2.15 & 2.16), or controlling the situation (2.15-2.20) ANNEX C- provides a very thorough "Effective Communication Strategies: De-escalation and Interpersonal/ Communication Skills." 2c. Confrontation avoidance to be used when feasible to avoid calculated use of force situations. 7. Confrontation Avoidance Procedures Prior to calculated use of force, an official and mental health professional to gather info about inmate. Based on assessment, identify staff member to try and get inmate to cooperate
State of Vermont, Agency of Human Services, Department of Corrections	2. Focus is non-violent conflict resolution • physical force only used when alternative are inadequate or emergent situations
Medical	
Ontario Ministry of Community Safety and Correctional Services	3.1.2 When there are signs of mental illness or known mental health issues (including addiction), identifiable special needs, or special physical or psychological concerns, "consideration should be given to: involving health care staff, moving the inmate to a quieter environment, and invoking de-escalation techniques" 6.1.8-6.1.12 Medical Attention following incident • medical assessment onsite • if no health care staff on site, must be sent off site

	• staff treated outside facility • ambulance if required • if inmate refuses or too volatile, health care staff to monitor and Occurrence Report must detail the refusal
Correctional Service of Canada	CD 567-1 Use of Force 14. Must consult with health care professional to develop a plan to consider the physical and mental health needs of inmate, if time permits 39-47 Post-Use of Force Physical Assessment • inmate must receive post-incident assessment • assessment video taped • health care professional must provide recorded synopsis of assessment • after level 2 of 3 use of force, if inmate refuses medical, it must be reoffered s.15 12. health care professionals consulted prior to usage to ensure inmate has no medical condition, except where delay would result in harm 16. following use of s.15 must be examined by health care professional
HM Prison Service	Medical Procedures: 3.1-3.12 This section outlines health concerns as they are related to force. 3.1 being aware of medical distress 3.3 and accompanying Annex D discusses medical conditions relevant to use of force: positional asphyxia, excited delirium, sickle cell disease, psychosis 3.4 medical at planned interventions 3.5 medical deployed when restraints used 3.6. if concern inmate's behaviour is due to drugs/mental illness, advice from medical 3.7 medical signs for concern 3.8 other factors 3.9 obesity 3.10 danger of prone position

	3.11 danger of length of time in restraint 3.12 situations to closely monitor 6. Role of Healthcare in Planned and Unplanned Use of Force 6.1-6.12 • when on duty MUST attend planned • health care deployed to unplanned • monitor during incidents, provide advice • role following incident
U.S. Department of Justice-Federal Bureau of Prisons	10.f. When inmate is in four-point restraint, must be initially assessed by health care staff • must be examined by Psychology Services staff once during 24-hour period restrained 12. Medical Attention in use of Force a. in immediate use of force, mental health assistance
Oklahoma Department of Corrections	II.C.2. Electronic Technology c. Except in case of emergency, electronic technology cannot be used on an inmate without medical screening
Reporting	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	1.2.15 Reporting Requirements 1. warden maintains written record 2. warden reports to provincial director and headquarters policy and program analyst within TWO HOURS of incident 4. C/O's involved complete Part A: Use of Force Details report BEFORE END OF SHIFT (in 1.2.16 there is conflicting information as it says that Part A needs to be completed by C/O's within 24 HOURS of the incident) 5. Part B: Assessment & Findings submitted to policy and program analyst for operations within 20 working days 6. when required Part C. Deputy Warden Secondary Review of the Use of Force Reports is submitted within 30 business days

Ontario Ministry of Community Safety and Correctional Services	6.1.6. Staff must provide verbal notification to supervisor ASAP following use of force 6.2 Requirements Within the First 24 Hours 6.2.1 Notification to superintendent • contact police when required • a manager, not involved in incident, provides inmate with Notification of Right to Purse/Decline Criminal Charges form Priority 1 Use of Force Incident Reports • verbal notification via phone within one hour of becoming aware of incident • written report within one hour of becoming aware • chain of command outlined for "During Business Hours" and "After Hours and Weekends" for each step. Priority 2 Use of Force Incident Reports • Written report to regional office and IMU by end of sergeant's shift. No verbal notification • RD scan and email Inmate Incident Reports to Program Effectiveness, Statistics and Applied Research (PESAR) • CISM and EAP consideration 6.2.3 Documentation a. All C/O's who have witnessed or been involved to submit UoF Occurrence Reports by end of shift
Yukon Corrections	Item B 2.1 Use of Force: Authorities and Considerations Provisions 7, 8, 9 • Officers must report any use of force incidents "involving physical techniques or intervention tools" (7) including threat of use, must be submitted to person in charge • Officers not required to report routine restraints (8) • Any time an injury is incurred, officer must report to person in charge (9) Item B 2.5 Reporting and Investigation Procedures Provisions 1-7 address reporting 1. all use of force which routine are not must have written report from officer by end of shift. 2. what must be included in report 3. additional relevant information (ex. video recording)

	4. "The officer using or authorizing the use of force will ensure that real evidence that may be relevant to a criminal offence is gathered, labeled and stored in a secure location to preserve it." * 5. preserving an area that may require RCMP involvement 6. Officer in Charge must show that locations where use of force occurred are sealed 7. Person in charge submits MONTHY use of force summary to ADM
Correctional Service of Canada	CD 567-1 Use of Force 51-55 • original reports and videos designated Protected B • health care professionals must also document • reporting done in Use of Force review module in Offender Management System CD 568-1 Recording and Reporting of Security Incidents 12 & 13 all staff involved, or witness must complete Statement/Observation Report prior to leaving facility • volunteers and/ or contractors may also have to complete form Very Specific Notification of Incidents listed: 14. Immediate Notification of Incidents complete list in Annex C 19. Incidents to be Reported Within One Working Day complete list in Annex D 24. Incidents to be Reported Within Three Working Days completed list in Annex E
HM Prison Service	2.12 Use of Force Report Form must be completed to justify use of force in all cases 4.45 Use of force report must be completed when ratchet handcuffs are used 8. Reporting, Recording and Debriefing 8.1-8.3 must complete Use of Force report, the explicit purpose is to justify their actions

	8.4 first part completed by supervising officer/officer who used forced, second part must be completed and signed by every C/O that used force 8.10 Orderly Officer ensures all relevant materials are completed and duty governor/ controller informed
U.S. Department of Justice-Federal Bureau of Prisons No. 5566.06, CN-1- Use of Force	12. Documentation of Use of Force ss. 552.27 a. Use of Force report written for all use of force incidents • within 2 working days sent to 1. Assistant Director-Correctional Programs Division, 2. Assistant Director- Health Services, 3. Central Office, 4. Regional Director, 5. Regional Correctional Services Admin b. Use of Restraint Reporting Requirements • time requirements specifically about restraints
Oklahoma Department of Corrections	IX. Reportable Incident Reporting Process • 10 incident types of identified which require immediate telephone notification to Regional Director • RD will notify Chief of Operations, director of Security Threat Intelligence, director or Fugitive Apprehension and investigations. The agency director will also be notified. B. List of 9 incidents which require telephone notification the following day by 10am. C. All reportable incidents in writing by 11am the next working day with the "Incident Notification Report" 1. To be forwarded by RD to chief of operations by 1pm the same day. Chief of Operations forwards to FAI and STI 2.& 3. Involve reporting of probation and parole D. Comprehensive Report • after the initial review this can be ordered by regional director • must be submitted within 5 working days • will include all reports and any new information

	• will identify future impact this could have on staff/inmates and other facilities • what corrective measure implemented • disciplinary actions issued or recommended • if there is no video, must be explained
Review	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	1.2.16 Review Process • correctional centre manager ensures all relevant documentation is complete • warden ensures all use of force incidents are reviewed to ensure they are lawful • notify police where there was incident of inmate violence 1.2.17 Primary Review 1. Primary review completed by assistant deputy warden 2. Identifies if C/O(s) acted appropriate (checklist provided) 3. warden ensures these standard reviews are completed and submits to headquarters within 20 days 5. deputy warden decides if secondary review is required 6. headquarters also reviews and notifies provincial director of outcome of standard review 1.2.18 Secondary Review 1. called by deputy warden, warden or prov director 2. when C/O actions may not have been appropriate, or injury incurred 3. All incidents involving s.15 s.15 4. submitted within 30 business days "identifies areas of concern and provides recommendations" 7. headquarters analyst tracks status of recommendations 1.2.19 Operational Review 1. ordered by provisional director or warden 2. is a formal review process, especially when incident is significant

	3. Force Options Coordinator consulted 1.2.20 Critical Incident Review • ordered by ADM when death or injury likely to result in permanent and significant disability to inmates occurs
Ontario Ministry of Community Safety and Correctional Services	6.3.4 Risk Management Team (RMT) • meets within 10 business days • determines if file is complete • determine if use of force was reasonable and "not excessive" • Part C of the UoF LIR completed by RMT and forwarded to superintendent as soon as possible but within 30 business days 6.3.5 Superintendent • determines if file is complete • acknowledge if satisfied with amount of force used was "reasonable and not excessive" • Part D of the UoF LIT completed and forwarded to regional director within 15 business days (Priority 1 and 2 incidents have slightly different paths) 6.3.6 Regional Director • RD initial review of Priority 1 use of force files and can agree file is complete and close it if no issues identified-completion of Part E of UoF LIR • If further action required the RD will document what is required in Part E (ex. Administrative review, regional investigation, CSOI investigation, etc.) 6.3.7 Chief of Oversight and Investigations, CSOI • CSOI will conduct further investigation if requested by RD. Part F of UoF completed and approved by CSOI Additional Review: 6.3.8 Regional Director Priority 2 Incidents and Audits • monthly audits of Priority 2 LIRs • random sample of 10% of Priority 2 from each institution for review and audit • Part E will be used • reviewed for accuracy, completeness and any concerns returned to superintendent for remedial action or further investigation when necessary 6.9 Use of Force Auditor • may request info related to any use of force incident • will advise CSOI of any concerns

Correctional Service of Canada	CD 567-1 Use of Force 56-68 Review Process • three types of reviews: level 1, 2 or 3 (Requirements outlined in Annex B) • Level 3 is Expediated Review, this occurs when it is possible "serious violations of law or policy, or any other aspect related to the intervention that may cause serious concerns". (59) • Institution Head submits request • request reviewed by Assistant Deputy Commissioner and Integrated Services, then forwarded to Director General for final Decision • if Level 3 review is approved, appropriate sections and Office of Correctional Investigator informed • institutional review completed within 5 working days • Assistant DC, Integrated Services- finalize review within five working days • Director General and Security will finalize review within 5 working days 61. List of incidents/ criteria requiring Level 2 review • finalized by Warden in 20 working days • Assistant Deputy Commissioner, Integrated Services within 25 working days after completion of institutional review • national level, within 30 working days of notification of review at regional level 63. Level 1 review involve any other force situations- finalized by Assistant Warden, Operations/ Manager, Operations within 20 working days
HM Prison Service	Referred to as "Monitoring" 8.12&8.13 • Appears each institution develops own self-audit system for use of force reports • This is monitored by Standards Audit Unit monitor Debrief-Prisoner 8.21-8.22 Essentially reviews for prisoners who have repeated incidents requiring force- a Care Plan/ Behaviour Management Plan to determine underlying factors, alternatives to force, and risk assessment

U.S. Department of Justice-Federal Bureau of Prisons	15. After-Action Review of Force After-Action Review Team consists of the warden, associate warden, Health Services Admin, and captain • review if force was appropriate and proportionate • complete After-Action Report indicating findings within two working days after inmate released from restraints. c. Further Investigation • if After-Action Review Team decide investigation required, matter is referred to Office of the Inspector General, Office of internal Affairs, or FBI.
Oklahoma Department of Corrections	IX. Reportable Incident Reporting Process F. Reportable Incident Debriefing • if incident is deemed critical, "Critical Incident Program" followed • review of staff and inmate actions • impact of incident Review of corrective actions taken and needed • plans for improvement
Videoing use-of-force incidents	
Ontario Ministry of Community Safety and Correctional Services	6.3.1 Digital Video • video surveillance must be retained for 30 days • investigating manager must obtain footage and notify superintendent • union must also be notified (in cases of investigation or discipline)
Correctional Service of Canada	CD 567-1 Use of Force 21-32 • entire planned use of force incidents must be recorded • as soon as possible with spontaneous • if possible, staff briefings before planned use of force recoded • medical treatment not recorded (violation of rights) • camera operator must always provide Statement/ Observation Report detailing their role
U.S. Department of Justice-Federal Bureau of Prisons	14. Documentation of Use of Force ss. 552.27 c. any use of force incident must be recorded, including medical examination after s.15 s.15

	15. After-Action Review of Use of Force. a. Videotape review- After-Action Review Team reviews video with specific focus on a list of outlined considerations (list provided in policy)
Oklahoma Department of Corrections	V. Audiovisual Cameras • all use of force incidents must be filmed, including medical examination V.B. In planned use of force incidents, officer in charge must be filmed reading "Use of Force Special Instructions" form to ensure compliance with use of procedures • in spontaneous, recording to begin as soon as possible, and end with officer in charge filmed reading "Spontaneous Incidents/Use of Force Checklist/ Closure" form
Photographing use-of-force injuries	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	1.2.16 Review Process 6. Inmates are only photographed after use of force incident if they are injured and require medical treatment
Ontario Ministry of Community Safety and Correctional Services	4.10 Modest (Inmate) Full Body Images 4.14 Sensitive (Inmate) Images 6.2.4 Initial Digital Images (Inmates) a. Any inmate involved in incident is to be photographed, whether injured or not b. staff involved with incident not be present during images 6.2.6 Images of Staff Injuries a. • staff have the option of being photographed 6.3.3. Follow-up Digital Images (Inmates) • 24-48 hours after incident • images must also be taken of areas where inmates complain of injury but is not visible 6.2.7 Taking and Storing of Images • person must be identifiable in all images • person's face must be first picture

Use-of-force options	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	1.2.8 Control and Force options s.15
Ontario Ministry of Community Safety and Correctional Services	4.23 Use of Force Options/Resources s.15
Correctional Service of Canada	567 Management of Incidents 7 & 8 utilize the Engagement and Intervention Model • diagram of model available in Annex B 26-28 Security Response s.15
HM Prison Service	4. Types of Force Types listed: s.15 4.23 & 4.24: C&R used by Three Officer Team 4.30 "Staff arriving as the 'first on the scene' at an incident involving violence (e.g., a fight between two prisoners) must act in a common sense manner."*

	4.38-4.46 s.15 4.54-4.59 C&R Advanced/TORNADO
U.S. Department of Justice-Federal Bureau of Prisons	9. Progressive and Ambulatory Restraints s.15 10. s.15 • inmates dressed in appropriate clothing • beds must have mattress, blanket/sheet • staff shall check on inmate every 15 mins • review by Lieutenant every 2 hours • if longer than 8 hours, Warden must notify Regional Director Regional Duty Officer • Inmate's Behavioural Management Plan prepared
Oklahoma Department of Corrections	II.B.b. Types of Less Lethal Force Equipment Less lethal options in categories below
Control techniques	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	1.2.12 Control Techniques s.15
Oklahoma Department of Corrections	II.C.1 Physical Restraints s.15
Irritants and chemicals	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	s.15 • could include others • conditions listed for when these can be used
Correctional Service of Canada	CD 567-4 Use of Chemical and Inflammatory Agents s.15 • specific contamination procedures listed in Annex B

	12. health care professionals consulted prior to usage to ensure inmate has no medical condition, except where delay would result in harm
U.S. Department of Justice-Federal Bureau of Prisons	No. 5576.04 OC Aerosol Spray s.15
Oklahoma Department of Corrections	s.15
Impact weapons	
British Columbia Corrections Adult Custody Division 1.2 Use of Force	s.15
Oklahoma Department of Corrections	II.C.2. s.15

Lethal force	
Correctional Service of Canada	CD 567-5 Use of Firearms 8. "The following uses of a firearm constitute a use of force: a. pointing a firearm at someone b. displaying or charging a firearm as a show of force c. discharging a warning shot b. discharging an aimed shot at an individual"
Oklahoma Department of Corrections Use of Force/ Reportable Incidents OP-050108	III.A Lethal Force • to prevent escape, to protect staff for imminent death or serious bodily harm, to maintain and restore control III.B. Lethal Force Procedures Thorough list outlined. I will point out one unique section: 8. If a weapon is discharged, approved or accidental, the employee will be drug tested ASAP.
Female inmates	
Ontario Ministry of Community Safety and Correctional Services	6.2.4 Initial Digital Images k. Only female C/O's can take images of female inmates when it is required inmates disrobe to undergarments.
Yukon Corrections	Item B 2.4 Cell Entry Teams and Process Provisions 5 & 6 5 institution with females, at least 6 women trained in cell entry 6 in cell entries with females, the Cell Entry Team must have as many women as possible
Correctional Service of Canada	CD 600 Management of Emergencies in Operational Units 27-29 Women Offender Institution Emergency Response Team • must be comprised of only female staff • when males must be used on ERT teams they will follow contingency plan for roles and responsibilities CD 567-1 Use of Force Review Process 64. Women Offender Sector reviews level 2 use of force reviews

Pregnant inmates	
Ontario Ministry of Community Safety and Correctional Services	3.1.3 Special precaution taken to ensure safety of pregnant woman and fetus, least intrusive method of intervention 6.4 Pregnant Inmates • before force can be used, safety of inmate and fetus considered • restraints as last resort and "extreme care" taken • health care stuff must be present when possible. If not beforehand, as soon as possible following.
Yukon Corrections	Item B 2.2 Use of Restraints Provision 17s.15 not to be used on pregnant inmates
Correctional Service of Canada	CD 567-1 Use of Force 19. prior to using force on pregnant inmate, must consider safety of inmate and fetus 567-3 Use of Restraint Equipment for Security Purposes 14-17 • if possible, physician consulted to ensure safest and most appropriate restraint option • restraint as last resort • never during labour and delivery • body belts worn in a way to ensure no pressure on inmate's stomach or torso
HM Prison Service	4.36 use of force in planned incidents- full risk assessment performed, and staff briefed before C&R employed 4.37 in unplanned use of force on a "female prisoner who is known or suspected of being pregnant" must use special techniques."*
U.S. Department of Justice-Federal Bureau of Prisons	Section 6d. Pregnant inmates not to be placed in restraints unless there is immediate serious threat of harm to herself/others, or presents risk of escape which cannot be controlled by other means Also address in s. 13a. when pregnant women must be restraints special care taken not injure the fetus
Oklahoma Department of Corrections	IX. Reportable Incident Reporting Process

	7. "Spontaneous application of restraints to a pregnant inmate requires completion of the "Report of Application of Restraints to a Pregnant Inmate" form"
Suicide prevention program **Suicide screening and intervention**	
Correctional Service of Canada	CS 843 Interventions to Preserve Life and Prevent Serious Bodily Harm
U.S. Department of Justice-Federal Bureau of Prisons	1. Suicide prevention program Program description is vague but seems to specifically address the issue of suicide and its relation to required use of force
WRAP	
Yukon Corrections	Item B 2.2 Use of Restraints Definition: "a restraint apparatus used to immobilize an inmate when the Officer in Charge determines that less restrictive restraints have been exhausted or are inappropriate" Authority to use the s.15 provisions 14 (approval by Deputy Super or Manager on call), 15 (officers must have s.15 training), 16 (only used to immobilize inmates in specific cases), 17 (not on pregnant inmates) s.15 placement provision 18 Medical Review Provisions 19-24 These provisions involve having health care professionals involved for monitoring an inmate in a s.15 provisions for when no health care professionals available and medical assessment completed following usage. s.15 Observation, Recording and removal Provisions 25-33 Must be video recorded, direct supervision (or 15 min checks), Officer in Charge must assess inmate, removal (or partial removal) as soon as possible. Provision 39: Reporting of s.15 completed by Officer in Charge, including video recording. Goes to Superintendent and Director of Corrections.

Elder and spiritual adviser	
Yukon Corrections	Item B 2.1 Provision 12 When possible and practical, officer in charge to contact elder/spiritual adviser (or others) in order to bring about non-violent resolution

Appendix D: Jurisdiction Details

British Columbia

(Correction Act, SBC 2004, c. 46)

Use of force and restraining devices

12(1) Officers and employees appointed under this Act may use a reasonable degree and means of force for any of the following purposes:

(a) to prevent injury or death to a person;

(b) to prevent property damage;

(c) to prevent an inmate from escaping;

(d) to maintain custody and control of an inmate.

(2) A device used to physically restrain an inmate may only be used in prescribed circumstances and in accordance with prescribed procedures.

Redress

Inmate concerns

4 A staff member must, if circumstances allow, make reasonable attempts to address a concern raised by an inmate.

....

Complaint to person in charge

37(1) An inmate may make a written complaint to a staff member who must forward it, as soon as practicable, to the person in charge.

(2) The person in charge must, within 7 days of the receipt of the complaint, investigate the complaint and advise the inmate, in writing, of the results of the investigation as soon as practicable.

(3) The person in charge must keep a record of

(a) written complaints,

(b) the manner in which the complaints are resolved, and

(c) the written advice given to an inmate under subsection (2) as a result of the investigation of a complaint.

(Correction Act Regulation, BC Reg 58/2005)

Use of physical restraint devices

9(1) An authorized person may use a type of physical restraint device that is approved by the provincial director if circumstances require use of the physical restraint device in order to

(a) prevent injury or death to a person,

(b) prevent property damage,

(c) prevent an inmate from escaping, or

(d) to maintain custody and control of an inmate.

(2) A physical restraint device must not be used to restrain an inmate for more than 4 continuous hours unless

(a) authorized by the person in charge under subsection (3), or

(b) the inmate is on an escorted absence from the correctional centre.

(3) The person in charge may authorize the use of a physical restraint device to restrain an inmate for more than 4 continuous hours but, unless subsection (4) applies, for no more than 16 continuous hours, if

(a) the person in charge believes on reasonable grounds that the use of the physical restraint device is necessary for the safety of the inmate or for the safety of another person, and

(b) other means of control of the inmate have been exhausted or are not reasonable in the circumstances.

(4) The person in charge may authorize the use of a physical restraint device to restrain an inmate for more than 16 continuous hours with approval from the provincial director.

(5) A person in charge who authorizes the use of a physical restraint device under subsection (4) must review the condition of the inmate with the provincial director every 12 hours following the approval of the provincial director while the physical restraint device is being used.

(6) The provincial director may at any time revoke his or her approval under subsection (4).

Alberta

(Corrections Act, Revised Statutes of Alberta 2000, c. 29)

The Act is silent on use of force.

(Correctional Institution Regulation 205/2001)

Use of force

50(1) Force is not to be used by an employee unless it is essential to use it to maintain or restore order or to prevent the continuation of acts of violence.

(2) When the use of force is essential, no more force is to be used than is necessary to maintain or restore order or stop acts of violence.

(3) An employee may use mechanical and any other restraints on an inmate where it appears to the employee that these are necessary to prevent the inmate from escaping or being injured or injuring others.

(4) In all cases where force is used, the employee is to report the circumstances in writing forthwith to the employee's immediate supervisor.

Saskatchewan

(Correctional Services Act, 2012, c. C-39.2)

Use of force and restraining devices

33(1) A staff member may use a reasonable degree and means of force for any of the following purposes:

(a) to prevent injury or death to a person;

(b) to prevent property damage;

(c) to prevent an inmate from escaping;

(d) to maintain custody and control of an inmate.

(2) A device used to physically restrain an inmate may only be used in prescribed circumstances and in accordance with prescribed procedures.

Redress

Complaints by inmates

67 An inmate of a correctional facility may complain in writing to the director of the correctional facility in which the inmate is confined or detained about the administration of the correctional facility, and the complaint must be dealt with in accordance with the regulations.

68(1) An inmate who makes a complaint pursuant to section 67 may, in accordance with the regulations, appeal the decision with respect to the complaint to the head of corrections by providing the head of corrections with a notice of appeal within five business days after the decision.

(2) The notice of appeal must set out:

(a) the circumstances and any other relevant particulars of the matter being appealed; and

(b) the reasons why the inmate believes the decision should be set aside or varied.

(3) An appeal pursuant to this section must be dealt with and determined in accordance with the regulations.

(4) The head of corrections may:

(a) confirm, revoke or vary the decision on appeal; or

(b) make any other decision that the head of corrections considers appropriate.

(5) The decision of the head of corrections on appeal is final.

(Correctional Services Regulations, 2013, c. 39.2 Reg. 1)

Use of restraint device

22(1) A staff member may use a type of physical restraint device that is approved by the head of corrections to restrain an inmate if the staff member believes the restraint device is necessary for the purposes mentioned in subsection 33(1) of the Act.

(2) A physical restraint device must not be used to restrain an inmate for more than four continuous hours unless:

(a) a longer period is authorized by the director pursuant to subsection (3); or

(b) the inmate is on a temporary absence from the correctional facility pursuant to the Act.

(3) Subject to subsection (4), the director may authorize the use of a physical restraint device to restrain an inmate for more than four continuous hours, but for no more than 16 continuous hours, if:

(a) the director believes on reasonable grounds that the use of the physical restraint device is necessary for the safety of the inmate or for the safety of another person; and

(b) other means of control of the inmate have been exhausted or are not reasonable in the circumstances.

(4) With the approval of the head of corrections, the director may authorize the use of a physical restraint device to restrain an inmate for more than 16 continuous hours if:

(a) the director believes on reasonable grounds that the use of the physical restraint device is necessary for the safety of the inmate or for the safety of another person; and

(b) other means of control of the inmate have been exhausted or are not reasonable in the circumstances.

(5) A director who authorizes the use of a physical restraint device pursuant to subsection (4) shall review the condition of the inmate with the head of corrections every 12 hours while the physical restraint device is being used.

(6) The head of corrections may, at any time, revoke his or her approval pursuant to subsection (4).

Redress

Complaints by inmates

48(1) If the director receives a complaint pursuant to section 67 of the Act, the director shall ensure that all reasonable efforts are made to resolve the complaint informally.

(2) If the complaint is not resolved pursuant to subsection (1), the director shall make a decision with respect to the complaint.

(3) In the course of making a decision, the director shall review any relevant documents and materials and may conduct any investigation or inquiry or hold any hearing that the director considers appropriate.

(4) The director shall make a decision with respect to the complaint and give the inmate written notice of the decision, including the reasons for the decision, within five business days after the date on which the director received the inmate's complaint.

(5) If due to exceptional circumstances the director is unable to make a decision within the period mentioned in subsection (4), the director shall provide the inmate with an update regarding the status of the complaint at least once every five business days until a decision is made.

49(1) On appeal pursuant to section 68 of the Act, the head of corrections shall give the inmate an opportunity to make representations either in writing or by oral recording.

(2) In determining an appeal pursuant to section 68 of the Act, the head of corrections:

(a) shall review any relevant documents and materials;

(b) shall consider any representations made by the inmate pursuant to subsection (1); and

(c) may conduct any investigation or inquiry or hold any hearing that the head of corrections considers appropriate.

(3) The head of corrections shall decide the appeal and give the inmate written notice of the decision, including written reasons for the decision, within five business days after the date on which the head of corrections received the notice of appeal.

(4) If due to exceptional circumstances the head of corrections is unable to make a decision within the period mentioned in subsection (3), the head of corrections shall provide the inmate with an update regarding the status of the appeal at least once every five business days until a decision is rendered.

Manitoba

(Correctional Services Act, C.C.S.M. c. C230)

Use of force etc.

44 A correctional officer employed in a custodial facility may use such force, including restraint, as is reasonably necessary and such equipment as is specified in the regulations,

(a) to maintain order in, and control of the inmates of, the facility; or

(b) to prevent self-destructive behaviour by an inmate of the facility.

Redress

Grievance of inmate

52 An inmate of a custodial facility may complain in writing to the facility head of the facility about any condition or situation in the facility that affects the inmate, and the complaint shall be dealt with in accordance with the regulations.

53(1) An inmate of a custodial facility may, in accordance with the regulations, appeal from any prescribed decision affecting the inmate that was made by the commissioner, the facility head of the facility or the delegate of either of them.

(2) An appeal taken under subsection (1) shall be initiated by the inmate of a custodial facility filing with the commissioner, the facility head of the facility or the delegate of either of them a written notice of appeal, setting forth the details of the decision being appealed and the reasons why the inmate thinks the decision should be set aside or varied.

(3) An appeal taken under this section shall be dealt with and determined in accordance with procedures specified in the regulations.

Regulations

The regulations are silent on use of force.

Ontario

(Ministry of Correctional Services Act, R.R.O. 1990, c. M.22)

The Act is silent on use of force.

(Ministry of Correctional Services Act, R.S.O. 1990, c. M.22. R.R.O. 1990, Reg. 778)

The Act is silent on use of force.

(Correctional Services and Reintegration Act, 2018, S.O. 2018, c. 6, Sched. 2) (not yet in force)

Use of force

95(1) No person shall use force against an inmate unless no other alternative is reasonably available in order to,

(a) enforce discipline and maintain order within the institution;

(b) defend a person from assault;

(c) control a rebellious or disturbed inmate; or

(d) conduct a search.

(2) A correctional services employee who uses force against an inmate shall use an amount of force that is reasonable and not excessive having regard to the nature of the threat posed and all other circumstances of the case.

(3) If a correctional services employee uses force against an inmate in the prescribed circumstances, the employee shall,

(a) as soon as possible, file a written report with the superintendent that,

(i) indicates the nature of the threat posed by the inmate,

(ii) provides relevant details, and

(iii) includes any other prescribed information, and

(b) comply with such other requirements as may be prescribed.

(4) If a superintendent uses force against an inmate in the circumstances prescribed under subsection (3), the superintendent shall instead file the written report required by clause (3) (a) with the superintendent's regional director.

Use of instruments of restraint

96(1) No instruments of restraint shall be used on an inmate except in accordance with this Act and the regulations.

(2) No instruments of restraint shall be used on an inmate,

(a) during labour if, in the opinion of a physician, nurse, midwife or prescribed health care practitioner, the use of instruments of restraint during that period would compromise the health of the inmate or the inmate's baby;

(b) during childbirth; and

(c) within 48 hours after giving birth or such longer period after giving birth as a physician, nurse, midwife or prescribed health care practitioner may recommend if, in the opinion of the physician, nurse, midwife or prescribed health care practitioner, the use of instruments of restraint during that period would compromise the health of the inmate or the inmate's baby.

(3) Subsection (2) does not apply if there is an imminent risk of harm or serious injury to any person.

Redress

Inmate complaint process

97(1) The Minister may make regulations establishing a process for inmates to complain about the operation of correctional institutions or the provision of correctional services in correctional institutions.

(2) A regulation made under subsection (1) must include,

(a) a timeline for responding to complaints;

(b) procedures for addressing complaints; and

(c) a reporting process for complaints.

(3) Correctional services employees shall take reasonable steps to informally resolve complaints they receive, other than complaints of a serious nature, as that term is defined in the regulations, before submitting them to the complaints process established under subsection (1).

(4) A correctional services employee who receives a complaint of a serious nature shall refer it to the superintendent.

(5) No correctional services employee shall intimidate, take a disciplinary measure or otherwise penalize an inmate or threaten to do so because the inmate has filed a complaint pursuant to the complaints process established under subsection (1), and any employee who does so shall be deemed to have contravened their prescribed code of conduct.

(6) The superintendent shall ensure that every inmate has timely access to the complaints process established under subsection (1).

(7) Despite subsection (6), if the Minister is satisfied that an inmate has frequently submitted complaints that are frivolous, vexatious or not made in good faith in relation to the same issue, the Minister may, in accordance with the prescribed procedures, no longer respond to further complaints respecting the same issue by the inmate.

(8) If the Minister decides to no longer respond to an inmate's complaints under subsection (7), the Minister shall inform the inmate of that decision and the reasons for it.

(9) For greater certainty, a decision under subsection (7) shall not be based solely on the volume of complaints that an inmate has made.

(10) The Minister shall, in every month, review any decisions made to not respond to inmate complaints made under subsection (7) and give the inmate written reasons for the decision to maintain or lift the prohibition and, at the inmate's request, shall provide the inmate with a reasonable number of copies of those reasons.

98 The Minister may make regulations establishing a process for individuals under community supervision to complain about their supervision.

Quebec

(Act respecting the Québec correctional system, C.Q.L.R. c. S-40.1)

The Act is silent on use of force.

(Regulation under the Act respecting the Québec correctional system, CQLR c S-40.1, r 1)

The regulation is silent on use of force.

Redress

Receipt of Complaints

62 An inmate may file a written complaint on the form provided for that purpose by the facility on any issue that is not the subject of another remedy or review or appeal mechanism.

63 The complaint is examined by a manager designated by the facility director who, within 2 working days, must reply in writing to the inmate unless the correctional services have resolved the inmate's complaint. Reasons must be given with the reply.

If the manager dealing with the complaint believes on reasonable grounds that the complaint is frivolous or vexatious, the manager must inform the inmate in writing that the complaint is dismissed and that no review is possible.

Division II

Re-examination and Review

64 In all other cases, an inmate who is not satisfied with the reply received may apply for a re-examination to the facility director who must reply within 5 working days.

65 If the inmate is still not satisfied with the reply received from the facility director, the inmate may apply for a review to the person designated by the Associate Deputy Minister of correctional services who must reply within 7 working days.

Division III

Time Limits

66 The time limits in this Chapter may be extended with the inmate's consent.

If a complaint is related to an emergency in which the inmate's life is in danger, the person dealing with the complaint must reply as soon as possible.

In the case of a collective complaint, only one case is examined and only one reply with reasons is given to all the complainants.

67 If the inmate who filed a complaint is transferred or released, an assessment is made by the person dealing with the complaint to determine whether the complaint is no longer necessary, in which case the file is closed.

New Brunswick

(Corrections Act, 2011, c. 132)

The Act is silent on use of force.

(General Regulation 84-257 under the Corrections Act)

Use of force

21 No officer or employee shall use force against an inmate unless force is required to

(a) enforce discipline and maintain order within a correctional institution,

(b) defend the officer or employee, another officer or employee or inmate from assault,

(c) control a rebellious or disturbed inmate, or

(d) conduct a search,

but where force is used against an inmate, the amount of force shall be reasonable and not excessive having regard to the nature of the threat posed by the inmate and all other circumstances of the case.

Redress

The regulation is silent on redress.

Nova Scotia

(Correctional Services Act, SNS 2005, c 37)

Use of force

43 An employee may use as much force as is reasonably necessary, including the use of restraints, other security equipment that may be prescribed by regulation and restricted and prohibited weapons authorized by the Minister under this Act, to

(a) maintain custody and control of an offender in custody;

(b) maintain order and control of a correctional facility;

(c) prevent the self-destructive behaviour of an offender in custody;

(d) ensure the safety of other offenders, employees or persons in a correctional facility;

(e) prevent the destruction of property;

(f) prevent the escape of an offender from custody; and

(g) ensure that a lawful search and seizure of contraband is carried out.

Redress

Offender complaints

24(1) For the purpose of this Section, the Executive Director may designate an employee or class of employees to receive and respond to a complaint referred to under subsection (2).

(2) Any offender who is aggrieved for any reason may make a complaint, in writing, to an employee or class of employee.

(3) The employee or class of employee shall respond in writing to a complaint received under subsection (2).

(4) Where an offender is not satisfied with the response received under subsection (3), the offender may, in accordance with the regulations, make an appeal to the Executive Director or other employee designated by the Executive Director to hear the appeal.

(5) The Executive Director, or designated employee, may confirm, vary or set aside the decision on appeal and may make such other decision the Executive Director or other designated employee considers appropriate.

(6) The decision of the Executive Director or other designated employee on appeal is final.

(Correctional Services Regulations, NS Reg 99/2006)

Security equipment for use to control offenders in custody

23 The following security equipment is approved for use to control offenders in custody for the purposes set out in Section 43 of the Act:

(a) handcuffs;

(b) flexcuffs;

(c) leg restraints;

(d) waist restraints;

(e) bed restraints;

(f) helmets;

(g) shields;

(h) mattresses;

(i) repealed: O.I.C. 2016-33, N.S. Reg. 24/2016;

(j) restraint chairs.

Redress

Complaints

25 In Sections 26 to 28, "designated employee" means an employee or a member of a class of employees designated by the Minister under subsection 24(1) of the Act to receive and respond to a complaint.

26 A designated employee who receives a complaint must acknowledge the complaint in writing no later than 5 business days after the date it is received.

27 (1) Except as provided in Section 28, a designated employee who receives a complaint must investigate the complaint and, as soon as practicable after investigating the complaint, must

(a) take whatever steps the designated employee considers appropriate to resolve the complaint; or

(b) refer the matter for investigation by another employee or an outside agency.

(2) As soon as practicable after investigating a complaint, a designated employee must advise the complainant of the action taken under subsection (1).

28(1) A designated employee who receives a complaint may decide not to investigate the complaint if the designated employee is satisfied that

(a) the complaint is trivial, is not made in good faith or is frivolous or vexatious;

(b) the circumstances of the complaint do not require investigation; or

(c) the offender made no effort to resolve the matter before making the complaint.

(2) A designated employee who decides not to investigate a complaint in circumstances described in clause (1)(c) must refer the matter

(a) back to the complainant to attempt to resolve the matter themselves; or

(b) to another employee to attempt to resolve the matter with the complainant.

29 A complaint must be answered or referred to the appropriate party no later than 10 business days after the date the complaint was received.

30(1) An appeal under subsection 24(4) of the Act by a complainant who is not satisfied with the response to their complaint must be in writing and must state the reasons for the appeal.

(2) A complainant's appeal must be forwarded to the Executive Director no later than 10 business days after the date the complainant receives the response to their complaint.

(3) No later than 10 business days after the date the Executive Director receives an offender's appeal of a response to a complaint, the Executive Director must notify the offender and the superintendent of the decision in the matter.

Prince Edward Island

(Correctional Services Act R.S.P.E.I. 1988, c. C-26.1)

The Act is silent on use of force.

(Correctional Services Act Regulations)

Use of force

17(1) An officer shall not use any force on an inmate except the minimum amount of force where absolutely necessary for self-defence, to conduct a search, or in the case of assault on another inmate or employee or where it is necessary to control a rebellious or disturbed inmate.

(2) Where any amount of force is used against an inmate, a written report of the incident shall be submitted immediately to the Centre Manager or to the officer in charge of the shift by the officer involved.

Redress

Duties of a Centre Manager

4 A Centre Manager shall

....

(n) ensure that a record is maintained showing the name, date, time and nature of a complaint made by an inmate, that the Centre Manager determines to be genuine, and take the action the Centre Manager determines is necessary;

Newfoundland and Labrador

(Correctional Services Act, SNL 2011, c. C-37.00001, 2011)

The Act is silent on use of force.

(Correctional Services Act, SNL 2011, c. C-37.00001) (not yet in force)

Use of force

26 Persons appointed or employed to exercise powers and perform duties in the administration of this Act may use a reasonable degree and means of force to

(a) prevent injury or death to a person;

(b) prevent property damage;

(c) prevent an inmate from escaping; and

(d) maintain custody and control of an inmate.

(Consolidated Newfoundland and Labrador Regulation 993/96) (existing regulations still in force)

Physical restraint

29 No mechanical means of physical restraint shall be used on a prisoner unless

(a) the officer in charge authorizes the use of those means;

(b) the means is necessary to transport the prisoner or to prevent injury to himself or herself or to others, damage to property, or creation of a disturbance; and

(c) the period during which those means are used does not exceed 24 hours except on written authority from the superintendent.

Redress

Grievance procedure

19(1) There shall be a procedure for fairly and expeditiously resolving inmate grievances on matters within the jurisdiction of the chief superintendent, and the procedure shall operate in accordance with regulations made under paragraph 48 (d).

(2) Every inmate shall have complete access to the inmate grievance procedure without negative consequences.

Yukon

(Corrections Act 2009, SY 2009, c. 3)

Use of force

19(1) Persons employed to exercise powers and perform duties in the administration of this Act may use a reasonable degree and means of force to

(a) prevent injury or death to a person;

(b) prevent property damage;

(c) prevent an inmate from escaping; and

(d) maintain custody and control of an inmate.

(2) A device used to physically restrain an inmate may only be used in prescribed circumstances and in accordance with prescribed procedures.

Redress

Director of Investigations and Standards, s. 36

(Corrections Regulation. O.I.C. 2009/250)

The regulation is silent on use of force.

Redress

Complaint by inmate

40(1) An inmate may make a written complaint to a staff member who must forward it, as soon as practicable, to the person in charge.

(2) The person in charge must, within 7 days of the receipt of the complaint, investigate the complaint and advise the complainant, in writing, of the results of the investigation as soon as practicable after having completed the investigation.

(3) The person in charge must keep a record of

(a) written complaints under this section;

(b) the manner in which the complaints are resolved; and

(c) the written advice given to a complainant under subsection (2) as a result of the investigation of the complaint.

Northwest Territories

(Corrections Act, R.S.N.W.T. 1988, c. C-22)

17(1) No employee shall

(a) use force unnecessarily with inmates; and

(b) when the application of force to an inmate is required, use more force than is reasonably necessary.

....

24(1) In this section, "physical restraint" means restraint by means of manacling, shackling or a straitjacket.

(2) Physical restraint of an inmate shall be used only when it is necessary

(a) to prevent escape;

(b) in transporting a violent inmate; or

(c) to prevent the inmate from injuring himself or herself or others.

(3) No inmate shall be kept under physical restraint longer than is necessary and in no case longer than 24 hours except with the approval of a medical practitioner.

Redress

Investigation function (s.49)

(Corrections Service Regulations, R.R.N.W.T. 1990, c. C-21)

The regulations are silent on use of force.

Nunavut

(Corrections Act S.Nu. 2019,c.13,s.74, 2019)

Reasonable use of force

14(1) Employees may use a reasonable degree and means of force for any of the following purposes:

(a) to prevent injury or death to a person;

(b) to prevent property damage;

(c) to prevent an inmate from escaping: (d) to maintain custody and control of an inmate. Prohibition.

(2) No employee shall

(a) use force in a circumstance other than one referred to in subsection (1);

(b) use force unnecessarily with inmates; or

(c) use more force than is reasonably necessary.

Provocation

(3) No employee shall act in a manner calculated to provoke an inmate.

Physical restraint device

24(1) No employee shall use a physical restraint device unless

(a) the use is authorized by the regulations;

(b) the device has been reviewed and approved by the Director; and

(c) the circumstances require the use of the device to

(i) prevent injury or death to a person,

(ii) prevent property damage,

(iii) prevent an inmate from escaping, or

(iv) maintain custody or control of an inmate;

(d) the device is employed using the least restrictive measures required to meet the objectives referred to in paragraph (c); and

(e) the device is used in a manner that maintains the dignity, safety and security of the inmate being restrained.

Medical examination if restraint more than four hours

(2) If an inmate has been kept under physical restraint for a period of four hours or longer, the Warden shall ensure that a medical examination of the inmate is conducted as soon as practicable.

Definition

25(1) In this section, for greater certainty, "mental health issues" includes suicidal ideations and serious self-harming intentions.

Mental health

(2) When an employee designated under subsection 17(2) is considering issuing charges under subsection 18(1), a Warden is considering placing an inmate in administrative segregation or an employee is considering using a physical restraint device, they shall consider whether any mental health issues are the root cause of the behaviour of the inmate and determine whether the behaviour should be treated as a mental health issue.

Reasonable alternatives

(3) If a Warden or employee has reason to believe that mental health issues are the root cause of the behaviour of an inmate, the Warden or employee must explore all reasonable alternatives, if any, for addressing the mental health issues prior to an inmate being charged under subsection 18(1) or being placed in administrative segregation or under physical restraint.

Grievances

Designated employees

57(1) The Director shall designate employees, either individually or by class, to receive grievances.

Presenting grievances

(2) An inmate may, in writing, present a grievance,

(a) with respect to a decision affecting the terms and conditions of the inmate's incarceration, within seven days after being notified of the decision; and

(b) with respect to any matter that is causing the inmate distress or dissatisfaction, at any time.

Who receives grievance

(3) A grievance under subsection (2) may be presented to

(a) an employee designated under subsection (1); or

(b) the Warden.

Response

(4) A person referred to in subsection (3) receiving a grievance under subsection (2) shall, in writing, provide a response to the inmate within seven working days after receiving the grievance, detailing any action that has been or will be taken as a result of the grievance.

Appeal to Warden

58(1) An inmate may, in writing, appeal a response given under section 57 by an employee designated under subsection 57(1) to the Warden.

Response

(2) The Warden shall, in writing, provide a response to the inmate within five working days after receiving an appeal under subsection (1), detailing any action that has been or will be taken as a result of the grievance.

Duties

(3) Prior to providing a response under subsection (2), the Warden

(a) shall review the response provided under section 57; and

(b) shall consider any arguments put forth by the inmate.

Request for review

59(1) An inmate who receives a response from the Warden under section 57 or 58 may, in writing, request the Investigations Officer to review the matter within seven days after being provided the response.

Grievance respecting Warden

(2) If an inmate wishes to present a grievance referred to in subsection 57(2) that relates to the action or inaction of the Warden, the inmate may present the grievance directly to the Investigations Officer in writing. Corrections Act 28 S.Nu. 2019,c.13

Review and recommendations

(3) The Investigations Officer shall review the matter referred to in subsection (1) or the grievance presented under subsection (2) and provide recommendations concerning the matter to the Deputy Minister and the Director.

Decision of Director

(4) After receiving the recommendations of the Investigations Officer, the Director may accept or reject the recommendations of the Investigations Officer.

Accepted recommendation binding

(5) A recommendation of the Investigations Officer under this section that is accepted by the Director is binding.

Varying decision

(6) Following the decision made under subsection (4) and subject to subsection (5), the Director may vary or quash any part of the response referred to in subsection (1).

Response

(7) Within seven working days after the decision made under subsection (4) and subject to subsection (5), the Director shall provide a response to the inmate, detailing any action that has been or will be taken as a result of the grievance presented under subsection (2).

Notice

(8) The Director shall inform the Deputy Minister, the Warden and the inmate of a decision made under subsection (4) or (6) or a response made under subsection (7).

Protections Against Reprisals

Giving evidence or providing assistance

60(1) No person shall take a reprisal against any person for giving evidence or providing assistance in a review or investigation, unless the person, without a valid excuse,

(a) interferes with or impedes the investigation or prosecution of an offence;

(b) reveals the substance of deliberations of the Executive Council; or

(c) reveals information that is subject to solicitor-client privilege.

Grievances, appeals and reviews

(2) No person shall take a reprisal against an inmate for presenting a grievance, appealing a decision or requesting a review under this Act, unless the reprisal is a disciplinary measure and the Investigations Officer finds that the grievance, appeal or request is

(a) made in bad faith; or

(b) frivolous or vexatious.

Reprisal defined

(3) For the purposes of this section, reprisal includes

(a) a disciplinary measure;

(b) any measure adversely affecting the employment or working conditions of a person, including a reprimand, suspension, demotion, dismissal or denial of appropriate work;

(c) intimidation or coercion;

(d) commencement of legal action;

(e) terminating a contract; Corrections Act 29 S.Nu. 2019,c.13;

(f) a pecuniary or other penalty; and

(g) a threat to take any of the measures referred to in paragraphs (a) to (f).

Offences

(4) A person is not guilty of an offence under another Act by reason of complying with a request or requirement of the Investigations Officer or Deputy Investigations Officer to give evidence or provide assistance in a review or investigation.

Canada

(Corrections and Conditional Release Act. S.C. 1992, c. 20)

Purpose of correctional system

3 The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by

(a) carrying out sentences imposed by courts through the safe and humane custody and supervision of offenders; and

(b) assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

(Corrections and Conditional Release Regulations (SOR/92-620))

General

Duties

3 Every staff member shall

(a) be familiar with the Act, these Regulations and every written policy directive that relates to the staff member's duties;

(b) perform the staff member's duties impartially and diligently and in accordance with the principles set out in the Act and in the *Mission of the Correctional Service of Canada*, published by the Service, as amended from time to time; and

(c) encourage and assist offenders to become law-abiding citizens.

4 An institutional head is responsible, under the direction of the Commissioner, for

(a) the care, custody and control of all inmates in the penitentiary;

(b) the management, organization and security of the penitentiary; and

(c) the direction and work environment of staff members.

...

Use of Force

73(1) Where a person suffers an injury or death in a penitentiary as a result of the use of force, any staff member who has knowledge of the incident shall immediately call health care staff to the scene and notify the institutional head or a staff member designated by the institutional head.

(2) Where the institutional head or staff member designated by the institutional head is notified pursuant to subsection (1) of a serious injury or a death, the institutional head or staff member shall, as soon as practicable,

(a) notify the head of the region and the appropriate police department; and

(b) submit a report to the regional head that details all of the circumstances that led to the injury or death.

Commissioner's Directive – Use of Force

Commissioner's Directive Number: 567-1

In Effect: 2016-02-01

Related Links

Policy Bulletin 520

Policy Bulletin 584

Authorities

- *Corrections and Conditional Release Act* (CCRA), sections 3, 3.1, 4, and 96(z.5)
- *Corrections and Conditional Release Regulations* (CCRR), sections 3, 4, and 73
- *Criminal Code*, sections 25(1), 25(3), 25(5), 26, 27, 32, 33, 34(1), 34(2), 35, 37, 39, 63 and 69

Purpose

To establish procedures for use of force incidents

Application

Applies to staff involved in the use of force process

Responsibilities

1. The Director General, Security, will:

a. ensure security procedures related to the use of force are within the scope of the law and CSC policies and limited to only what is necessary and proportionate to attain the purpose of the CCRA

b. monitor procedures to ensure each incident involving use of force is reported and subsequently reviewed at the institutional level and, where required, at the regional and/or national levels

c. identify those use of force incidents or types of interventions that will be subject to further review by the Security Branch at NHQ

d. provide written direction, if necessary, to the appropriate regional authority and ensure that corrective action is taken to address deficiencies related to the use of force

e. collaborate with the Director General, Learning and Development, regarding training standards for use of force.

2. The Assistant Deputy Commissioner, Integrated Services, will ensure that use of force incidents are reviewed at RHQ as outlined in Annex B.

3. The Regional Director, Health Services, will:

a. participate in the regional review process when force has been used to administer a medical treatment

b. provide advice in assessing the appropriateness of Health Services interventions and documentation

c. recommend corrective measures as necessary.

4. The Institutional Head will ensure that:

a. all interventions are reported and managed pursuant to the Engagement and Intervention Model in CD 567

b. any planned use of force using line staff is authorized through an Intervention Plan

c. any planned use of force with the Emergency Response Team is authorized through a SMEAC Action Plan (CSC/SCC 1212)

d. staff are trained on use of force in accordance with the training standards

e. handheld video and/or digital recording devices, cameras and accessories are available and in working order, and that a sufficient number of staff are trained on their use

f. any use of force involving the non-routine use of restraint equipment or the use of chemical agents, inflammatory agents or firearms is conducted pursuant to CD 567-3 – Use of Restraint Equipment for Security Purposes, CD 567-4 – Use of Chemical and Inflammatory Agents, CD 567-5 – Use of Firearms, CD 843 – Management of Inmate Self-Injurious and Suicidal Behaviour and CD 800 – Health Services

g. a standing order is in place for the use of force off the penitentiary reserve

h. following each use of force incident, all required documents are completed by staff members present during the incident and submitted pursuant to CD 568-1 – Recording and Reporting of Security Incidents

i. a review of the use of force is conducted and supporting documents completed

j. all use of force reviews are finalized by the required manager pursuant to Annex B.

5. The Deputy Warden, in collaboration with a mental health professional, will develop individualized use of force protocols for inmates diagnosed with gender dysphoria.

6. The Chief, Health Services, will:

a. participate in the review process of all use of force incidents unless directly involved in the use of force incident, in which case, the Manager, Clinical Services, will conduct the review

b. evaluate the physical assessment of inmates involved following the incident and document the evaluation on the Checklist for Health Services Review of Use of Force (CSC/SCC 0754-01).

7. A health care professional will:

a. if time and circumstances permit, communicate to the Crisis Manager any mental and/or physical health issues concerning the inmate(s) involved that may assist in the development of the Intervention Plan

b. offer a physical assessment to every inmate involved in the use of force incident

c. conduct a physical examination of inmates who have consented.

8. The Correctional Manager will ensure that every staff involved in the use of force incident is given the opportunity to report to Health Services for a physical assessment.

9. All staff present during the use of force incident will complete documentation pursuant to CD 568-1 – Recording and Reporting of Security Incidents.

Procedures

10. If time and circumstances permit, consultation with a health care professional will occur during the development of the Intervention Plan to ensure physical and mental health needs are considered.

11. During the development of the SMEAC, a health care professional will be informed of:

a. the inmate(s) involved

b. the nature of the force to be used

c. the time, date and location of the anticipated use of force.

12. In the absence of a health care professional, OMSR will be accessed to determine mental health needs.

13. A staff member should not participate in a planned use of force if he/she was involved in a situation immediately prior to the planned intervention whereby the staff member was subject to:

a. verbal threats

a. physical abuse, or

c. any other type of abuse or threat by the inmate in question or his/her associates.

14. If a staff member who falls within the above parameters is permitted to participate in a planned use of force, the authorizing authority will document the reasons in the Intervention Plan or the SMEAC.

15. When a staff member is directly involved in a spontaneous use of force, attempts will be made, when practical, to limit his/her involvement beyond what is necessary to control the situation.

Pregnant Inmates

16. Prior to using force on a pregnant inmate, the safety of the inmate and fetus will be considered pursuant to CD 567-3 – Use of Restraint Equipment for Security Purposes.

Restraints for Health Purposes

17. Restraints to ensure the safety of inmates who are self-injurious or suicidal will be managed pursuant to CD 843 – Management of Inmate Self-Injurious and Suicidal Behaviour, and restraints for medical purposes will be managed pursuant to GL 800-2 – Physical Restraints for Medical Purposes.

Video-Recording

18. A video-recording will be made:

a. from the beginning of any planned use of force

b. as soon as possible once a spontaneous use of force is underway

c. in other incidents where the Institutional Head and/or Officer in Charge expect force may be used based on the inmate's past history, present behaviour and current placement.

19. The camera operator will begin recording by stating his/her name, the date and time, and provide a brief synopsis of the incident (if known).

20. All briefings to staff who are directly involved in the incident will be video-recorded unless a delay would result in serious bodily injury, loss of life or the destruction of evidence.

21. Prior to stopping the video-recording for any reason (including when a health care professional begins medical treatment), the camera operator will state his/her name, the date and time and the reason for stopping the camera. When the camera stops by itself, the camera operator will narrate the above information once the camera is operational again. He/she will detail all relevant information in a Statement/Observation Report (CSC/SCC 0875).

22. When a planned use of force was not video-recorded from the onset, or a spontaneous use of force was not video-recorded as soon as it was possible, the Institutional Head or delegated reviewer will provide a written explanation for the inability to video-record as part of the institutional review.

23. If, following a use of force, an inmate is being transported outside of the institution, a decision to continue video-recording while in transit will be based on the inmate's current behaviour and/or past behaviour in similar circumstances. The decision will be made in consultation with the Institutional Head or delegate, and will be stated on the video recording, and documented in the SMEAC as well as in a Statement/Observation Report (CSC/SCC 0875).

24. If a decision is made not to video-record, it is incumbent upon the camera operator to re-commence recording immediately should the inmate's behaviour become problematic. All breaks in video-recording will follow previous procedures.

25. Video-recording is not authorized in outside hospitals.

Strip Search Recording

26. During the strip search of a compliant inmate:

a. two staff members will conduct the strip search (the camera operator is not to be considered as one of them)

b. a privacy barrier such as a half-wall, privacy curtain, or portable barrier will be used to prevent the recording of the genitalia of the inmate

c. only one of the Correctional Officers/Primary Workers conducting the search will instruct the inmate

d. all staff members involved, including the camera operator, will be the same gender as the inmate

e. staff will ensure that inmates diagnosed with gender dysphoria are accommodated with due regard for the vulnerabilities with respect to their needs, including safety and privacy

f. the camera operator will video-record the strip search ensuring that staff members performing the search and the inmate are filmed simultaneously, while respecting the privacy and dignity of the inmate. In the event this is not possible, the camera operator will fully capture on video the officers conducting the strip search.

27. During the strip search of a non-compliant inmate:

a. to determine whether the inmate is compliant or not during the strip search, the Officer in Charge of the intervention (e.g., Emergency Response Team Leader, Correctional Manager, etc.) will say the following to the inmate:

i. *"A strip search must be conducted. If you do not cooperate, physical handling, or chemical or inflammatory agents may be used. Will you cooperate and remove your clothes yourself? Do you understand?"*

ii. the questions should be repeated at least three times, if necessary

b. at minimum, two staff members will conduct the strip search (the camera operator is not to be considered as one of them)

c. only one of the Correctional Officers/Primary Workers conducting the search will instruct the inmate

d. all staff members involved will be the same gender as the inmate

e. staff will ensure that inmates diagnosed with gender dysphoria are accommodated with due regard for the vulnerabilities with respect to their needs, including safety and privacy

f. the camera operator will ensure that staff members and the inmate are filmed simultaneously. In these cases, it may be necessary to videotape a naked or partially naked inmate.

Decontamination

28. In the event that chemical or inflammatory agents were used, staff will explain the decontamination procedures, pursuant to Annex B of CD 567-4 – Use of Chemical and Inflammatory Agents to the affected inmate(s). Staff will also video-record the decontamination procedures following the same process as for video-recording strip searches.

Physical Assessment

29. The Correctional Manager or, if applicable, the Emergency Response Team Leader will brief the health care professional on the type(s) of force used and the inmate's response. The briefing will be video-recorded.

30. A post use of force physical assessment will be offered by a health care professional, normally, at the inmate's final cell destination, with restraint equipment removed (as determined by the Officer in Charge). This offer and all subsequent offers will be video-recorded.

31. The physical assessment will be video-recorded in accordance to the Guidelines for Health Services Responsibilities Related to Use of Force Incidents.

32. The health care professional will end the physical assessment by providing a video-recorded synopsis of the assessment. If the inmate requires treatment following the assessment, the treatment (including for self-injurious or suicidal behaviour) will not be video-recorded.

33. If the physical assessment is conducted while the inmate is still in restraint equipment, a final health care check of the wrist/ankle areas will take place at the inmate's cell, once the restraint equipment has been removed.

34. In the absence of a health care professional on shift, the Institutional Head will:

a. have a staff member currently certified in first aid and CPR offer an initial post use of force first aid assessment, consistent with the standards set out in the National Training Standards curriculum, to determine if immediate attention is required. In this instance:

i. the Correctional Manager or, if applicable, the Emergency Response Team Leader will brief the first aid attendant on the type(s) of force used and the inmate's response to it, and the briefing will be video-recorded

ii. the offering of the first aid assessment and any subsequent offerings thereafter will be captured on video

iii. should the inmate consent to a first aid assessment, it will be video-recorded

iv. the first aid assessment will be closed off by the first aid attendant with a video-recorded synopsis of the assessment, and documented in a Statement/Observation Report (CSC/SCC 0875).

35. If, following a post use of force first aid assessment, no other medical intervention is deemed necessary, the Correctional Manager in charge will ensure that the inmate is offered a physical assessment by a health care professional as soon as one is on site and that this is captured on video.

36. After a level 2 use of force (full review) and a level 3 (expedited review), if an inmate refuses the offer of a physical or first aid assessment, a second offer will be made within an hour following the initial refusal pursuant to Guidelines for Health Services Responsibilities Related to Use of Force Incidents. A second offer for a physical assessment by a health care professional or first aid assessment is not required for a level 1 (compressed review).

37. When a staff member attends Health Care for a post use of force physical assessment by a health care professional, this will be documented in a Statement/Observation Report (CSC/SCC 0875). The physical assessment of a staff member will not be video-recorded and the name of the staff member will not be noted in the documentation.

Completion of the Incident

38. An incident will normally be considered complete once the inmate has been decontaminated (if applicable), secured in a designated cell, released from restraint equipment (if applicable) and offered or provided a physical assessment by a health care professional, or first aid assessment by a certified staff member in the absence of a health care professional.

39. Pursuant to the Guidelines for Health Services Responsibilities Related to Use of Force Incidents, the health care professional will note his/her comments in the Statement/Observation Report (CSC/SCC 0875) and Use of Force Report(CSC/SCC 0754).

40. Upon completion of the incident, the camera operator will prepare a Statement/ Observation Report (CSC/SCC 0875) detailing his/her role in the incident. He/she will also provide the video-recording to the Institutional Head or delegate after labelling it with:

a. the incident type

b. date and time of the incident

c. the name and Finger Print Section (FPS) number of the inmate(s)

d. the name of the institution

e. “Nudity” or “Partial Nudity” if applicable.

41. All originals and copies of video-recordings and documents will be designated “PROTECTED B”, and handled accordingly.

Reporting Requirements

42. The Use of Force Review (UFR) module in OMSR is the only reporting mechanism for recording use of force intervention details and reviews. The following information will be uploaded into the UFR module:

a. Statement/Observation Report (CSC/SCC 0875)

b. Use of Force Report (CSC/SCC 0754)

c. SMEAC (CSC/SCC 1212)

d. Intervention Plan

e. Video-recordings

f. Checklist for Health Services Review of Use of Force (CSC/SCC 0754-01)

g. Seclusion and Restraint Observation Report (CSC/SCC 1006)

h. Post-Search Report (CSC/SCC 1365)

i. Documentation certified by a manager that he/she offered the inmate in person an opportunity to provide a statement regarding concerns with the use of force intervention. If concerns are communicated, they will be documented

j. other related documents.

Review Process

43. Within two working days of the completion of the incident report in OMSR, the Institutional Head will ensure that a preliminary review of any incident involving the use of force is completed in order to identify any serious concern or deficiency. This review will be completed by a Correctional Manager or above.

44. There are three types of review processes dependent on the type of intervention. The requirements for review and the sample size (if applicable) are identified in Annex B.

45. A Level 1 Use of Force - Compressed Review is a condensed analysis and assessment of incident-related documentation and video-recordings (where applicable) finalised by the Assistant Warden, Operations, at the institutional level to ensure compliance with law and policy. This involves a use of force situation where physical handling (no allegation of excessive use of force or injury), control of offender, inflammatory agents and/or chemical agents intentionally aimed at an individual, displaying /pointing or charging of a firearm, or the non-routine application of handcuffs were sufficient to resolve the situation. The Institutional Head will ensure that all level 1 use of force reviews will be completed within 20 working days of the incident.

46. A Level 2 Use of Force - Full Review is an analysis and assessment of all incident-related documentation and video-recordings (where applicable) finalised by the Deputy Warden to ensure compliance with law and policy. This involves any other use of force situation where force is used to resolve the incident not covered in level 1. The Institutional Head will ensure

that all level 2 use of force reviews will be completed within 20 working days of the incident. The Assistant Deputy Commissioner, Integrated Services, will conduct regional level 2 reviews within 25 working days upon notification of the use of force completion at the institutional level. The Director General, Security will identify for the Security Branch, the use of force incidents requiring a full review as outlined in Annex B. The Women Offender Sector will review 100% of the use of force incidents that occur at women sites. National level 2 reviews will be completed within 30 working days upon notification of the use of force completion at the regional level.

47. A Level 3 Use of Force - Expedited Review requires immediate review of a use of force, finalised by the Assistant Deputy Commissioner, Integrated Services, and the Director General, Security. This involves a situation where there may be serious violations of policy. Where the preliminary review indicates possible serious violations of policy, or any other aspects that may cause serious concerns, the Institutional Head will inform, without delay and in writing, the Assistant Deputy Commissioner, Integrated Services, the Director General, Security, and when applicable the Deputy Commissioner for Women, the Assistant Commissioner, Health Services, and the Director General, Aboriginal Initiatives. The Institutional Head will provide a description of the incident and a summary of any concerns.

48. In these cases, the Director General, Security, in consultation with the Assistant Deputy Commissioner, Integrated Services, will decide if an expedited review is necessary, and if so, will notify Regional Headquarters, the Institutional Head, the Office of the Correctional Investigator, and the Director General, Incident Investigations. In such cases, the Institutional Head will ensure that the use of force documentation, including video footage, is made available in OMSR without delay, but no later than two working days from the creation of the incident report, and that the review be completed with five working days upon receipt of the notification from the Director General, Security. The Assistant Deputy Commissioner, Integrated Services, will finalize the review within five working days of receiving notification of use of force completion at the institution. The Director General, Security, will finalize the review within five working days upon receipt of notification of use of force completion at the regional level.

49. For every type of review, the Statement/Observation Reports, the Incident Report, video footage (where applicable), and the Checklist for Health Services Review of Use of Force must be reviewed by the Correctional Manager, Operations (CMO)/Manager, Operations, or the Correctional Manager designated by the Institutional Head.

50. The original video-recordings and documents will be kept at the institution for a period of two years, unless required by court order or by National Headquarters. Copies will be made and retained before the originals are released.

51. Disposal and archiving of all video-recordings and documentation will be in accordance with the Departmental Records Disposition Authority.

52. As required, the Director General, Security, will forward the national review to :

a. the Director General, Clinical Services and Public Health, use of force incidents involving medical interventions, and where serious clinical deficiencies were identified during the institutional review

b. the Director General, Investigations

c. the Director General, Rights, Redress and Resolution

d. the Deputy Commissioner for Women for use of force incidents involving women offenders.

53. The Director General, Clinical Services and Public Health, will forward the results of the Health Services review to the Regional Director, Health Services, the Institutional Head, the Chief, Health Services, or equivalent, and others as appropriate for follow-up as necessary and will inform the Director General, Security, of any corrective action required.