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IS THE POLICE DOG A WEAPON OR A TOOL?
A STUDY OF USE OF FORCE AND POLICE SERVICE DOGS

By:

GARY PITCHER

A major project submitted in partial fulfillment of the requirements for the
degree of

MASTER OF ARTS

IN

LEADERSHIP AND TRAINING

We accept this thesis as conforming to the required standard.

Project Sponsor, Staff Sergeant Gary MacDonald

Faculty Supervisor, Charles Pascal, Ph.D.

Committee Chair, Gerry Nixon, Ph.D.

ROYAL ROADS UNIVERSITY

April 1999



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Forward

Walk softly and carry a big stick. (Teddy Roosevelt)

My own experience in violent confrontations has shaped my opinion on this topic. One does not participate in nearly twenty-five years of policing without being touched or affected by the horror of a violent confrontation. Police officers are exposed to the violent side of society very early in their careers. Normally their first experience is observing violent acts on others and if they are fortunate they survive attempts of violence towards themselves and their colleagues.

Not all police-citizen interaction is positive or compliant. In the ideal rational world, people do exactly as they are told and act peacefully. The real world is unfortunately more irrational. Behaviour of subjects is not always clearly defined and explainable. People are motivated by physiological and psychological factors that are not always reasonable. Police officers who have been confronted by an 'angry person' understand this more than anyone.

My first experience early in my career is when a giant of a man told my partner and I that we would have to kill him to take him in. This was followed by a keystone cop chase around a tiny apartment and culminated with the suspect grabbing a large pop bottle and attempting to hit my partner in the head. My first reaction was to hit him as hard as I could in the head with my flashlight. At that time I carried a useless wooden stick that was not effective in such circumstances. This worked and saved my partner and I from serious injury. The suspect also survived with little more than a sore head.

Another experience that stands out is the time I was punched by the wife of an impaired driver through an open police car window while parked waiting for a tow truck. I was busy writing my book up when the petite woman punched me in the side of the head. I got out of the vehicle and arrested her. In those days we didn't have screens and I didn't believe in handcuffing woman and children. I placed her in the rear of our vehicle and got in the back seat with her. She then bit me as hard as she could on my left ring finger. Without thinking I hit her as hard as I could to get her to let go of my finger. This incident was one of three involving police officers that were bitten in one weekend. I made the newspaper on that one and she apologized profusely in court. I now handcuff everyone.

These and other experiences led me to the belief that violence equaled safety. I believed that for an officer to win a confrontation they had to have the ability to use violence. The bottom line for a police officer in any confrontation was the ability to win the fight and go home at the end of the shift. My experiences were shared with other police officers and we had developed our own mental model.

My first exposure to the concept of use of force was in 1992 when I researched and recommended the use of pepper spray by our officers. Some of these very concepts discussed in this study began to blossom during this era. In reflection I have observed

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Senge's learning disciplines evolve. The discussion around this topic developed the theory that lies behind the practices and we began to develop new principles of use of force. Understanding these principles involved new understandings and new behaviours. We began thinking and doing differently. These practices and principles developed the present inter-connectedness and holistic approach to this topic. Police officers began to learn that they could control situations by planning and preparing an appropriate response. We began to build a controlled response model rather than a use of force model.

My experience at the conference to develop a Canadian Use of Force Model reinforced this observation. Canadian Police officers from St. John's to Victoria using both french and english spoke the same language of dealing with police/citizen confrontations. It was the first national experience in this dialogue about mental models that are deeply ingrained assumptions and generalizations of how we understand the world. The discipline of working with mental models starts with turning the mirror inward; learning to unearth our internal pictures of the world, bring them to the surface and hold them rigorously to scrutiny. It also includes the ability to carry on learningful conversations that balance inquiry and advocacy, where people expose their own thinking effectively and make that thinking open to the influence of others.

The shared principle echoed throughout the conference was that public and officer safety are interconnected. Policing needs to engage the public in this dialogue so that we all can reach a common understanding. It is this common understanding that encourages us to change at an individual level.

The Public are the Police and the Police are the Public. (Sir Robert Peel)

ACKNOWLEDGEMENTS

This project would not have been possible without the support of the Toronto Police Service, Chief Boothby and the Command Officers as well. Deputy Chief Steve Reesor, and Superintendent Rod Spencer (retired) and Staff Inspector Jim Jones who encouraged me to enter into and continue, the Master of Arts in Leadership and Training at Royal Roads University.

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Most of my learning is credited to that remarkable team that lead the first residency of MALT 3. The team of Charles Pascal Ph.D., Gail Gibson Ph.D. Tammy Dewar Ph.D. and Sandy McIver were an inspiration that kick-started my extreme interest in my personal learning in this program.

Ultimately my family paid the biggest sacrifice to allow me to entertain the self-interest to accomplish this goal. It's time to pay them back and encourage them to seek out personal growth opportunities.

Is the Police Dog a Weapon or a Tool? A Study of Use of Force and Police Service Dogs.

A. BACKGROUND

1. The Purpose

Ancient Egyptian papyri show that the use of dogs as law enforcement tools is at least several thousand years old. The spiked collar popular in cartoons has its roots in ancient Greece and Persia, where dogs equipped with harnesses with sharp spikes were sent in advance of an attack on mounted soldiers in an effort to injure cavalry units. The expression “dogs of war” can be traced to the Middle Ages, when dogs wore armour and were trained to nip at the legs of opposing knights’ mounts.

In recent times, law enforcement and canines first formed a union in Belgium in the late 1800’s. This successful formula spread to North America in the early 1900’s and in 1935 the Royal Canadian Mounted Police embraced canines and policing. The Toronto Police Service initiated a Police Service Dog in 1989 which has grown to a total strength of 21 dogs.

Historically, law enforcement has classified a canine as a “tool” for the simple reason that their unique olfactory sense is best utilized in the search and locate capacity. Canines are usually deployed in search and rescue missions, evidence recovery, narcotics detection, explosive detection and searches to locate fleeing or hiding suspects.

Upon locating the suspect, a use of force may, or may not, be necessary by either the canine or handler. Typically, canines are not classified as “weapons” since true weapons in law enforcement, such as pepper spray, batons and firearms, serve no other purpose than as a weapon.

The proper application of force is a critical concern in contemporary law enforcement. Police officers may be confronted with situations that require them to make split second decisions, some of which may have severe life threatening consequences for the public or themselves. Training at the Ontario Police College and at other police training facilities across the province provides officers with the skills and knowledge to assist in making critical decisions about use of force options.

Police Service Dogs have been in Canada since 1935 and in the province of Ontario since the 1960’s. The use of a police dog as a use of force option has not been defined by the province and there are no Provincial Standards and Guidelines.

In Ontario, the position of the Solicitor General’s office is that the use of a dog as a force option falls in the category of a weapon of opportunity, rather than a device specifically and exclusively to apply force.

Policing Standard 0211 01 (B) of the Police Services Act states: “Although the options above are force options approved for routine use, when none of these options are

available or appropriate, police officers may use any reasonable weapon of opportunity to defend themselves or members of the public.”

The Ontario Use of Force Model does not provide explicit guidance on the use of weapons of opportunity, including dogs. The use of a Police Service dog should be defined to fit into the Provincial Standards when an apprehension occurs. Ultimately the use of a weapon of opportunity becomes a test of reasonable response to a threat. A police dog can present a fairly wide range of force responses, the choice of which would have to be reasonable and proportional to the threat.

This project is being undertaken in an effort to assist Toronto Police Dog Services in defining:

- Whether the dog is a tool or a weapon when used to apprehend someone.
- How the dog fits into the Provincial “Use of Force Model”.
- What the appropriate standards for training and deployment should be.

2. The Impact and Significance

A. The Police Dog as a Force Option

The issue is should the use of a Police Service Dog be defined to fit into the Provincial Standards of use of Force when an apprehension occurs. Should it be considered a “soft impact weapon.” When do you deploy such a weapon? Our training says you may apply such weapons when encountering Active Resistance, identified as an increased scope and intensity of resistance beyond verbal defiance, or the reaction to control by pulling away with intent to escape, running away, open and angry verbal refusal to respond to verbal commands.

Is the dog “hard impact weapon?” Impact weapons are devices which can be used in a wide range of situations. They are used in a soft manner as a means to assist in restraining an individual who resists arrest. In this capacity they are normally employed as a tool to augment empty hand restraint and control techniques. They can also be utilized in hard impact fashion to render strikes and blocks.

There is no question that the dog is a tool which assists the officer, but is it a weapon when it is used to apprehend a suspect?

Ont. Reg. 926 under the Police Services Act, S 14 (1) states:

A member of a police service shall not use a weapon other than a firearm on another person unless:

- a) that type of weapon has been approved for use by the Solicitor General,
- b) the weapon conforms to technical standards established by the Solicitor General,
- c) the weapon is used in accordance with standards established by the Solicitor General.

In Toronto the responsibility for the deployment of a Police Service Dog as a means of force rests with the individual handlers. They must make their decisions within the framework of the Criminal Code and the Rules and Procedures of our Police Service.

When considering use of force training for Police Service Dogs, there are basically two methods employed. "Bark and Hold" or "Bite and Hold." The Toronto Police Dog Services utilizes the Bark and Hold method. The dogs are trained to bark and hold a suspect at bay and not apprehend unless certain circumstances exist or present themselves.

The circumstances where the dog would apprehend a suspect are:

- a suspect attempts to flee
- a suspect confronts the dog with a weapon or discharges a firearm
- a suspect displays assaultive behaviour towards the dog
- a suspect attempts to assault the handler
- a handler commands the dog to apprehend a suspect armed with a weapon.

The dogs are trained to apprehend the suspect by the right arm. In the bite and hold method the dog is rewarded with a bite every time he apprehends a suspect regardless of the circumstances.

According to the Toronto Police Policy and Procedure Manual a police dog should be deployed under the following circumstances:

1. Reasonable and Probable Grounds that an arrestable criminal offence has taken place.
2. The suspect has fled from the officers at the scene.
3. The suspect has displayed a profiled behaviour of "Active Resistance".

The position of the Policing Services Division of the Solicitor General's office is narrow in scope and does not consider the complex manner that our Service utilizes this valuable resource.

B. Liability for Excessive Force

Police use of force is certainly a common source of legal liability for both the Police Service and the individual officer. The liability issues associated with less than lethal weapons are extremely complex. This is addressed in Geller and Scott's *Deadly Force: What We Know*. "A prime source of legal (and political) liability would be a weapon that, used properly, caused more harm than it was designed to, either because of design problems or because the victim proved to be unusually susceptible". Liability might also arise from the near certainty that the less than lethal weapon will be used more often than lethal weapons, resulting in more frequent, lower level damage awards, which in aggregate could total nearly as much as larger judgements in fewer cases of improper use of deadly force. The possibility that serious permanent injuries produced by a less than lethal weapon will obligate the department and/or the officer to pay disability compensation that rivals or even exceeds what might be awarded in the case of an improper fatal use of force, (Geller and Scott, 1992, p. 363).

Lawsuits do not happen unless the dog bites. However, the mere fact that a police canine bites a suspect will not expose a department to civil liability. Most commonly, a plaintiff will allege excessive force. Other common theories of liability include the failure to train and negligent supervision and/or retention.

An unintentional bite may also generate an excessive force complaint. Police service dogs are trained to protect their handlers and a dog may mistakenly perceive a threat to its handler and attack without warning or command.

The court applied the test for excessive force dictated by the United States Supreme Court in *Tennessee v Garner*, 1985. In *Garner*, a shooting case, the Court ruled that whenever a suspect is apprehended by the use of deadly force, there must be a balancing of the degree of force used to effect the seizure against the importance of the governmental interest. The Court stated that "where the officer has probable cause to believe that the suspect poses a threat of serious physical harm, either to the officer or others, it is not constitutionally unreasonable to prevent escape by using deadly force".

Excessive force complaints can arise in a number of contexts. A plaintiff may claim the deployment of the police service dog is excessive as to the degree of the offence. Allegations of excessive force may also arise from the actual bite, or from repeated biting after the apprehension. This can occur when the handler fails to promptly call the dog off, or the dog fails to obey the command.

When a dog bite occurs, the bottom line of legal defense is whether the suspect posed an inherent threat to the safety of the community and was use of force reasonable and proportional to that threat. Therefore, there is a need to better define the use of the police service dog within the use of force context. This definition should lead to the establishment of standards in relation to the use of the dog and training to support and maintain those standards on a operational basis.

C. Utilization of Canines as an Alternative to Deadly Force

Of all the decisions a police officer is called upon to make, none has greater impact than the decision to use deadly force (U.S. Department of Justice, 1989, p. 15).

Death at the hands of the police prompts confusing emotions for the victims' family, fellow officers, government officials and the public who stand in judgement of the event. Given the highest calling of police duty is to protect life, a sense that something has gone wrong is appropriate, even if the death proves to have been legally justifiable. Many are left to wonder whether there was not some other way the situation could have been resolved and whether the shooting was absolutely necessary (Geller and Scott, 1992, vii, p. 7).

Research of this topic is very limited in Canada so the study started with the analysis of information available from the United States.

Many of the calls for police policy reform in the 1970's and 1980's expressly urged the adoption of a defense-of-life shooting policy such as presently used by the F.B.I. Such a policy permits shooting only to defeat an immediate threat to life. One area of deadly force was put to rest as a result of a United States Supreme Court ruling in *Tennessee v. Garner*. In this case the Court ruled that indiscriminate use of deadly force to apprehend a fleeing felon is unconstitutional. The practice of shooting at fleeing felons was permitted by common law and by statutes in the United States.

On October 17, 1995, United States Attorney General Janet Reno approved a deadly force policy for all government law enforcement agencies within the U.S. Department of Justice. Since then, this policy has been adopted, thus creating for the first time a uniform deadly force policy for American federal law enforcement agencies.

The common threads that run throughout the policy are the establishment of an “imminent danger” standard and the reaffirmation of the basic principle that even when an imminent danger exists, deadly force should not be used if to do so would create an unreasonable risk to innocent third parties. The essence of the policy captioned “Permissible Uses” states:

“Law enforcement officers of the Department of Justice may use deadly force only when necessary, that is, when the officer has a reasonable belief that the suspect of such force poses an imminent danger or serious physical injury to the officer or to another person.” (Use of Force Committee, 1998, p. 13.)

During the first months of 1997, there were four incidents where officers of the Toronto Police Service used deadly force. The use of deadly force has come under closer scrutiny by the service and the community. Toronto Police were concerned about this alarming trend which included incidents where the suspects were armed with weapons other than firearms. Chief Boothby established a committee ‘to examine if there are ways to reduce the necessity for the application of deadly force, without compromising officer and public safety. Its mandate was to identify and investigate all possible strategies or methods that might contribute to the reduction of the use of force, and in particular, the use of deadly force by police.

This committee, known as the Use of Force Committee, undertook to research the issues and develop effective responses in the form of responsible recommendations. The Committee worked from May 1997 to March 1998. The Committee conducted extensive research into this topic by contacting many other agencies in Canada, the United States and Australia. Further research was conducted by reviewing the literature, academic studies, correspondence, books and publications associated with the use of deadly force, less than lethal weapons and dealing with emotionally disturbed persons.

On the matter of less than lethal weapons, a comprehensive study was conducted on a variety of weapons other than firearms that are used by police agencies world-wide. These various devices are often referred to as **non-lethal** or **less than lethal (LLT)** devices. For example, an officer’s baton or other devices are usually thought of as less than lethal force options. This terminology can be misleading. The use of the baton and other options have resulted in the death of individuals. The terms non-lethal or less than lethal are not entirely accurate when referring to these force options. It is vital that both our officers and the public be exposed to terminology that clearly defines just what less than lethal options are. It is in the interest of both safety and liability, that police officers in particular must understand that inappropriate use or misuse of these options can result in death

The comparative advantages and disadvantages of each weapon were studied. In particular, the practicality, effectiveness, safety, cost, training issues and political or legal concerns relating to each option were examined.

This study overlooked the evaluation of the police service dog as a possible less than lethal weapon. San Diego, California, researched this issue. In 1990, officers in the San Diego Police Department shot 22 suspects, killing twelve of them. Public outcry denounced the department because many of the suspects were not armed with firearms, but instead wielded non-traditional weapons such as a trowel, baseball bats and assorted knives. The Police Chief expanded the canine unit to increase the available number of teams. The handlers and dogs were specifically trained to be “an alternative to the use of deadly force”, thereby expanding the dogs previous responsibilities, which included building and area searches, finding evidence, narcotics and explosives.

In the ensuing years people armed with all types of non-traditional weapons have been taken down by the dogs, and many incidents have been resolved without either the dog biting the suspect or the officer having to resort to deadly force.

In 1981, the Seattle Police Canine Unit conducted a study of its own units activity asking the question, “ Was the dog right?” In the study, consecutive canine assisted arrest files were selected with a random starting point. All arrests that were a product of a building search or area search were eliminated because they did not require the act of discrimination by the dog. All tracking arrests were retained until 384 cases were assembled. This number was established as a valid sample by a systems analyst. The 384 cases were studied for a positive indicator that the dog had found the right person. Examples of these indicators were admission of guilt, an eye witness identification and hard physical evidence. Those cases lacking positive indicators were counted against the dog even though there was no evidence that the dog was wrong. The results showed the dogs were right 98.698% of the time (Eden, 1997, p. 2).

In the four year sampling, 1974 through 1977, Seattle police dogs were applied 7,517 times in a metropolitan area inhabited by a half million people. In those four years, only ten innocent citizens were inadvertently physically contacted by the dogs (.0013303 times per application). Of the ten contacted, none were seriously hurt and four received no injuries (Eden, 1997, p. 2).

What are the effects then of a successful, or perfect less-than-lethal weapon? One definition by Ken Peak, writing in the Journal of Contemporary Criminal Justice said this,

“there is only a temporary effect and minimal medical implications to normally healthy subjects; there is a high probability of instantaneous control over a highly motivated suspect; and there are observable effects, with a high probability of affecting only the intended targets (Peak, 1990:9).”

The contents of this statement are an excellent inventory of the effects of a successful less-than lethal weapon that can be used to evaluate the police service dog as LLT.

1. Desired Effects of the Ideal LLT

A. Temporary

The incapacitating effect caused by the device must last only temporarily. This is the very essence of the LLT weapon. Although the effect must not be lasting, it must allow

adequate time for an officer to safely make a close in approach, restrain and apprehend the individual.

B. Minimal Medical Implications

The probability of the device causing serious injury or death must be very low. The police baton is a traditional less lethal weapon generally accepted by the police and the public. Any time the baton is used however, some injury will likely result. It may only be a minor bruise, but it is an injury nonetheless.

C. High Probability of Instantaneous Control

Many of the potentially deadly attacks on police officers are dynamic, occur spontaneously and cannot be anticipated by the officer. They occur at close range, under less than ideal conditions which may include poor lighting and unsure footing. Under these circumstances, any LLT option selected by an officer must have a high probability of instantly incapacitating the suspect.

D. Effective on the Highly Motivated

The ideal LLT weapon would be effective when used upon violent, goal oriented, determined subjects. It would also be effective when used against those persons whose pain threshold is high because of psychosis or because they are under the influence of alcohol or drugs.

E. Observable Effects

The ideal LLT weapon will produce observable effects that confirm the device/agent has been properly employed/applied.

F. Ideally Affect Only the Intended

The ideal LLT weapon will be capable of being accurately applied to a subject without causing any injury or effect upon other persons or police officers in the area.

This project will evaluate uses of the police dog in relation to the above six categories and compare the findings to other LLT weapons. This will assist in defining the use of the dog in apprehensions and assist with determining policy in relation to it's deployment.

3. The Organization

The Toronto Police Service was formed in 1957 through the amalgamation of thirteen smaller policing agencies surrounding the city of Toronto. This police service has grown rapidly in the past thirty-five years to an employee population of approximately seven thousand persons consisting of five thousand police officers and two thousand non-police support staff. The Toronto Police Service is the largest municipal police agency in Canada. It comprises many diverse units. Some of these include, a marine unit, sexual assault squad and mounted and police dog services.

Though there are many documents that govern the administration and operations of the Police Service, there are three that speak specifically to the philosophy and direction that the Police Service is taking now, and into the future. The vision/mission statement for the police service was completed in 1997. The 'Beyond 2000 - Strategic Plan' that outlined a

community based policing philosophy was approved in 1994, and began to be implemented in 1996.

A. Vision Statement

- Our Service is committed to being a world leader in policing through excellence, innovation, continuous learning, quality leadership and management.
- We are committed to deliver policing services that are sensitive to the needs of the community, involving collaborative partnerships and teamwork to overcome all challenges.
- We take pride in what we do and measure our success by the satisfaction of our members and the communities we serve.

B. Mission Statement

We are dedicated to delivering police services, in partnership with our community, to keep Metropolitan Toronto the best and safest place to be.

C. Mandate of Police Dog Services

The purpose of Police Dog Services is to contribute to the achievement of the Toronto Police Service's mission, goals and objectives.

Police Dog Services is a support unit, whose primary function is search. The secondary function of the unit is targeted to Divisional and Squad Support.

Accordingly, in addition to compliance with the Police Services Act of Ontario and the Toronto Police Service Rules, Directives and Policies, Police Dog Services, under the direction of the Deputy Chief – Operational Support Command is responsible for:

- Fulfilling the responsibilities of all police officers to keep the peace, prevent crime, apprehend offenders and bring informations to the proper tribunals.
- Responding to policing needs of the Service, where the Unit's specialized capabilities can be used to assist with:
 - tracking missing or wanted persons
 - building or area searches
 - apprehensions of armed or fleeing suspects
 - property or evidence searches
 - search for illicit drugs
 - search for explosives, firearms and ammunition
 - neighbourhood policing initiatives
 - special projects
 - education
- any duties as directed by the Chief of Police

A police services dog shall not be used for crowd control, or to intimidate, coerce or frighten a suspect.

B. DOCUMENTATION REVIEW

1. Review of Legislative Authorities

A. Relevant Criminal Code of Canada Sections

Peace officers are under a legal obligation and by that possess the authority to preserve the peace, good order, and tranquillity of the community. This duty entails the protection of life and property, the apprehension of offenders, and the investigation of alleged offences. Therefore it is reasonable that peace officers should have the authority to use force in meeting these obligations.

The law does grant peace officers the authority to resort to the use of force while performing their duties, subject to certain circumstances, with strict limitations on how much force can be used. As a rule, a peace officer must execute their duty with a minimal force as is necessary to do so. When a police officer is under a legal duty on notice of certain facts to take certain action, the officer will be protected from criminal and civil liability. The officer is protected if the action is based on the honest belief formed without negligence and on reasonable grounds, that those facts did exist, even if that belief were mistaken. This action must be exercised in a reasonable manner and if there is excess, the person guilty of that excess is criminally and civilly liable for it according to the nature and the quality of the police officer's act. In determining whether excessive force was used, it is the belief of the police officer in light of all the circumstances that will be considered.

1. Section 25 of the Criminal Code of Canada - Everyone whom law has required or authorized by law to do anything in the administration or enforcement of the law as a peace officer is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.
2. Section 25(3) of the Criminal Code of Canada - Subject to Subsection (4), a person is not justified for the purpose of Subsection (1) in using force that intends or is likely to cause death or grievous bodily harm unless he believes on reasonable grounds that it is necessary for preserving himself or anyone under his protection from death or grievous bodily harm.
3. Section 25(4) of the Criminal Code of Canada - A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended, or is likely to cause death or grievous bodily harm to a person to be arrested, if:
 - a. The peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;
 - b. The offence for which the person to be arrested is one for which that person may be arrested without warrant;

- c. The person to be arrested takes flight to avoid arrest;
 - d. The peace officer, or other person using the force, believes on reasonable grounds, that the force is necessary for protecting the peace officer, the person lawfully assisting the peace officer, or any other person from imminent or future death, or grievous bodily harm; and,
 - e. The escape cannot be prevented by reasonable means in a less violent manner.
4. Section 25(5) of the Criminal Code of Canada - A peace officer is justified in using force that is intended or is likely to cause death, or grievous bodily harm against an inmate who is escaping from a penitentiary within the meaning of Subsection 2(1) of the Corrections and Conditional Release Act, if:
- a. The peace officer believes on reasonable grounds that any of the inmates of the penitentiary pose a threat of death or grievous bodily harm to the peace officer or any other persons; and,
 - b. The escape cannot be prevented by reasonable means in a less violent manner.
5. Section 32(1) of the Criminal Code of Canada - Every peace officer is justified in using or in ordering the use of as much force as the peace officer believes, in good faith and on reasonable grounds:
- a. is necessary to suppress a riot; and,
 - b. is not excessive, having regard to the danger to be apprehended from the continuance of the riot.
6. Section 34(1) of the Criminal Code of Canada - Everyone who is unlawfully assaulted without having provoked the assault is justified in repelling force by force if the force he uses is not intended to cause death or grievous bodily harm and is no more than is necessary to enable him to defend himself.
7. Section 37(1) of the Criminal Code of Canada - Everyone is justified in using force to defend himself or anyone under his protection from assault, if he uses no more force than is necessary to prevent the assault or the repetition of it.
8. Section 40 and 41 of the Criminal Code of Canada - deal with the defence of a dwelling house or real property.

The Criminal Code of Canada deals with the legal levels of force that law enforcement officers may use in the normal course of their duties. It should

be emphasized that when consent or an emergency is not present, and reasonable grounds to make an arrest do not exist, non consensual touching by an officer may constitute a crime, as well as result in civil liability. When probable cause exists, criminal and civil liability may still occur if the limits of the law are exceeded.

D. Ontario Use of Force Legislation, Regulation 926 Ontario Police Services Act

1. Use of Force Model

In most cases, some level of physical force will be necessary to affect an arrest or to protect others. The amount of physical force maybe as minor as a hand on a subject's shoulder or arm and verbally directing that subject to place their hands behind their back for handcuffing. A peace officer's decision of the level of force necessary to control a subject will be based upon the officer's perception of the threat and the officer's perception of the subject's ability to carry out that threat.

The use of force model (see Appendix A-1) is based on an officer's preparedness to respond to situations and behaviours. This preparedness rests on the officer's ability to constantly assess a situation, formulate a plan and act on that plan. In formulating a plan, officers must have several use of force response options to choose from. Officers must select the option believed to be the most reasonable to the situation or exhibited behaviour. The visual representation of the model (see Appendix A-1) helps the user to summarize the various use of force options and reasonable officer responses.

2. Situation Assessment

When confronted with a situation, officers must constantly assess the situation, formulate a plan and act on that plan in response to specific behaviours exhibited. The assessment process continues throughout the situation. It is important to recognize that two officers may respond differently to the same situation or behaviour. Each may select a different, but most reasonable force option.

The justification for the choice of options lies in the fact that some factors remain constant in a situation (e.g. the number of participants, location, etc.).

Other factors vary significantly from situation to situation. These variables are known as impact factors. These factors include, but are not limited to:

- A. Officer's Age**
- B. Officer's Size**
- C. Skill Levels**
- D. Officer's Disability**
- E. Injury and/or Fatigue**
- F. Proximity to Firearm**
- G. Multiple Subjects**

3. Subject Profiled Behaviours

These subject behaviours are resistance and action directed from the subject toward the peace officer. Resistance is manifested by the subject who attempts to evade a peace officer's attempt to control. The amount and type of resistance will vary based upon a variety of factors. Although these behaviours are profiled in categories to aid quick recognition, it is accepted that since behaviours overlap, they cannot be precisely categorized in discreet and absolute terms. Based on the assessment of a situation, behaviours may be categorized into one or more of the following:

A. Compliance

This is a co-operative and willing compliance in response to a police officer's lawful request or direction. The majority of police/citizen encounters produce these behaviours.

B. Passive Resistance

This can be identified as non-compliance to a lawful request or direction through verbal defiance but with little or no physical response (e.g., refusal to leave the scene, failure to follow a directive, taunting officers, advising others to disregard officers' lawful requests, etc.).

C. Active Resistance

Identified as increased scope and intensity of resistance beyond verbal defiance. Reaction to control is exhibited by pulling away, pushing away with intent to escape, running away, open and angry verbal refusal to respond to lawful commands.

D. Assaultive

Identified as active, hostile resistance exhibited whether an actual assault has occurred or is about to occur on an officer or a citizen in response to the officer's attempt to gain lawful compliance or in an unprovoked assault. Examples of such behaviour are kicking, punching, spitting, and clenched fists with intent to injure or resist; threatening with a weapon, etc.

E. Serious Bodily Harm/Death

Identified as behaviour likely to cause death or serious bodily harm to an officer or a citizen. Examples include choking, holding at gun point, brandishing an edged weapon. This category represents the behaviour least encountered by police officers but poses the most serious threat to public and officer safety.

4. Use of Force Response Options

Control of the situation is crucial for the officer to protect themselves and other parties from injury or grievous bodily harm. The Criminal Code Section 25 authorizes anyone who is required or authorized by law to do anything in the administration or enforcement of law to use as much force as necessary for that purpose. The words as much force as necessary, means force that is greater than that used by the subject. It is the response of a controlling level of force that creates a level of safety for both the police officer, the subject and the public.

Police officers respond to situations and when called upon to apply justifiable force under the authorization of prescribed Federal, Provincial and Municipal statutes, they can only choose one of the options available to them. They cannot predict how the subject will respond. If their presence or actions escalate the actions by a subject, officers can only respond by disengaging or using other options available and appropriate to the situation until they gain control. It is important to note that any force option does not independently accomplish control. In many incidents a force option is used to establish control in conjunction with other force options.

Control is the force a peace officer uses to influence or neutralize the unlawful physical actions of a subject under arrest. Generally, there are four circumstances in which a police officer is justified in using physical control methods:

- a. to stop potentially dangerous or unlawful behaviour,
- b. to protect the police officer or another person from injury or death,
- c. to protect subjects from injuring themselves,
- d. in the process of effecting a lawful arrest when the subject offers resistance.

Justification of the use of force in the judicial system is measured by two broad standards. The first reflects the police officer's use of control methods as initiated by a subject's resistance. The second, is that the physical force used by the police officer was deemed necessary and not excessive when considering the resistance offered by the subject. The following are the use of force responses included within the Ontario Use of Force Model:

A. Disengage (grey)

- Call for back-up
- Need for containment
- Create time and distance

B. Officer presence (blue)

- Manner of arrival (foot, cruiser)
- Number of officers at scene
- Physical appearance of officer
- Type of uniform worn
- Type of equipment worn and its use

C. Tactical Communications. (green)**1. Verbal**

- First contact situations
- Crisis intervention skills
- Verbal escalation continuum and response
- Verbal intervention techniques
- Anger control, language, para language

2. Non-verbal

- Proxemics – distance
- Body language

D. Empty Hand Techniques (yellow)**1. Soft Control**

- Restraining techniques
- Joint locks
- Compliance techniques

2. Hard Strikes

- Punches, elbow strikes
- Leg strikes, knee strikes
- Grounding techniques
- Alternative Strikes

E. Impact Weapons (yellow)**1. Soft Control**

- Restraining techniques
- Joint locks
- Compliance techniques

F. Aerosol Spray (orange)

- O.C. (oleoresin capsicum) pepper spray
- C.S. (orthochlorbenzalmalononitrite) tear gas
- C.N. (chloroacetophenone) tear gas

F. Impact Weapon Hard (orange)

- Baton – side handle, straight, expandable
- Strikes, blocks

G. Police Challenge (green)

- “Police Don’t Move.”

H. Firearm (red)

- Pistol
- Supplementary Weapon (shotgun, rifle)
- Draw
- Discharge

2. Review of Significant Use of Force Case Law

A. AMERICAN CASE LAW

1. Use of Force

American courts have interpreted that a police dog used to apprehend is best understood as an instrument of force, like a baton, and that it be judged according to rules that apply to police force generally. Substantial force inflicting serious injury may be reasonable and necessary according to circumstances confronting officers. The issue is reasonable necessity or was the force used proportionate to the apparent need to prevent escape or protect persons.

As applied to police dogs, the reasonable necessity standard means a dog bite is justifiable and lawful force if and only if the threat to officers or the public is serious and the need for force must be sufficient to justify the injury of a dog bite. A dog bite is not different from a laceration inflicted by a lawful baton stroke. The need for force, not the injury inflicted, makes force lawful or unlawful.

Four cases, two from the United States Courts of Appeals Sixth Circuit, *Robinette v Barnes and Mathews v Jones*, and two from the Ninth Circuit, *Fikes v Cleghorn* and *Quintanilla v City of Downey*, all specifically state...

“Police Service Dogs are not deadly force...”

“Police Service Dogs can often help prevent officers from having to resort to or be subjected to deadly force...”

To present the reasonable conclusions drawn by these case decisions, three key guidelines governing the use of Police Service Dogs are stated:

1. The severity of the crime at issue;
2. Whether the suspect poses an immediate threat to the safety of law enforcement officers or others;
3. And whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

The United States Court of Appeals Sixth Circuit, which represents Kentucky, Ohio, Michigan and Tennessee, has decided in two cases that Police Dogs are an alternative to having to resort to deadly force.

This was specifically stated in *Robinette v Barnes*, and in *Mathews v Jones*. In *Robinette* the estate of a burglary suspect who was killed by a police dog brought a civil rights action against the police officer and his department. This case was held: Use of police dog to apprehend burglary suspect did not involve the use of deadly force. No evidence indicated that the police officer who commanded the dog to search for the suspect

intended the suspect to die or suffer serious bodily harm or that the officer deviated from proper procedures for conducting a building search with the police dog. When a properly trained police dog is used in an appropriate manner to apprehend a felony suspect, the use of the dog does not constitute deadly force. The canine unit trained according to the guidelines established by the United States Canine Association.

Mathews v Jones 1994, supported this decision by stating that police dogs can help prevent officers from resorting to deadly force. They further reported that any attempt to apprehend a criminal suspect presents the officer with a difficult and frightening situation, but certainly an attempt to arrest a suspect hidden inside a unfamiliar building during the night-time presents a particularly confusing one. The use of dogs can make it more likely that the officers can apprehend suspects without the risks attendant to the use of firearms in the darkness, thus frequently enhancing the safety of the officers, bystanders and the suspect”.

One of the frequently cited cases by police dog critics is Kerr v. City of West Palm Beach. The Kerr case illustrates both the folly of inadequate investment in training for canine teams and the risks of liability for excessive force when policies do not spell out the rules for canine deployment.

Kerr discussed the issue of “bite ratios.” A high ratio of bites to apprehension may strongly indicate a misbehaving dog or a misbehaving handler. On an average, less than 30% of apprehensions should result in a bite; the average bite ratio in the West Palm Beach department was 50%. Thus canine units with an average of 20% or higher should be reviewed.

“Bite ratios” can be used to compare performances of handlers and supervisors. A bite ratio is the calculation of actual bites compared to apprehensions. The issue of “bite and hold” and “bark and hold” was discussed in both Kerr and Chew respectively. The court conclusions were:

Kerr discussed the “bite and hold” policy, and the court ruled that in the “bite and hold” method of training, the handler must have complete control over the actions of the dog. With such control the handler can recall and restrain the dog before a bite occurs. Alternatively, the handler can quickly remove the dog from the apprehended suspect. There was no discussion of a “bark and hold” method. The department had a bite ratio of approximately 50%, while the court felt that a reasonable ratio would have been 30% or less.

Chew (L.A.P.D) had a bite ratio of 40%. This department also had a bite and hold policy. Since this case has been resolved by an out of court settlement, this case offers little guidance. L.A.P.D. has returned to a bark and hold policy.

To summarily debate the bark and hold versus the bite and hold issue is irrelevant. Court decisions dictate that in any type of search condition the handler must have complete control over his/her dog regardless. Handler control dictates to the dog what type of response is appropriate for the situation. The handler makes the decision to escalate or de-escalate the dogs level of response, not the dog. In Fikes v Cleghorn and Quintanilla v

City of Downey the courts emphasized control by stating that the police dog was trained to release arrests on command, as it did in these cases.

2. Severity of the Crime

Deployment of canines against felony versus misdemeanor suspects is addressed in several court circuits. Under the Supreme Court case, *Graham v Connor*, the objective reasonableness test analyzing the totality of circumstances is addressed as follows:

1. The Third Circuit Court held in *Marley v City of Allentown* that using a dog against a suspected misdemeanant, who posed no threat to the officer, was unreasonable.
2. The Eleventh held in *Kerr v City of West Palm Beach* that using a dog in a minor offense was unreasonable.
3. The Sixth Circuit Court held in *Mathews v Jones* and the Ninth Circuit Court held in *Fikes v Cleghorn* that using a dog against a minor offense was unreasonable.
4. The Ninth Circuit Court held in *Mendoza v Block* that using a police dog to find Mendoza, an armed fleeing, hiding felony suspect, and to secure him until he stopped struggling and was handcuffed, was objectively reasonable under these circumstances.
5. The Sixth Court held in *Robinette v Barnes* that using a dog to find a hidden unsearched, felony suspect was reasonable.
6. The Ninth Court held in *Quintanilla v City of Downey* that using a dog to find a fleeing hidden, unsearched felony suspect and to secure him until he stopped struggling and was handcuffed, was objectively reasonable.

3. Training

Training was strongly addressed in the Eleventh Circuit Court case, *Kerr v City of West Palm Beach*. The court stated: Police Dogs must be subject to continual, rigorous training in law enforcement techniques. Such training ensures that the dogs will continue to respond with alacrity to the commands of their handlers; without such training, the dogs' responsiveness their handlers' commands will deteriorate, resulting in more frequent and serious injuries to apprehended suspects than might otherwise occur.

Many valuable lessons are evident from *Kerr*. Misdemeanour suspects who do not pose a threat to officers or the public should not be apprehended by police service dogs. Canine programs must be adequately supported with training resources, both in the initial selection and training of canine handlers and their dogs and in in-service training.

One of the most important messages of *Kerr* is that canine teams must be adequately supervised. Much of the court's discussion focused on what the supervisory officers did not do. The court commented that inadequate supervision of the canine handlers had caused an "atmosphere of lawlessness." One supervisory failing was poor reporting practices. Moreover, the court found that the department's procedures for reviewing citizen complaints was woefully inadequate when compared to other area departments.

B. Canadian Case Law

1. R. v. Mcleod, Supreme Court of Canada (1993)

In *R. v. Mcleod*, the court discusses whether a dog is a weapon. In this case the accused had admitted that she had sicced her dog upon the complainant but the accused had been acquitted on the basis that the dog did not represent a weapon within the meaning of Section 2 of the Criminal Code of Canada. The legislative history of the definition of weapon suggested that the present definition was enacted as a result of Parliament's intention to enlarge the scope of the definition. The focus of the present definition had been shifted from the character of the instrumentality in question to the result of its use or the purpose for which it was used. Section 2 defines weapon to be anything used or intended for use causing death or injury to others and it could not be said that the definition of anything was restricted to inanimate items or excluded animate ones. When Parliament employed the word anything it included both animate and inanimate bodies so that a dog could be used, or intended to be used, as a weapon.

2. R. v Barr, Provincial Court of Alberta (1982)

Civil proceedings for injuries inflicted by police service dogs are rare, and courts have not examined in great detail the use of dogs as an instrument of force. However, one criminal case offers some guidance. The Alberta Provincial Court in *R. v. Barr* viewed a police service dog as a weapon akin to a firearm, and whether commanding a dog to attack constituted excessive force in particular circumstances would be a question of fact. In this case the accused was in possession of a crowbar as he was leaving the scene of an early morning break-in of a school, and ignored an order to stop by a police officer. The Court concluded that using a police service dog in an attempt to capture the accused did not constitute excessive force within the meaning of s. 25 (1) of the Criminal Code.

3. C.(T.L.) v Vancouver (City) 1995, Supreme Court of British Columbia

Police officers responded to a radio call for a "theft from auto in progress". They found a 14 year old searching through the glove box of a car which had a broken rear window. One of the officers approached the car with his police dog and opened the passenger door. The plaintiff claimed that as he stepped out of the car the dog jumped out and bit him on the arm. The plaintiff jumped up on the roof of a nearby car. Twice the dog bit the plaintiff on the leg and pulled him down to the ground. The plaintiff claimed that as he was being handcuffed one of the officers kicked him in the face. The plaintiff suffered a broken right arm, several deep lacerations on both legs and left arm and bruises and a cut on his face. The officers claimed that the dog did not bite the plaintiff until he jumped onto the roof of the nearby car and that they believed that he was trying to escape over an adjacent fence.

The court concluded that there was no question that the plaintiff was unlawfully in the car and that the officers were entitled to apprehend and arrest him. Considering all of the evidence, and particularly glaring contradictions in the evidence of the officers, the plaintiff established that he was bitten by the dog when he exited the car, that he leaped onto the nearby car in an attempt to escape from the dog and not to flee from the scene.

The court determined that his arm was broken when the officers kicked him and handcuffed him. The court then stated that because of the physical harm that police dogs can inflict upon suspects, it is incumbent upon their handlers to ensure that the use of a police service dog as a weapon is reasonable in all of the circumstances. Hence, the force used by the officers and the police dog was excessive. Because the dog bit the plaintiff as he stepped from the car, and the plaintiff jumped onto the nearby car to escape injury and not to flee. S. 25 of the Criminal Code provided no defence. The court found the plaintiff fifty percent at fault for his injuries in view of his unlawful conduct and entitled to one hundred percent of his costs in view of the officers giving untruthful evidence. Held – Judgement for plaintiff for \$10,000.

4. Arnault v. Prince Albert (City) Police Commission Supreme Court of Saskatchewan (1992)

The police were called to the scene of a break and enter and the dog handler and his canine partner began tracking the suspects. The suspect was located a few blocks away walking away from a moving truck. The police officer identified himself and asked the plaintiff to stop. The plaintiff tried jumping into the back of the truck whereupon the police dog took him down. After the dog let the plaintiff go at the direction of the police officer, the plaintiff made a second attempt to get away and was again taken down by the dog. A third attempt was made by the plaintiff to escape. The plaintiff was then taken down by the dog the third time. The plaintiff sought to recover damages for the injuries he suffered when bitten by the police dog. The plaintiff acknowledged that there were reasonable and probable grounds to arrest him without warrant. However, he contended that a less violent means of stopping him could be used. The action was dismissed.

The court held that there was no wrongdoing on the part of the police officer on the basis of which negligence could be attributed. The court discussed this in relation to Section 25(4) of the Criminal Code which states: A peace officer who is proceeding lawfully to arrest, with or without warrant, any person for an offence for which that person may be arrested without warrant, and everyone lawfully assisting the peace officer is justified, if the person takes flight to avoid arrest, in using as much force as necessary to prevent the escape by flight, unless the escape can be prevented by reasonable means in a less violent manner.

The Court concluded this section would ordinarily be applied in a prosecution under the Criminal Code. Also, to determine liability in this case the officer's right to use force under Code s. 25(4) is really a question apart from any negligence on his part. Finally this action was to be in the civil and not the criminal context. In the final analysis the plaintiff's action can be looked upon as founded only in negligence.

The lesson learned from this case is the officer's gradual escalation of force. The officer escalated the force from tactical communication of stop police and the warning to send the dog and the apprehension by the dog in each circumstance. The suspect's actions dictated the response by the police officer and his dog.

C. Literature Review of Human/Dog Relationship

An interesting dynamic of this problem is the relationship between people and animals. This project will focus on dogs in particular. In policing, the popularity of dogs and horses with the public is fascinating. People are more interested in meeting the officer with an animal than the officer without one. It appears that an officer on a horse or with a dog is more approachable. So much so that there is a great demand for mounted and dog units to participate in public relations presentations. This somewhat ironic, because both animals are used effectively in controlling crowds (horses) and individuals (dogs).

In the article named "*Social Control and Dogs: A Sociohistorical Analysis*, J. Robert Lilly and Michael B. Puckett discuss the sociohistorical relationship between dogs and social control. The topic of this article is that although dogs are well integrated into our lives, scholarly examinations of their role in the social order have been limited. They state that law enforcement scholars have addressed the use, training and legal aspects of dogs in policing and suggest that a perspective is needed that examines the development and maintenance of connections between dogs and social order (Lilly and Puckett, 1997, p. 2).

Dogs first became a part of every day human life some 15,000 to 20,000 years ago. Estimates place human-canine relationships as beginning sometime during the Stone Age when wolves were domesticated for hunting purposes (Wimhurst, 1967, p. 27). The dog has been trained to please us, and it has been manipulated through breeding to suit our aesthetic demands and to meet our needs for particular skills. The dog has been hunting companion, a helping hand, the subject of medical experiments, a sheep herder, a farm hand, a security tool, a means of transportation, a guide for the disabled, and a food source. Most recently, dogs have been used in cancer and stroke detection as well as the identification of criminals by scent discrimination.

The domesticated dog or canine familiaris, although largely a domesticated animal, still harbors many carnivorous and predatory traits of its distant wolf relative. Its loyalty to a group or person, territorial nature and tenacity are instincts derived from its wolfish ancestry. These features combined with acute hearing, a sense of smell that is at least 200 times that of humans, and a willingness to bite (which in some cases exceeds a pressure of 600 pounds) have resulted in an animal that, although loved by many, can become a "hunter and a fighter of humans who act in certain ways or intrude into certain places" (Koehler, 1967, p. 67).

Unfortunately, prejudice against the wolf thwarts a possible way of appreciating the dog, since the dog and the wolf have striking similarities. Both the wolf and the dog are pack orientated and prefer not to be isolated for long period of times. They are both hunters who chase down their prey rather than ambush. Both are responsive to leadership from an "Alpha-figure" to whom they look for order and direction. Both use a wide array of body language to communicate within the pack and with outsiders. Some researchers have noted the presence of a kind of altruistic love in wolf packs, the willingness to please another member of the pack without any reward, and the ability to show caring. These last two traits are well known in domestic dogs (The Monks, 1978, p. 12).

The dog has been included in our social history. First Nations myths furnish the most ready examples. For the Kato Indians of California, their god Nagaich, the Great Traveler took his dog along when he roamed the world creating. He is quoted sharing his delight in the goodness and variety of his creatures with his little dog. The Shawnee of the Algonquin Nation of upstate New York had a creation god, Kukumthena, a grandmother who was accompanied by a dog. Creation in this myth is perpetuated by none other than this mutt, for each day Kukumthena works at weaving a great basket, and when it is completed the world will end. Fortunately for us, each night the dog unravels her day's work. Those of us who have lost portions of rug, clothing, or furniture to a dog's oral dexterity may never be convinced that the ability could be put to such a positive use. This myth is very telling about the relationship between dogs and humans (The Monks, 1978, p. 3).

The place of dogs in mythology is not limited to North America. It appears to be universal, Greco-Roman literature features dogs in various roles. Think of Hecate's hounds, the hunting dogs of Diana, and Cerberus of medicine, who as an infant was saved by being suckled by a bitch. Egypt had many dogs in mythology, which appear prominently in wall paintings, and many have come to us intact as mummies.

Persian mythology features a dog in the account of creation. The Aztec and Mayan civilizations include one as well. Various tribes of Africa, the Maoris of New Zealand and other Polynesian cultures, along with the venerable traditions of the Hindu and Buddhist, have all found some place for a dog in the legends that have been handed down in both oral and literary traditions (The Monks, 1978, p. 3).

The evolution of the dog in myths and reality has created a creature that is both loved and feared. The dog is man's best friend, but there is still the perceptual separation of the dog as beast or domesticated animal. The dog demonstrates pure behaviour and as the saying goes "there are no bad dogs just bad people." I believe it is the use of the dog that creates the element of fear. This is no more important than in policing. The police service dog can be seen as an invaluable tool to society or it can be used as a menace for intimidation, fear and coercion.

It has been suggested that the police contribute to social control by preserving order, "serving as a deterrent to misconduct and providing a quick response mechanism for potential or low level problems" (Walker, 1992, p. 70). They also state police dogs have become very valuable quick response mechanisms, and their use for numerous non-violent control operations has overshadowed their continuing violent role in law enforcement and control.

In his famous "Letter From the Birmingham Jail," Martin Luther King, Jr. condemned police dogs as a crowd control measure. He wrote,

"I must close now. But before closing I am impelled to mention one other point in your statement that troubled me profoundly. You warmly commended the Birmingham police force for keeping 'order' and preventing violence. I don't believe you would have so warmly commended the police force if you had seen its angry violent dogs literally biting six unarmed, nonviolent Negroes" (King, 1986, p. 301).

King's experience speaks to the ethical use of police dogs and perceptions of their use when other less violent options are available. Options that are effective against individuals do not always work effectively against crowds. Options such as pepper spray, tear gas and police dogs can be effective in controlling individuals but by their very nature create hysteria in a crowd. These options are not effective in controlling a crowd because of the psychological and physiological fear factors that they induce. These options damage a police agency's public perception and must be considered only after all other available options have been exhausted.

The former police state, East Germany, used dogs as a supplement to its secret police and to the maintenance of the Berlin Wall. At the time the Wall fell, Germany had more than 5,000 dogs, mostly German Shepherds, Rottweilers, and Schnauzers patrolling its border with West Germany.

Ironically the bark and hold method was instrumental in Europe in saving the lives of service dogs that were used to patrol the borders. It had become known by the underworld elements who were illegally crossing the borders that the dogs were trained to attack directly and hold on until called off the suspect by the officer. To defeat these dogs was relatively a simple matter of wearing protection from the bite on one arm, and once the dog attacked the protected arm, the suspect stabbed the dog to death. As most of the dogs were out of sight of the handler when this occurred, many dogs were lost. By the time the dog was located by the handler, he was dead and the suspect had accomplished his goal.

To combat this problem the authorities introduced a training style that would result in the dog harassing the suspect out of harms distance by circling and barking. This prevented the suspect from stabbing the dog, and indicated the location of the offender for the officer. This method is seen today by law enforcement officials as a more humane way of utilizing the dog.

Lilly and Puckett state: "The future of dogs as agents of social control is ever expanding, reflecting many distinguishable points in history where institutional and non-violent social inventions, including law, have failed to maintain order. When these limitations to order and control have occurred, more coercive violent means of achieving conformity have been employed. Among the more violent approaches has been the revitalization of the connections between human beings and animals" (Lilly and Puckett, 1997, p. 29). It is the intent of this project to explore the relationship between police officers, their dogs and the public by investigating perceptions of use of dogs in policing.

C. RESEARCH CONDUCT

1. Research Methods

This study uses qualitative analysis by way of appreciative inquiry as the primary research methodology. Some quantitative analysis is employed in the form of comparative statistics of the previous four years of police dog calls for service.

The prime focus of this research is qualitative and ethnographic in nature because historical research involves the careful study and analysis of data about past events. It is a holistic inquiry and involves the collection and analysis of data about an individual or a group under natural conditions. The investigator is immersed in the study process in an effort to fully understand the behaviour and its subsequent impact on society (Brockopp & Hastings – Tolsma, 1989). The purpose is to gain an understanding of the impact of the past on the present and the future. The researcher must relate the study to current or future events (Brockopp & Hastings-Tolsma, 1989).

Ethnography means “learning from people” rather than “studying people” (Forchuk and Roberts, 1992, p. 53). Appreciative inquiry suggests that we look for what works. This is because statements are grounded in real experience and history, people know how to repeat their success.

A key principle of appreciative inquiry is that it is a generative process. That means it is a moving target and is created and constantly re-created by the people who use it (Hammond, 1996, p. 5).

The primary objective of this project was to define the use of the police service dog within the use of force context. I have been immersed in this subject for the past eight months. I have just completed a sixteen week basic handler course where my dog and I have learned the basics of performing our duties. We have spent this time together learning what we must do and talking to others about the issues involved. The next phase of our learning is to transfer these skills to the street and gain a greater appreciation of the expectations of our performance.

2. Data Collection, Study Conduct and Research Findings

Data collection was broken down into two domains, quantitative statistical analysis and a qualitative analysis.

A. Quantitative Analysis

A quantitative analysis was done comparing the statistics recorded on the Police Dog Services calls for service and the incident reports submitted. The statistics available were from 1995 to 1998. The incident reports were submitted whenever a police service dog apprehended a suspect. The reports included the circumstances of the incident, the location of the bite, the nature of the injuries to the suspect and whether or not medical attention was required.

Table 1**Apprehension Statistics**

Year	PDS Calls	Use of Force	Acc.	Arm	Leg	Other	Ratio/ Incid/ call	Arrests
1995	2339	34	5	13	14	7	.015	286
1996	2678	51	2	22	17	12	.019	237
1997	2487	25	2	11	12	2	.01	218
1998	1946	37	1	11	20	6	.019	191
Total	9450	147	10	57	63	27	.015	932

Findings

Thirty-nine percent of apprehensions involve the suspect's arm, 43% involve the suspect's leg and 18% involve other parts such as the buttocks, shoulder, foot, hand, back and stomach. The ratio of accident to call is .00106 so that in 100,000 calls, .106 will be accidental. The bite to apprehension ratio averaged out to 16% over the four years.

Table 2**Injury Statistics**

Year	Total Incidents	Minimal	Minor	Major	Puncture	Medical Treat.
1995	34	23	11	0	29	23
1996	51	46	5	0	30	21
1997	25	20	5	0	16	10
1998	37	32	3	2	23	9
Total	147	121	24	2	98	63

Findings

No clear definition exists to describe injuries as to what minimal, minor and major are. On the whole injuries were minor in nature with an average of only 43% requiring any medical attention and 66% resulting in injuries that punctured the skin. The remainder of the injuries were described as scratches, scrapes and bruises.

B. Qualitative Analysis

The qualitative analysis was broken down into several different methods and instruments:

- 1) A questionnaire to Use of Force experts and dog handlers.
- 2) An internet discussion with police dog handlers and experts throughout Canada and U.S..
- 3) Interviews with Use of Force experts.
- 4) Interviews with dog handlers.

1. Use of Force Questionnaire

The following are the questions on the survey and the rationale behind each question:

Is the Police Service Dog a weapon when it confronts or apprehends a suspect?

This questionnaire (see Appendix A-2) was developed after inquiring with key subject matter experts and key informants on this issue. These key informants consisted of use of force experts, dog handlers, police dog trainers and legal experts. The main focus of the research was determined very early in the project. This focus is the discussion by many in the field of the debate whether the dog is a weapon or a tool for law enforcement. This debate is centered around a philosophy that the dog is used more for locating and searching than apprehending. There is also a concern that if the dog is an admitted weapon that this will create a problem in justifying its use within a legal setting. The following question is key to the definition of the use of the dog and the determination of its relationship to the use of force model.

Should it be defined as a weapon of opportunity when it confronts or apprehends a suspect?

The second question is to address the current definition of the dog as a weapon of opportunity. Some would argue that this is the most appropriate definition because it fits both the concept of tool and weapon and leaving it as a weapon of opportunity nicely fits within the model. This position is supported by the opinion that there is virtually unlimited set of potential weapons of opportunity, and it's impossible to provide force models that reflect them all. In this definition the use of a weapon of opportunity becomes a test of reasonable response to threat. A police dog can present a fairly wide range of force responses, the choice of which would have to be reasonable and proportional to the threat. This would clearly vary according to the situation.

Does the use of a Police Service Dog belong in the Ontario Use of Force Model?

This issue is the most controversial of the definition of the use of Police Service Dogs. There are clearly two divided camps on this issue. One side sees the dog primarily as a tool for searching and locating for law enforcement and the other, even when agreeing that the dog should be in the model, have a difficult time placing it in a generic use of force model. Just like in the use of force model, people see a model as prescribing must do or prescriptive behaviours that can be used against any attempts to justify the use of the dog.

If you answered yes to #3, where does it belong in the model?

This debate is difficult because people have a hard time slotting the dog into one part of the model. The dog has many different responses to any situation that there is no clear allocation of the dog like a baton or firearm.

Is the Police Service Dog an appropriate force option against a suspect armed with a weapon?

If you answered yes to #5, which of the following weapons used by a suspect would present a situation that would reflect the appropriate use of a Police Service Dog (check any that are appropriate).

This issue is a topic of concern for dog handlers. Dogs have been used successfully and unsuccessfully against persons armed with weapons. This question is asked in an attempt to determine the appropriate level of response and some of the factors to consider when deciding to use the dog in such a situation.

Findings

1. Is the Police Service Dog a weapon when it confronts or apprehends a suspect?

33 questionnaires were returned with 22 responding yes and 11 responding no.

Therefore sixty-six percent of those questioned felt that the dog was a weapon. Some of the responses included some opinions in the space provided. Those saying that the dog is not a weapon believed that if an officer made a choice to use a weapon system (spray, baton, firearm, etc.) he/she is in total control of the weapons system. The dog, although highly trained, is capable of independent thought, action, and reaction and thus is not a weapon.

2. Should it be defined as a weapon of opportunity when it confronts or apprehends a suspect?

17 yes

16 no

This question was very even in its responses. This debate centers around the issue of the dog and the definition of its use. Those that feel that it is primarily a search and locate tool feel that because its prime purpose is not to apprehend that it is a tool much like an officer's flashlight. Those that see it as an apprehension tool feel that unlike a flashlight we teach it to apprehend and therefore it is a weapon.

3. Does the use of the Police Service Dog belong in the Ontario Use of Force Model?

26 yes

6 no

This supports the position that whether or not the dog is defined as a weapon or tool it is a force response when it apprehends. This also supports the opinion that the dog must be properly defined within the model and that training standards must be developed to supports its use.

4. If you answered yes to #3, where does it belong in the model?

- a. Officer presence 4
- b. Active resistance 3
- c. Intermediate weapon 7 before baton
- d. Whole model 2

These findings support the theory of placing the dog in many places in the model and reflect the many responses the dog is capable of providing. The dog is a very strong presence when it arrives at a scene and some say the psychological fear factor of the dog is even greater than the police officer presence. The dog, unlike hard impact weapons, can be utilized when the subject exhibits active resistance behaviour of hiding or running from police. Upon confronting the suspect when the subject becomes assaultive the dog can apprehend and be utilized as a hard impact weapon. These responses support the dog having its own option description corresponding with the appropriate subject profiled behaviours.

5. Is the Police Service Dog an appropriate force option against a suspect armed with a weapon?

12 yes 12 no 6 depends on situation

This is the most debated and controversial issue regarding the use of the police service dog. This situation like many use of force situations is very dependent on the conditions that exist at the time of the incident. A use of force response must be justified by the officer making the decision. This is one that is second guessed the most. Ideally the dog is not the most appropriate response against a serious bodily harm or death circumstance. Those against the use of the dog in such a circumstance feel that it is a suicide mission for the dog and why use the dog if there is another more appropriate option. Those who say yes feel the dog is a legitimate option if it is utilized to create time and distance to allow responding officers to take control with other options.

6. If you answered yes to #5, which of the following weapons used by a suspect would present a situation that would reflect the appropriate use of Police Service Dog: (check any that appropriately apply)

- Firearm 6
- Edged weapon 6
- Implement/tool 13
- Blunt instrument 11
- O.C. spray 19

The most notable finding of this question is the gradual reduction in responses as the threat increases. Most officers would not use the dog against these serious situations, but the dog is an option against these devices in some circumstances.

2. Internet Discussion Group

The issues considered in this study were placed in a discussion group of the United States Police Canine Association. This discussion group is located on the U.S.P.C.A.'s web page. The candidate posed the research question and included the issues asked in the previous use of force survey. The respondents were informed of the nature of the study and asked to contribute. They were also told that the findings would be reported back to them upon completion of the study.

The responses occurred over a three month period from January to March. They included twenty-eight individual responses from all over the United States and provided the following findings:

Findings

**Is the Police Service Dog a weapon when it confronts or apprehends a suspect?
Model**

Responses

Can the dog be taught to inflict serious bodily harm or death to a person? If you answered yes, then the dog is a weapon.

Dog is not primarily a force instrument but a locating one. The dog's actions are dictated by the behaviour of the suspect.

The dog is a weapon when used to apprehend, prevent a crime, stop a felon. If the dog is used to prevent violence, it is a weapon.

The dog is not a weapon, it is primarily a detection tool and therefore equipment none-the-less.

Yes, the dog is a weapon of opportunity.

The dog is not a weapon. It's primarily purpose is as a scenting instrument and if it is not being trained to bite then it is not a weapon. Biting is not the primary purpose of the dog.

The dog is not a weapon of opportunity because it is trained to bite.

Does the use of a Police Service Dog belong in the Use of Force Model?

Responses

The dog should not be placed in force continuum. The police dog is a tool for law enforcement that could be used at several different levels beginning at presence.

The dog should not be placed on use of force scale.

The dog should not be placed in force model but if it did it would go just below the nightstick because it is not deadly force.

Handlers and dogs train hundreds perhaps thousands of hours for bite work and control, therefore it is trained as weapon.

The dog should not be placed on the force continuum, it will provide attorneys more ammunition at trial regarding questions about appropriate force.

The dog should not be placed on the model because it fits into so many places. It's mere presence is a deterrent and the dog should only be classified on the model after its use and then the level would depend how it is used.

The dog does not belong in a generic force continuum because it is very complex and requires its own well written policy. The dog does not belong on the model because other force responses are not an option for K9 officers with a dog.

The courts have decided that it is force but not deadly force. As it is placed at this lower level it is already in the force model.

Where does it belong on the model?

Responses

The dog should not be placed anywhere on force continuum only at the presence level.

The dog should be placed in many different places and not in one place.

I am concerned about placing the dog just below deadly force as it is primarily used for search and locate it does not belong on the continuum at all. If the dog is placed on the model it belongs at presence.

The dog should be placed in the middle of the model, Level 3 or 4.

The dog bite is at level 4 below the nightstick in Florida.

The dog should be placed above O.C. and up to the level of baton.

The dog should be placed on model at level 3 or 4. The dog is not a weapon of opportunity because the purpose of the flashlight is to provide light and when used as a weapon it is only because it was available at that time.

The dog is Level 4 when biting.

Is the Police service Dog an appropriate force option against a suspect armed with a weapon?

Responses

Firearm is a deadly force situation and I would not send my dog unless as a last resort and only if the dog could be successful.

Edged weapon is deadly force situation therefore the same circumstance as a firearm.

Blunt instrument; yes I would send the dog as long as I was there for back up.

3. Interview with an Expert in Police Use of Force Training – Doug Ashton

Sergeant Doug Ashton has been a member of the Peel Regional Police Service for 19 years. In 1984 he was approached by his Service to conduct training for the first conversion from the old wooden sticks to a tonfa side handled baton. He was a second degree black belt in Karate and trained in Jujitsu. This was the start of the first approach to defensive tactics by all police organizations in Ontario. He reports that in this era there was little use of force training and nothing was looked at holistically.

Firearm training focused on marksmanship and target shooting only and he was responsible for doing all the training below the use of the firearm. In 1990 they expanded his unit and he became the Defensive Tactics Coordinator. This was the beginning of the first design and delivery of use of force training.

In 1991 and 1992 police use of force came under greater scrutiny as a result of a number of high profile shootings in the Greater Toronto Area. This resulted in Regulation 926 of the Police Services Act being passed. This regulation mandated use of force training for police officers in the province of Ontario.

Sgt. Ashton was directly involved with the establishment of these use of force regulations and standards as a member of the Use of Force Committee. He was also involved with the development of the Use of Force Response Options Model and in designing new programs of training to support this legislation. He is a use of force court expert witness and has given expert evidence in a number of high profile cases across Canada. He is currently assigned to the Ontario Police College in Aylmer, Ontario, where he conducts training in use of force with police officers of all levels.

The interview was centered around the following question:

The purpose of this interview is to determine your experience with police use of force issues. This study is to make recommendations regarding the use of force and police service dogs. I am doing this project as an academic research with the support and direction of the Toronto Police Service Dog Unit. Can you explain the model and, in your opinion, describe how the use of a police service dog relates to our current Ontario Use of Force Model?

This interview was recorded on tape and the highlights are presented in these findings.

Findings

Sgt. Ashton believes that the Use of Force Model is simply a graphical representation of profiled behaviours and use of force options that exist for police officers in the province of Ontario. He states that the model was designed as a training aid and reflects existing legislation, policy and case law. He feels a problem that exists is that people look at the model as something that gives them clear direction. He states that the model only allows us to understand certain information. The important concept is the relationship between the profiled behaviours and selected force options. This relationship is impacted by many

factors and offers a degree of latitude. An example he uses to demonstrate this is the option of empty hands that can be used against a wide range of individual behaviour because of the range of impact factors.

He states that officers gain control of a situation by using the appropriate response option and that the expression "as much force as necessary" is applying the appropriate amount of force to establish control. This response must be of a higher level to overcome a subject's resistance. This must be determined by a court of law or a jury who must put itself in the officer's shoes to determine if the appropriate subjective response withstands the test of objectiveness.

The court considers the concept of preclusion or more specifically what the officer did not do. Could the officer have used a lower force option to gain control? Ultimately the officer must justify the use of force.

Sgt. Ashton believes that the dog should have its own response model, because, unlike other use of force responses, the dog offers a variety of responses and cannot be slotted into one part of the model. This model could be supported by current legislation, policy, case law and be supported by training.

On the issue of tool versus weapon, Sgt. Ashton believes that because we train and use the dog to apprehend a suspect, the dog is a use of force response option. It is only defined as a weapon of opportunity because under current legislation it is not defined anywhere. He states that it is not a weapon of opportunity because unlike the flashlight we are trained to use the dog as a response option. Officers are not trained to hit suspects with their flashlights.

When questioned about the use of a service dog against a subject armed with a weapon Sgt. Ashton discussed the willingness and appropriateness of sacrificing an animal when there is a high expectation that it is going to be killed. This may be a justified decision if it buys us something else like saving a life, but to just throw it in with the expectation that it is not going to be successful doesn't make sense. He compares it to our own judgement and how we would not be expected to expose ourselves to situation where our life was in danger.

Factors he stated that should be considered in such a decision are the circumstances, judgement of the handler, and the abilities of the dog. If the dog could create a distraction that could save the life of someone, then the decision could be justified. People sometimes sacrifice themselves to save others and dogs are no different. Both can display heroism.

4. Interview with Police Service Dog Training Expert – Rick Fackrell

Sergeant Rick Fackrell is the Chief Instructor of the Toronto Police Dog Service. His almost forty year police career started in the London Metropolitan Police Force. He received his police dog training qualification in 1963 and served as a handler in the London Met. He emigrated to Canada in 1966 and in 1972 assisted in setting up the canine unit in the London Police Force in Ontario. In 1977 he was promoted to Sergeant in charge of his unit.

In 1990 he moved to the Toronto Police Service where he has been chief instructor ever since. Rick has trained many dogs for a number of Services in Ontario. He is a member of the Canadian Police Canine Association and the United States Police Canine Association. He is the first individual outside of the United States to be a Nationally Certified Trainer and Judge.

The interview was centered around the following question:

The purpose of this interview is to determine your experience with police dog use of force issues. This study is to make recommendations regarding the use of force and police service dogs. I am doing this project as an academic research with the support and direction of the Toronto Police Service Dog Unit. Can you explain the model and in your opinion describe how the use of a police service dog relates to our current Ontario Use of Force Model?

This interview was recorded on tape and the highlights are presented in these findings.

Findings

Sgt. Fackrell identified the key issues of the use of the dog in relationship to a weapon of opportunity. The dog is a tool to search but it is also a weapon when it apprehends. The dogs actions are determined by the bad guy and not the dog. He has used his dogs against a subject armed with a weapon. The subject was 6'3", 230 pounds and armed with a hammer. Sgt. Fackrell knew his dog's abilities and used his dog. The suspect swung the hammer at the dog and missed. His dog then successfully apprehended the suspect.

In 1973 one of his handlers was asked to use his dog against a suspect barricaded with a rifle. The officer in charge did not want to use tear gas and wanted the officer to send his dog. The dog was sent in the small motel room and the suspect shot the dog. Tear gas was eventually used and the suspect surrendered. Rick feels that this was a suicide mission for the dog and that if there were grounds to use tear gas in the first place that it was the appropriate option.

Rick feels the dog should be on the model because a bite is a use of force. He suggests that the dog cannot be located in one place in the model, but could be used in many different responses at many different places within the model.

Rick discussed the concepts of bite and hold vs bark and hold. He states that in the bite and hold method it is presumed that the dog can't think for itself. While in the bark and hold method the dog's response is determined by the subject's behaviour. In the bite and hold the dog bites every time. In the bark and hold the dog only bites if the suspect attempts to flee, confronts the dog with a weapon, assaults the dog or the handler, or the handler commands the dog. This requires greater maintenance than the bite and hold and is a higher standard that requires constant training. The handler in the bark and hold can conduct open searches off-line because the dog does not bite everybody he comes across. In bite and hold the handler must conduct all searches on-line. This presents an officer safety problem because the officer must be within the range of the line on the dog. In the off-line the dog can search while the officer remains behind cover. Rick's favorite saying is that you can't recall a bullet, but you can a dog.

5. Interview with Police Service Dog Handler – Steve Carrier

Constable Steve Carrier is a dog handler with the Quebec City Police Service. He has been a police officer for ten years and a dog handler for six years. He has trained his dog for general purpose work and drug detection. He attends the Canadian Police College on a regular basis and participates in tactical scenarios. His police dog is named Kim and is a female German Shepherd, one of the few used in Canada.

The interview was centered around the following question:

The purpose of this interview is to determine your experience with police dog use of force issues. This study is to make recommendations regarding the use of force and police service dogs. I am doing this project as an academic research with the support and direction of the Toronto Police Service Dog Unit. Can you explain the model and in your opinion describe how the use of a police service dog relates to our current Ontario Use of Force Model?

This interview was recorded on tape and the highlights are presented in these findings.

Findings

Constable Carrier believes the dog is basically a tool, but because of the way we train, it is also a weapon when it makes contact with a subject. The dog is trained to protect itself and to apprehend a subject on command of it's handler. He feels the dog must be included on the model because a police officer must utilize the dog in conjunction with other use of force responses.

He thinks that the dog, unlike other options, has a variety of responses and can be used in many different situations. For example, if he was presented with a situation of confronting an armed suspect with no cover or time to protect himself, he would send the dog to create time and distance. This would allow him to seek cover or utilize other force options.

The dog like any force option can be used with other force options to ensure the safety of police officers and the members of the community they are sworn to protect. He recalls a situation where he assisted the Quebec City Tactical Team with a person barricaded situation. The person was emotionally disturbed and had thrown everything out of his apartment and had threatened to commit suicide. It was unknown if he had a firearm or other weapon. The first officer responding had heard a loud noise and wasn't sure if it was a gunshot.

The tactical officers decided to take control of the situation and perform a dynamic entry of the premises. The strategy was to throw in a stun grenade and while the subject was disoriented the dog would be sent in off-line to apprehend the suspect. The dog entered the apartment without being observed by the subject and prevented him from running into another room. The dog apprehended the subject by the arm and allowed the tactical team to enter and take control of the subject. Steve feels that approximately eighty percent of his work is searching and locating suspects or evidence. Therefore, he feels the dog is a valuable tool until it confronts a suspect and then the use of force model must be applied.

6. Interview with Sergeant Ghislain Raymond –RCMP Use of Force and Tactical Instructor.

Sergeant Ghislain Raymond has been a member of the Royal Canadian Mounted Police for twenty-one years. He spent thirteen years involved in plainclothes investigations and he was also a member of the CERT anti-terrorist team. He was transferred to the Canadian Police College in 1990. The reason he was assigned to the college was to bring the two backgrounds together. Canadian police agencies were confronted with more violence when performing uniform and investigative duties. His new task was to design training that better reflected these needs. He was to develop tactical training for all types of policing in Canada.

His research found that police officers were not being trained to deal with “the way it was happening on the street”. The Canadian Police College looked at human reaction under stress and developed control techniques and training methods to help officers perform better under stress.

The interview was centered around the following question:

The purpose of this interview is to determine your experience with police dog use of force issues. This study is to make recommendations regarding the use of force and police service dogs. I am doing this project as an academic research with the support and direction of the Toronto Police Service Dog Unit. Can you explain the model, and in your opinion, describe how the use of a police service dog relates to our current Ontario Use of Force Model?

This interview was recorded on tape and the highlights are presented in these findings.

Sergeant Raymond feels that the Use of Force Model is only a training tool to show graphically options and behaviours and their relationship to each other. He does not think that the model is explained properly and that there are many misunderstandings across the country. He states that the model suggests an escalation of options that are to be tried in order if one of the others is not successful. His experience with giving evidence for many cases across the country is that time is the most important factor and in most cases the lack of time and distance is a factor.

He feels the ultimate goal of all seven models are the same across the country and that when you put the models one over the other there is not much difference. He has nine years teaching with all of the models and feels that once the models are explained they can be put aside. He states that it is important to consider criminal behaviour and police options and that the court standard is exactly the same across the country.

To support the lack of time that officers encounter in these situations he reports of a study conducted in California that reports that ninety-five percent of police officers are killed with firearms. In deadly force encounters sixty percent of police officers had no reaction at all. The possibility of ambush was considered but it only factored in five percent of the incidents. Only twenty-seven percent of the officers were able to return fire and only fifteen percent of these were able to hit their target.

He further states a study of fifty-five cop killers in the United States who were interviewed and all said the same thing. They tried something because the officer was not authoritarian enough.

Ghislain believes the physical reaction of a police officer is only a consequence of a mental process. He feels it is important to prepare them psychologically to analyze the information in such a way that they will be able to react quicker. He gives an example of an exercise he uses to demonstrate this.

“We did a study with 1300 police officers. A police officer walks into a room. He knows it’s a high risk situation and his/her gun is drawn. The officer is equipped with simunitions. The suspect is sitting in a chair about 8 – 10 feet from the officer and on a table 3 feet from his hands is a gun. The suspect is instructed to make eye contact with the officer and be physically compliant and verbally aggressive. The suspect counts to seven goes for the gun and shoots the cop. Eighty-seven percent of the police officers involved in that situation got shot twice before returning fire. When asked when they saw the gun most of them say when the suspect went for it. They also say that they were watching the suspect’s eyes and not his hands. Of the remaining 15%, 5% of them did not react at all stating that there was not enough time and 10% were able to shoot the suspect first. They observed the threat very early and reacted quickly enough.”

He states there are four steps of the mental process under stress. They are:

- Perception
- Analysis
- Formulate the plan
- Take action

The 10% who were successful in this situation were able to perceive the threat very early in the confrontation. This allowed them to analyze the threat, formulate a plan and the only step left to do was to take action and they were able to react faster. His study showed that under stress that when the heart beat was raised to over 145 beats per minute the quality of interventions went down.

He states that police officers create opportunities for the subject by non-action or over aggression. If they are overly aggressive, they are not the controller anymore. They are the aggressor and that there is the misunderstanding that violence equals safety. His research shows that when there is a low knowledge or misunderstanding of tactical training and control techniques there is an escalation of violence on both sides.

He has found that if you increase knowledge and understanding of tactical training and control techniques there is de-escalation on both sides. The officers are able to perceive the threat early in the confrontation, better assess and are able to diffuse the situation early in the confrontation. He believes this is because officers are not properly trained to deal with these situations. He quotes Dr. Alexis Artwohl in her book *Deadly Encounters* on the 4 R’s of deadly force training. They are:

- Realism
- Repetition
- Review of Performance

- Responsibility

When asked what the common problems he observes when giving evidence in use of force situations he says that people fail to understand the dynamic of a confrontation. In almost all cases the events occur so fast that all the facts are not there. The officer's actions are then judged by those who have all the time and all the facts.

He refers to Dr. David Grossman's work in *On Killing: The Psychological Cost of Learning to Kill in War and Society* who talks about the 'inverted u hypothesis' and the fact that a person can not keep at their peak performance for a long period of time. During a stressful encounter a person's physical capacity will decrease rapidly. Sergeant Raymond feels that to help officers manage their stress in these situations they must identify the four levels of awareness and transfer that to their tactical thinking. The four levels of awareness are:

- White

The condition white is being unaware and unconcerned about the surrounding environment.

- Yellow

Yellow is being relaxed and alert. This is the condition that every officer should always maintain on duty. It is being aware of the environment and alert to detect signals of potential hazards.

- Orange

This condition is when the officer should prepare for danger. This is the stage when the officer should apply precautionary measures to cope with the signaled potential threat.

- Red

In condition red the officer must be prepared to handle the immediate threat and to remain alert for other potential hazards.

These levels allow an officer to be aware of his/her level of awareness and assess threats from the general to the specific. This will allow them to plan and prepare for their reaction and therefore they can control their stress level by not having to react to the unknown.

More specifically, on the issue of police dogs, he feels they are under utilized in Canada and there is a need to harmonize standards in regard to training and deployment in Canada. He sees the dog as a de-escalation tool to avoid the escalation of violence and that its psychological effect is tremendous. The dog's prime purpose is to prevent 'both sides from getting into it'. The dog is primarily a locating tool approximately 90% of the time and is only a weapon when it apprehends.

He says there is more pressure on police to use alternate weaponry to avoid shooting someone. The dog is the ideal tool to create time and distance for officers. He further states that as helicopters are looked upon as preventing chases, dogs can be used to prevent violence.

7. Review of National Use of Force Standards

A comparison of Use of Force Models from Ontario, Nova Scotia, Saskatchewan, Calgary and the R.C.M.P. (see Appendix A-3, A-4, A-5, A-6, A-7). In Table 3, subject behaviour levels were compared and in Table 4, officer response options were compared.

The Nova Scotia Department of Justice approved a Use of Force Standard Operational Procedure in December, 1998. This is the only use of force model currently approved in Canada that includes the use of a Police Service Dog as a use of force response.

This standard listed a number of officer responses under the title of Control Continuum. These responses are listed as follows:

- a. Peace Officer(s), including canine presence and Positioning/Verbal Direction/De-escalation.
- b. Empty Hand Control (Soft – Hard)
- c. Less Than Lethal Distancing Devices (Dogs, Batons)
- d. Lethal Force

The dog is included in officer presence and located in the Less Than Lethal Distancing Devices category. This level of control employs the use of approved tools, such as less than lethal projectile devices including canine, impact tools and sensory irritant sprays, as well as drawn firearm that provide a method of controlling subjects when deadly force is not perceived as imminent by the Police Officer. In situations where the tool utilized is canine, the subject may be controlled physically (dog biting) or psychologically (threat of dog biting). When these distancing devices are used, it is quite likely that form of skin irritation, bruising, soft or connective tissue damage or bone fractures may occur.

The following tables, Table 3 and Table 4, visually illustrate the differences in classifications of subjective behaviours and force response options.

Table 3

Level	Nova Scotia	Ontario	Sask.	RCMP	Calgary
I	Cooperative Behaviour	Compliant	Compliant	Cooperative	Cooperative
II	Non-cooperative	Passive Resistant	Passively Resistant	Non Cooperative	Passive Resistant
III	Passive Resistance				
IV	Defensive Resistance	Active Resistance	Actively Resistance	Resistant	Active Resistance
V	Active Aggression	Assaultive	Acts of Assault	Combative	Assaultive High Risk
VI	Assaultive Active Aggression	Serious Bodily Harm, Death	Lethal	Death, Grievous Bodily Harm	Deadly Force

Table 4

Level	Nova Scotia	Ontario	RCMP	Calgary	Sask.	
I	Officer/Partner Positioning	Officer Presence	Officer Presence	Officer Presence	Presence/ Dialogue	
		Tactical Communications	Verbal Intervention	Verbal Commands		Manipulative Techniques
II Verbal De-escalating Techniques	Empty Hand Control (Soft)		Empty Hand Techniques	Empty Hand Control (Soft)	Physical Control Techniques	
		III				Empty Hand Control (Hard)
IV	Empty Hand Control (Hard)	Impact Weapons (Soft)				
V	Neck Restraint	Aerosol Impact Weapons (Hard)		O.C. Spray	Defensive Tactics	
	Less Than Lethal Dist. Devices		Aerosols	Empty Hand Control (Hard)		Baton
VI	Lethal Force Option	Firearms	Lethal Force		Special Tactics & Munitions	Deadly Force
					Firearms	

D. STUDY CONCLUSIONS

1. Summary Observations

This study's primary focus was on the Police Service dog and its use in an apprehension or arrest situation. These incidents are really a minor part of the dog's functions while performing its duties. The dog spends most of its time performing invaluable chores such as finding missing and wanted persons, doing building and area searches, conducting property or evidence searches, searching for illicit drugs, searching for explosives, firearms and ammunition and public relation functions. These duties make it an invaluable tool for policing and when the situation dictates the dog is prepared to do what ever is necessary to fulfill its obligation. If that means using force in the lawful execution of its duty, the dog is prepared to put it's life on the line in the protection of society. The definition of this function is the specific focus of this study. In general terms this same situation applies to police officers and the performance of their duties.

Police officers perform a necessary role in society. They, along with a few other professions like medicine and education, truly contribute to the common good of society. The majority of their time is spent performing the same duties as their canine partners. They are one of the only agencies that provide service 24 hours a day, 7 days a week and 365 days a year. When all other institutions fail the police are there to pick up the pieces or clean up the mess. Unfortunately not all circumstances are textbook and officers are left to deal with very dynamic situations. The summary observations of this study will start with the more general use of force issues, the training to support these issues and more specifically where the dog fits into the big use of force picture.

A. Use of Force in General

Use of force by police officers is a two edged sword that includes public safety and officer safety. If the officers feel more safe in performing their duties and if they are properly equipped and trained to execute them, studies have shown there will be a reduction in the escalation of violence. But all the equipment and training must support the notion that officers physical action is only a consequence of the mental process.

The mental process is important because in almost every use of force incident time and distance is an impact factor. The officers must make split second decisions under extreme stress. The ability to recognize a threat early better prepares them to choose the best response to de-escalate the situation. A key component of this dynamic that must not be forgotten is that the officer's response is dictated by the subject's behaviour.

After the fact the officer must justify his/her actions. These decisions are usually made in a highly aroused state and are oriented toward immediate action. The officer is driven by emotion and is involved in rapid information processing. Reality to these officers is a cold sweat.

They are judged by those participating in a low arousal rational thinking process. This process is based on thoughtful analysis, driven by intellect and oriented toward delayed action and reflection. This is slow information processing and reality is abstract.

I believe there must be a meeting of both worlds. Police officers must try to induce rationale thought processes into their decisions and society must try to understand the dynamics of a confrontation.

There is a belief among police officers that the bottom line in any confrontation is the use of violence. That is to say that if a person does not comply with the officer's commands the officer must fight violence with violence to win the confrontation. Studies and personal experience has shown that an increase in tactical knowledge and control techniques allows officers to maintain control of a situation and de-escalates violence on both sides.

The Metro-Dade Police Department has been recognized for their violence reduction efforts. They have been very successful in reducing shootings by police, enhancing officer safety, and improving civilian rapport. This violence reduction initiative has been operational since 1995. The success of this program can be measured by the response by police officers.

Officers credit the violence reduction training for a decrease in bloodshed on both side of the police adversary equation and suggest their training has helped them to be more effective in crime control and more popular among those who used to criticize the Department for excessive use of force (Geller and Scott, 1992, p. 339).

These situations have a financial cost to society and police organizations, but more important is the human cost on both sides of the situation. Families are devastated by the loss of a member and the emotional impact on the police officer is sometimes irreversible. In some cases the officer never recovers, and in one example in Ottawa the officer committed suicide

The Use of Force Model is only a training aid or tool. Too many people, both in the community and in policing see it as a prescriptive cookbook that must be followed. Police and the public must be educated on the theory behind the model. Society must be given the experience via simulations and scenarios of the dynamics of use of force encounters.

Training is the key to preparing officers to deal with use of force confrontations. Currently most of the training involves the development of physical skills, but the research clearly shows the need to improve mental skills and judgement training.

B. Use of Force Training

The best example to illustrate past practices in police use of force training is to take a neurosurgeon who has just graduated from the University of Toronto and send him/her home with their nice scalpel and say we'll call you when we need you. Twelve or fifteen years later you call them and say I've got somebody on the table right now I need you to perform. How would she/he perform? It is unrealistic to think that basic training, without any updates and with no continuous training, that people are able to perform at their peak. Especially, when the techniques from fifteen years ago have been modified and changed

according to technology in the police environment, according to social tendencies and court standards. Basically our police officers are left to themselves.

Training for any organization is very costly in personnel hours and materials such as ammunition and simunitions. In today's environment there are not enough people on the road to afford the luxury of comprehensive training programs. Some departments have secretly expressed the view that they would rather pay the punitive damages of a civil action than spend \$500,000 dollars on training.

Training can have a significance in all aspects of police work, but it is vitally important for officers facing violent situations that could result in deadly force. The issue of training is discussed in the "*Badge and the Bullet*" written by Peter Scharf and Arnold Binder:

Most training focuses on one or two isolated competencies. Shooting simulators attempt to train police officers to quickly identify threats against them. Some crisis intervention training approaches focus almost exclusively on the verbal skills useful in dealing with a limited range of disputes. If training is to be effective in reducing the aggregate number of police shootings, it must focus on multiple psychological dimensions, emphasizing those capacities that might influence police behaviour in a wide range of armed confrontations. Also, such training should be conducted in environments simulating the complex, and often bewildering conditions in which deadly episodes usually take place (Scharf and Binder, 1989, p. 178).

The article suggests that training should go beyond teaching a single response to complex situations. The focus should be on the training and development of 'a thinking police officer' who analyzes situations and responds in the appropriate manner.

Police training at present focuses mostly on the physical skills of shooting and self-defense. There is not enough training on the mental process and judgement training. This type of training is best provided by firearms simulators and scenario based training that is as realistic as possible. Realistic training must include dynamism and enough stress to induce high arousal to be effective. Dynamism means having to make fast choices in a rapidly changing situation. Training should require you to respond to sudden and expected threats rather than just shoot on a stationary target.

C. Is the Police Dog a Weapon or a Tool?

The findings of my research defines the dog as a tool when it is searching for suspects and locating evidence but it becomes a weapon once it confronts or apprehends a subject. It must be defined as a weapon in these circumstances because the dog is trained to use force to effect an arrest of a subject. Weapons of opportunity are not trained in this way and therefore the dog does not fall into this category.

If the dog is defined as a weapon within the Provincial Standards for Use of Force, it must be defined within the Use of Force Model and standards and policies must be developed to govern training and deployment of the dog.

Desired Effects of the Ideal LLT

The dog was compared to the following criteria determined to be the ideal less than lethal weapon (LLT).

Temporary - The incapacitating effect caused by the device must last only temporarily. This is the very essence of the LLT weapon. Although the effect must not be lasting, it must allow adequate time for an officer to safely make a close in approach, restrain and apprehend the individual. The dog is the ideal option to create time and distance for the police officer. The apprehension of a suspect by a police dog is accomplished by the dog taking hold of the suspect by the right arm. This controls the suspect and allows the officer to take control of the situation from a distance by commanding the suspect to stand still. The officer then commands the dog to heel and waits for back-up to take physical control of the subject..

Minimal Medical Implications - The probability of the device causing serious injury or death must be very low. An in-depth analysis of one hundred and forty-seven apprehensions over four years reveals that ninety-eight percent resulted in either (82%) minimal or (16.3%) major injuries. Only 43% of these bites required any medical attention.

High Probability of Instantaneous Control - Many of the potentially deadly attacks on police officers are dynamic, occur spontaneously and cannot be anticipated by the officer. They occur at close range, under less than ideal conditions which may include poor lighting and unsure footing. Under these circumstances, any LLT option selected by an officer must have a high probability of instantly incapacitating the suspect. The police dog creates time and distance for the officer in all conditions but is more effective in low light and unsure footing because the dog is always a distance from the officer.

Effective on the Highly Motivated - The ideal LLT weapon would be effective when used upon violent, goal oriented, determined subjects. In the study of four years of police dog calls and 147 apprehensions not one suspect once contacted by the dog was able to break off and escape or attempt to assault the police officer. The dog once it captures the subject prevents further escape or violence.

Observable Effects - The ideal LLT weapon will produce observable effects that confirm the device/agent has been properly employed/applied. The dog barks when it locates a suspect and holds on to the suspect until the officer can arrive to take control.

Ideally Affect Only the Intended - The ideal LLT weapon will be capable of being accurately applied to a subject without causing any injury or effect upon other persons or police officers in the area. The ratio of accident to call was .00106 and only ten people have been accidentally bitten in four years.

D. Use of Force Model

There is a misconception that a use of force model suggests a continuum or escalation of force. The model is based on a critical assessment of subject behaviour and situational factors. It is a tool to assist officers in selecting reasonable force options to ensure officer and public safety.

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

The inner circle of the model, the assess-plan-act is to be visualized as continuously in motion because an officer's assessment of a situation is ongoing. This is critical because a subject's behaviour can evolve from cooperative to assaultive in moments. Similarly, an officer may have to react and move from tactical communication to lethal force in that same moment. As a result of this dynamic, these behaviours and options are not incremental in nature.

The process of assessing a situation involves analyzing three sets of factors. The first are situational factors such as location, presence or absence of weapons, number of suspects, and other factors that impact on the situation.. The second are tactical considerations and perception factors that include the officer's abilities, previous experience, emotional state and other conditions and resources that impact on the officer's response to the situation. The third criteria are subject behaviour factors which relate to the individual the officer is interacting with.

The gradual blending of the behaviour categories reflects that in real life there will be significant overlap in these categories. The model takes into account that two officers may perceive the situation differently. Their subsequent responses may be considered reasonable based on their individual perceptions. This is because situational factors, such as number of participants, location, etc., may remain constant, whereas tactical considerations and perceptions may vary considerably from situation to situation. These tactical considerations and perceptions directly impact on the officer's assessment and subsequent choice of a reasonable option. It is the interaction of these two sets of variables that contribute to the accurate assessment of any situation.

The dog requires its own response options within the use of force model (see Appendix A-8). The dog, much like the police officer and unlike other responses, is multi-dimensional and offers a number of responses to any situation. The dog by its very presence has an impact on a situation. The dog's bark and the Canine Challenge are means of tactical communication. The dog in the bark and hold method will on command chase a fleeing suspect and, if the suspect stops running, the dog will not take hold of the suspect but will stand and guard the suspect until the arrival of the handler. The dog will also chase and hold onto the arm of the suspect until it is commanded to out by the handler. The following depicts how the dog inter-relates to subject behaviours and other response options:

Compliant: Co-operative and willing to obey.

Deployment: Officer Presence, Tactical Communication, Canine Presence.

Passive

Resistance: Non-compliant, refusal to leave or follow direction, taunting, inciting others to obey or act out.

Deployment: Officer Presence, Tactical Communication, Canine Presence.

Active

Resistance: Increased beyond verbal defiance, pulling away, pushing away to escape, running or physically involved, evasive by hiding.

Deployment: Officer Presence, Tactical Communication, Empty Hand Techniques, OC Spray, Baton, Canine Presence (Challenge, Locate, Identify, Stand Off and Apprehension)

Assaultive: Active, hostile resistance whether an assault occurs or not, kicking, punching, clenching of fists or threatening with a weapon.

Deployment: Officer Presence, Tactical Communication, Empty Hand Techniques, OC Spray, Baton, Canine Presence (Challenge, Locate, Identify, Stand Off and Apprehension))

Bodily

Harm/Death: Likely to cause bodily harm or death, choking, holding at gunpoint, edged weapons, threats with a weapon.

Deployment: Officer Presence, Tactical Communication, Empty Hand Techniques, OC Spray, Baton, Police Challenge, Firearm, Canine Presence (Challenge, Locate, Identify, Stand Off and Apprehension)

This representation illustrates (see Appendix A-8) that the police dog can be deployed as a viable force option with a direct correlation to all profiled suspect behaviours in concert with the subject having committed an arrestable criminal offence.

It is recognized that the police dog is not normally deployed in any capacity when confronted with compliant and passive resistance behaviours. Although rare, it remains a viable option for the handler to assess as a means of maintaining the peace and preventing the further escalation of a situation. Any mechanism that suppresses or prevents the escalation of violence while preventing further use of force options being used must be utilized wherever possible.

E. Standards for Training and Deployment

The Use of Force Model is a graphical representation of policy and standards regarding the operational use of the dog. These standards must support the use of the dog in all

situations described on the model. The province must adopt the standards as provincial policy. Provincial standards will create learning objectives for introductory and refresher training involving the use of the dog. These standards must be maintained by yearly certification of existing dogs and handlers by conducting refresher training. There are many agencies operating dog units within the province and at present there are no standards for training and deployment. There are also many trainers running courses and seminars in the province and there are no standards to certify this training.

The Adequacy and Effectiveness Standards should state that any police service that employs tracking dogs must ensure that both the dogs and the handlers have completed a Ministry Accredited canine course. The standards must also set out minimum housing and transportation requirements that all services with canine units must have available. This will ensure a certain minimum consistency in police dog training.

F. Human-Dog Relationship

My police dog is the best partner I have had in 24 years of police service and I have had some good ones. He is a highly trained and very intelligent partner who looks forward to going to work each day. I haven't yet seen a day when he didn't get excited about going to work. Work is play to him and he enjoys whatever work has him do. He expects little in return other than praise and affection.

When I get out of the car to investigate an incident I know that he is focused on what I am doing, and if I am in danger at the push of a button he is coming to my assistance.

The use of the police dog as a public relations tool is invaluable. During my study I attended a number of Grade 1 classes with my dog, Kohl. The children were fascinated with the dog and what he had been trained to do. They enjoyed watching him perform his obedience work and were very willing to approach him and have their pictures taken patting him. The connection between humans and domesticated animals is very strong. The dog is very dependent on its master and the master must respect the animal to get its full potential.

My findings support that this is the attraction between humans and dogs. Dogs offer a blind loyalty that is fascinating to watch and try to understand. Some say it is the master/servant relationship, others say it is part of a pack mentality to be dominated. This relationship is difficult to describe but it is one that requires little communication but has great understanding.

It is my opinion that any relationship is defined by the concepts of self interest and sacrifice. The true meaning of how people relate to each other are a balance between these two extremes. The relationship with the dog can be defined to be predominantly in the sacrifice range. The dog demands very little and gives lots in return.

2. STUDY RECOMMENDATIONS

A. Use of Force Training

The propriety of using deadly force is the most serious decision facing law enforcement officers (Hall, 1996, p. 32).

The development of clear and concise policies is necessary to guide the actions of and establish accountability for individual police officers whom, on a day-to-day basis, are responsible for dealing with violent conflict (Use of Force Committee, 1998, p.13).

Police use of force training needs to be enhanced to incorporate more mental and judgement training. The current training promotes the use of force model where the defence or equipment is always one level higher than the threat being confronted. While de-escalation is always the aim, the concept of a use of force model generates the psychological perception of escalation. Training must emphasize that the prime goal of any confrontation must be to maintain control with the intent of de-escalating the situation. This training should be done on a regular basis and include the following teaching techniques:

- Realism
- Repetition
- Review of Performance
- Responsibility

The important training techniques not yet covered in this study are review of performance and the concept of responsibility. Review of training performance allows the officer and the organization to evaluate the effectiveness of the response and provide immediate feedback on the experience. The issue of responsibility is a multi-faceted one that includes the community, law enforcement organizations and individual officers. All three levels are responsible to ensure the issue is supported with all available resources and all are accountable to maintain the primary goal of preserving life.

B. Use of Force Model

The police dog is trained and used as a force option against certain subject behaviours and is likely to cause minimal injury to a suspect. The police service dog should be defined within the Ontario Use of Force Model. The dog offers many response options and should have it's own response description (See Appendix A-8).

Ontario Regulation 926/90, pursuant to the Police Services Act (1990), in Section 14.5 dictates the conditions under which a Use of Force Report (Form 1) must be submitted. Ontario Regulation 926/90, Section 14.5 states:

1. A member of a police service shall submit a report to the Chief of Police or Commissioner whenever a member,

- (a) draws a handgun in the presence of a member of the public, excluding a member of the police service while on duty, or discharges a firearm;
- (b) uses a weapon other than a firearm on another person; or
- (c) uses physical force on another person that results in an injury requiring medical attention.

In Ontario, the position of the Solicitor General's office is that the use of a dog as a force option falls into the category of a weapon of opportunity. A letter from this office states: "It is our advice that a use of force report should be prepared whenever a dog is used in a way that results in injury requiring medical attention. It is not our intent that a report is filed whenever a dog is used in an apprehension".

Toronto Police Dog Services has taken the position that a Form 1 is submitted upon contact by a police service dog. Contact is a use of force. Most people decline medical attention from a hospital for a dog bite. Skin damage is minimal. Consequently subjects are not taken to hospital. This is inconsistent across the province. It is recommended that the dog be defined within the model and reporting of such incidents is consistent across the province/

C. Provincial Standards

The following recommendations are made concerning Provincial Standards, and/or Procedures, for the training and deployment of Police Dogs:

- There should be a minimum Provincial training standard for Police Service dogs and Police Service dog trainers.
- Training standards should be monitored and enforced.
- Procedures should be developed concerning the deployment of Police Service dogs.
- Policy must be developed regarding the reporting procedure when a dog is used to apprehend a subject.
- A Provincial database be developed to capture all Police Service dog use of force statistics.
- A Provincial Police Service dog registry should be created.

E. RESEARCH IMPLICATIONS

1. Organizational Implementation

The difficulty in setting provincial standards is the ability to determine the appropriateness of such standards. This is difficult to achieve at the government administration level. More importantly, there must be acceptance at the operational level to buy into those standards. In the late 1980's, Ontario Tactical Teams went through this same process due to a number of wrongful death inquests that recommended that Provincial Standards be set. This was accomplished by creating the Ontario Tactical Advisory Board. This board was made up of experienced tactical officers from around the province. The advisory board was responsible for setting standards for tactical teams and also designed and presented training to support these standards.

Police Dog Services have not had any legal difficulties as of yet but all dog services feel that they are living on borrowed time. There are two standards within the province at this time, 'bark and hold' and 'bite and hold.' Both could be approved as acceptable standards but there needs to be an evaluation of these standards and they must be made consistent throughout the province. This would require the assistance of experienced officers in both techniques. This could be accomplished by forming a Provincial Canine Advisory Board that would be responsible for determining such standards. This board must consist of officers from both techniques and be inclusive of many services throughout the province. It needs to determine a charter and gain recognition at the provincial level and by the Ontario Chiefs of Police Association.

2. Future Research

A. Use of force by security personnel and special constables.

The Criminal Code authorizes security personnel to use force in the performance of their duties. There are a number of companies equipping their personnel with batons and other devices. There are two categories of security personnel. Some organizations have their own security and there are no regulations controlling their use of force. Others are contracted out to other companies and these must be approved by the Private Securities Act which is governed by the Ontario Provincial Police. This is strictly a registration licence to keep track of who these agencies are and there are no standards concerning their mandate or training. This lack of standards and training needs to be researched and regulations put in place to ensure certification of their employees and trainers. An important issue that needs to be addressed is the fact that at present anyone can declare themselves a use of force trainer without any certification.

B. Use of dogs by private security personnel.

In recent years there has been an increase in the use of dogs by private security companies. These dogs are assigned to security personnel with little or no training. The dogs are then used to patrol private properties on their own or accompanied by security. There is a definite need to develop regulations and policies regarding their use. There is

also a requirement for a regulatory body to govern security companies and their use of force.

C. Requirement to report dog bites under the Health Protection Act.

There is a requirement to report dog bites under Ontario Regulation 557, 2. (2) of The Health Protection and Promotion Act:

The owner or the person having care and custody of an animal,

- a) That has bitten or is suspected of having bitten a person; or
- b) That is suspected by the medical officer of health of having rabies,
- c) Shall provide the medical officer of health with such information and assistance with respect to the animal as the medical officer of health requires.

Toronto Police Dog Services believes that all police services fall under section (a). This issue as well as licensing of police dogs needs to be researched from a legal perspective and provincial standards developed to ensure consistency.

The Ministry of Health has a database called R.D.I.S. for all dog bites. This database should have a separate category for Police Dogs, as most bites are an intended and controlled application of force. The lack of a separate category is a misrepresentation of statistics.

D. Retirement of Police Dogs.

Toronto Police Dog Services had an unfortunate incident regarding one of its retired dogs. The dog was involved with the serious injury of a young baby. This and other incidents involving retired police dogs indicates that there be standards put in place to determine a policy regarding how to deal with these retired dogs, as well as criteria as to with whom these dogs are placed.

LESSONS LEARNED

1. Research Project Lessons Learned

The most significant learning for me during this study is a better understanding of the dynamics of a confrontation. My firm belief before conducting this research was that violence equaled safety. I thought the bottom line of policing was that the ultimate use of violence was unavoidable. I believed that after all other techniques failed it was the ability to use violence that ruled the day. With this I mean that officers had to be prepared in their hearts to use violence to effect their lawful duty. Policing unlike other occupations requires force to successfully get some subjects to comply. Not all people are going to obey my directions and comply with my wishes. Unlike some professions I am not allowed to walk away and neglect my duties. I must take control of violent encounters to protect society and myself. This is an important learning because I had to recognize the personal biases I brought to my research. Once I overcame these I was able to grasp new information to improve my approach to this subject and to help others learn as well.

Our experience is our best tool to help us deal with situations because it is based on what we have learned so far, but it also inhibits us from learning new things. I believe our behaviours are not just based on our knowledge and skills (past experience) but reflect a set of values, beliefs and attitudes.

My personal leadership philosophy is evolving into a belief that reflects all three of these. It is my belief that leadership is helping others to learn. The skills of sharing personal expectations with group expectations and agreeing on common outcomes is the framework in which all learning/leading activities should be based. Getting everyone to work towards these shared outcomes develops the sense of collaboration and a win/win paradigm.

I believe that leadership is an internal process that guides and directs a person to critically reflect on experiences and to learn to continually self-improve. It is about internal commitment to a set of personal core values that direct all our behaviours. These behaviours should be directed to support the general will or common good.

The research of this study involved contacting many people who were experts in their particular field. This expertise gave them great in-depth knowledge in their particular field. Along with this expertise came personal biases that prevented them from seeing other points of view. This appears to be the barrier that prevents many police organizations from cooperating in the goal of determining common goals and standards.

At the completion of my research I was invited to attend a national seminar to develop a national use of force model. I attended the Ontario Police College with 64 other delegates from across our country. Many of these had been responsible for developing their provinces' own use of force model and had strong opinions on the subject. Going into this seminar I had some doubts that national consensus was a plausible outcome.

My learning in this experience is that if a proper process is designed that allows everyone to hear the other perspectives, there is a better understanding of all the issues and true consensus can be reached. We successfully designed a national model (see Appendix A-9) that reflected all the different points of view. The final product was achieved by compromise on the part of all parties involved. This group then united in support of the common effort.

2. Program Lessons Learned

The program competencies to be demonstrated in the Royal Roads University Master of Arts in Leadership and Training program are described in seven broad categories: leadership, systems, organizations, learning, research, technology, and communications. Specific competencies demonstrated during the course of my major project consist of the first five mandatory competencies and the last five are elective competencies. Under each heading I will briefly list where I believe I demonstrated the competency behaviour.

A. 1c. Provide leadership

Competency Criteria	Demonstrated Behaviour
<ul style="list-style-type: none"> • A high level of skill is employed in combining one's own leadership style with the leadership style of others. • Leadership is provided by example. • Others are encouraged to achieve excellence with success. 	<ul style="list-style-type: none"> • I gained the cooperation and support of use of force trainers at National Use of Force Conference on fitting the dog on the model. • I facilitated consensus between Quebec and the rest of Canada on issues concerning the definition of lethal force. • I set an example of facilitation that others followed for the remainder of the conference.

B. 2a. Apply current systems theories to problem solving

Competency Criteria	Demonstrated Behaviour
<ul style="list-style-type: none"> • Identify and describe current systems theories relevant to leadership and learning. • Contribute to identifying the nature of problems and strategies for their solution. • Apply current system theories, when appropriate, to assist in solving problems. 	<ul style="list-style-type: none"> • Used system theories to explain how the dog fit into the model and it's use in conjunction with other responses. • Identified the issues of use of force and how an holistic view would overcome some of the problems with relation to use of force. • I applied systems theories in conducting my research by identifying related problem and contacting other resources for information • My report communicates to the all agencies at the municipal, provincial and federal levels.

C. 5a. Identify, locate, and evaluate research findings.

Competency Criteria	Demonstrated Behaviour
<ul style="list-style-type: none"> • Access research in the fields of leadership, systems, organizations, and learning. • Critically evaluate the credibility of that research for its applicability in the resolution of leadership problems using ethical standards. 	<ul style="list-style-type: none"> • I spoke to recognized leaders on use of force, dog services, and trainers to identify the use of the dog within the existing policies. • I interviewed key informants within my organization and recognized leaders from within and outside the Toronto Police Service. • I synthesized this information and compared it to identify differences in viewpoint and congruencies with international standards.

D. 5b. Utilize Research Methods to Solve Problems.

Competency Criteria	Demonstrated Behaviour
<ul style="list-style-type: none"> • Plan research and evaluation activities. • Undertake research and evaluation. • Analyze and report research and evaluation findings. 	<ul style="list-style-type: none"> • Action research techniques including a survey, interviews, questionnaires, and document review.. • Electronic technology discussion group • (e-mail) was used, mailed surveys, face to face

	<p>interviews, telephone interviews, small group session and a large group session.</p> <ul style="list-style-type: none"> • The large amount of material was evaluated and synthesized into the major project report.
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E. 7b. Communicate with others through writing.

Competency Criteria	Demonstrated Behaviour
<ul style="list-style-type: none"> • No program sub-competencies identified. 	<ul style="list-style-type: none"> • A major project proposal was provided to RRU in August of 1998. • Questionnaires and surveys were prepared for participants explaining the purpose of the project and use of the instruments. • Completion of final project report.

F. 1b. Demonstrate leadership characteristics.

Competency Criteria	Demonstrated Behaviour
<ul style="list-style-type: none"> • Demonstrate the personal qualities of leadership. • Lead or participate in the creation of a shared vision in a group setting. • Communicate and adhere to that shared vision. • Contribute to a positive group ethos. • Value, promote and celebrate diversity. 	<ul style="list-style-type: none"> • I spoke on the issue of the name of the model regarding it being named an intervention model rather than a use of force model. I was a minority opinion. • I worked with 65 experts from across Canada to develop a National Use of Force Model. • I promoted diversity by encouraging consensus between the various groups when the conference would stall. I encouraged that we all had to compromise to reach our common goal.

G. 3a. Manage people within organizations.

Competency Criteria	Demonstrated Behaviour
<ul style="list-style-type: none"> • Define and initiate structure and function. • Delineate roles, responsibilities, and authority processes. 	<ul style="list-style-type: none"> • Key people in the process were identified as to their roles and then information gathered from them. • Developing the survey required dealing with different functional areas and individuals from around the country • The accountability levels were expressed in the conclusions area of the report regarding the legality and policy issues concerning the use of the dog.

H. 3b. Provide consulting services to help organizations succeed.

Competency Criteria	Demonstrated Behaviour
<ul style="list-style-type: none"> • Set strategic direction and evaluate organizational success. • Create organizational mandate and work processes. • Implement continuous quality improvement. • Create a more inclusive workplace. • Choose appropriate flexible relationships between employer and employee. • Evaluate organizational performance. • Provide advice. 	<ul style="list-style-type: none"> • The project report has identified and made recommendations regarding the strategic concerns of the implementation of the project. • Recommendations have been made regarding the determination of standards and reporting functions. • Recommendations have been made to form a central body to set these standards and perform the ongoing evaluation of them • Ongoing relationship with the Use of Force training section concerning the use of the dog and other issues.

I. 7a. Interpret oral communications

Competency Criteria	Demonstrated Behaviour
<ul style="list-style-type: none"> • No program sub-competencies identified. 	<ul style="list-style-type: none"> • The action research required interviewing police dog handlers, dog trainers, use of force experts and use of force trainers. • Interviews were done by appreciative inquiry and was interpreted and synthesized for the project report. • Discussion and debate with national delegates to achieve consensus on the national model.

J. 7e. Contribute to team success.

Competency Criteria	Demonstrated Behaviour
<ul style="list-style-type: none"> • Contribute to and help others to solve problems, take decisions and plan activities. • Resolve conflicts. 	<ul style="list-style-type: none"> • The recommendations and conclusions in this report deal with defining the use of the dog within the provincial use of force model.. • These recommendations will lead to better co-operation amongst dog units in the province and across the country. • I have developed numerous contacts from around the country that will contribute to the success of all involved. • Recommendations for future research has also identified a basis for further study.

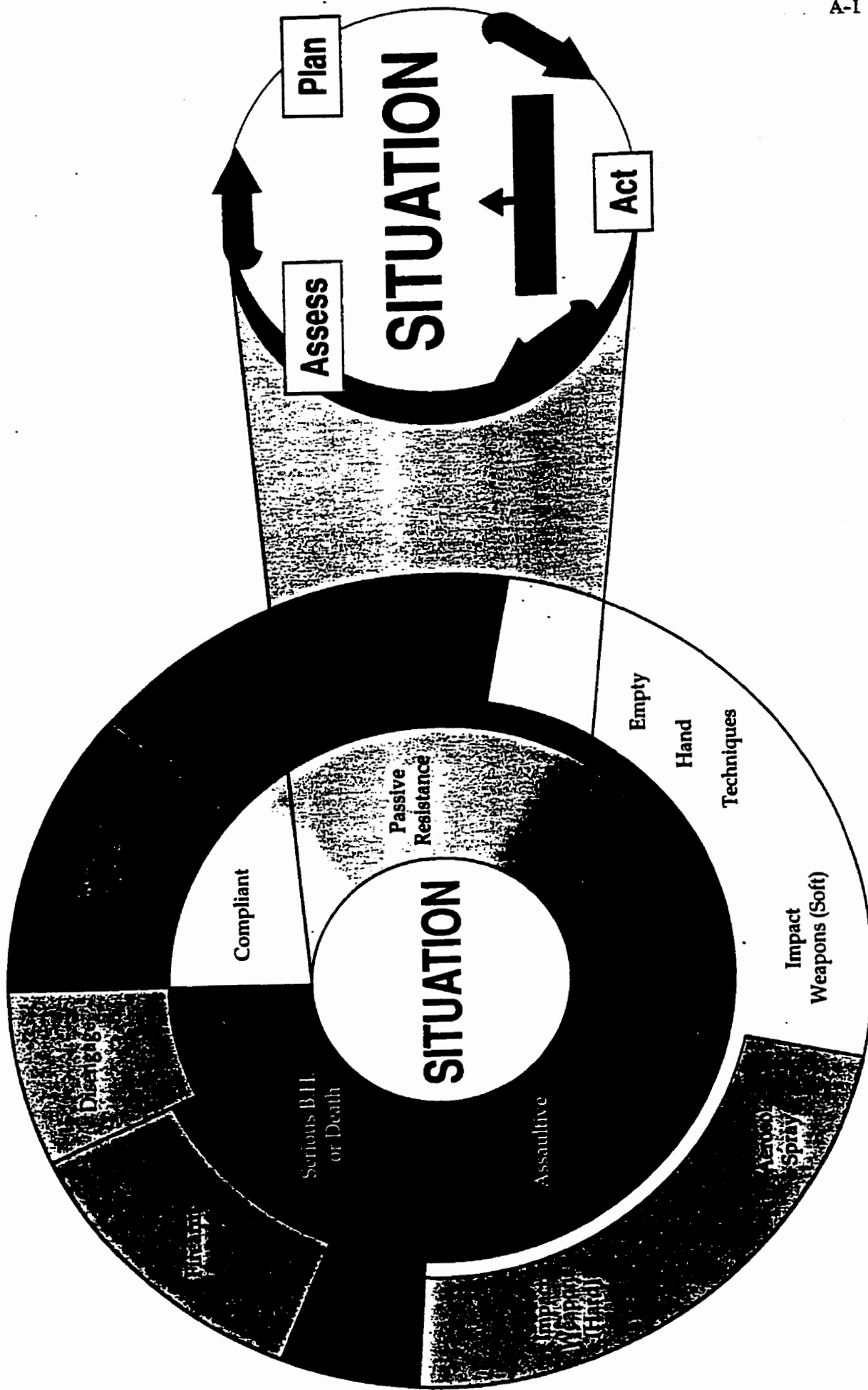
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Use of Force Response Options



A-1

The officer selects the most reasonable option relative to the situation.

***Police Service Dogs
&
Use of Force
Survey***

1. *Is the Police Service Dog a weapon when it confronts or apprehends a suspect?
(circle one)*

Yes/No

2. *Should it be defined as a weapon of opportunity when it confronts or apprehends a suspect?*

Yes/No

3. *Does the use of the Police Service Dog belong in the Ontario Use of Force Model?*

Yes/No

4. *If you answered yes to #3. Where does it belong in the model?*

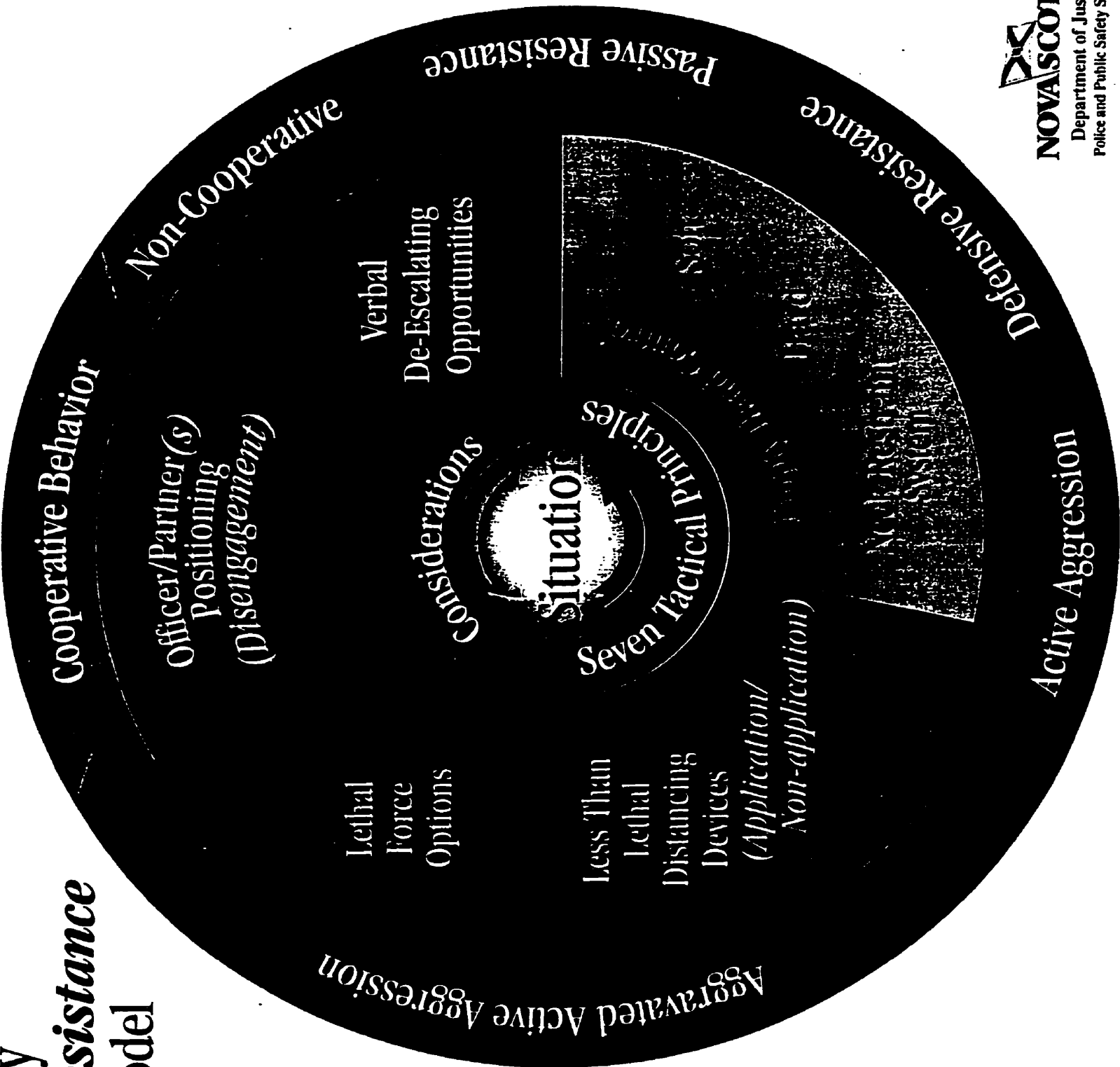
5. *Is the Police Service Dog an appropriate force option against a suspect armed with a weapon?*

Yes/No

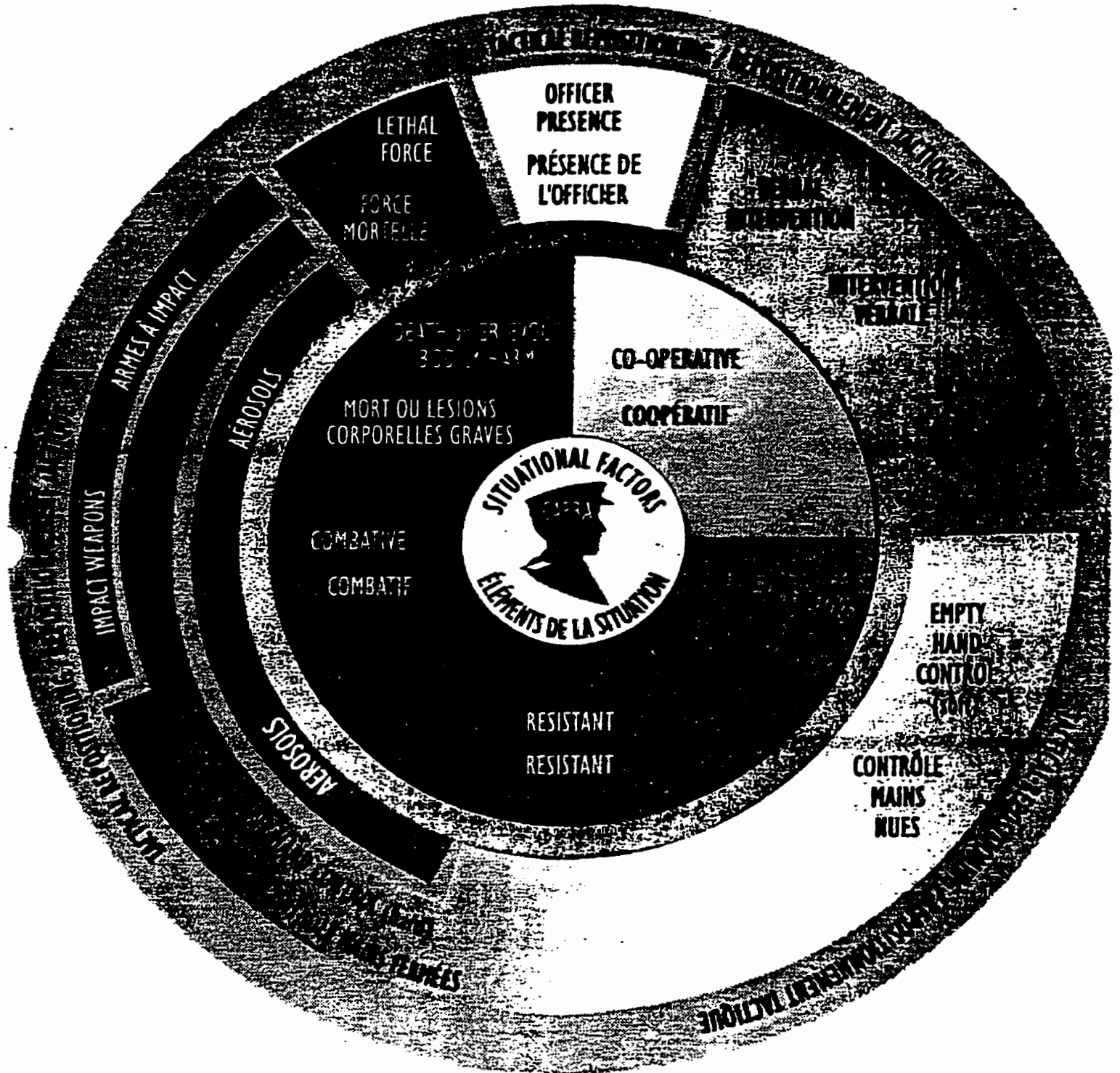
6. *If you answered yes to # 5. Which of the following weapons used by a suspect would present a situation that would reflect the appropriate use of a Police Service Dog: (check any that appropriately apply)*

- Firearm.*
- Edged weapon.*
- Implement or tool. (hammer)*
- Blunt instrument. (baseball bat)*
- O.C. spray or mace.*

Officer Safety Control/Resistance Response Model



MODÈLE D'INTERVENTION POUR LA GESTION D'INCIDENTS

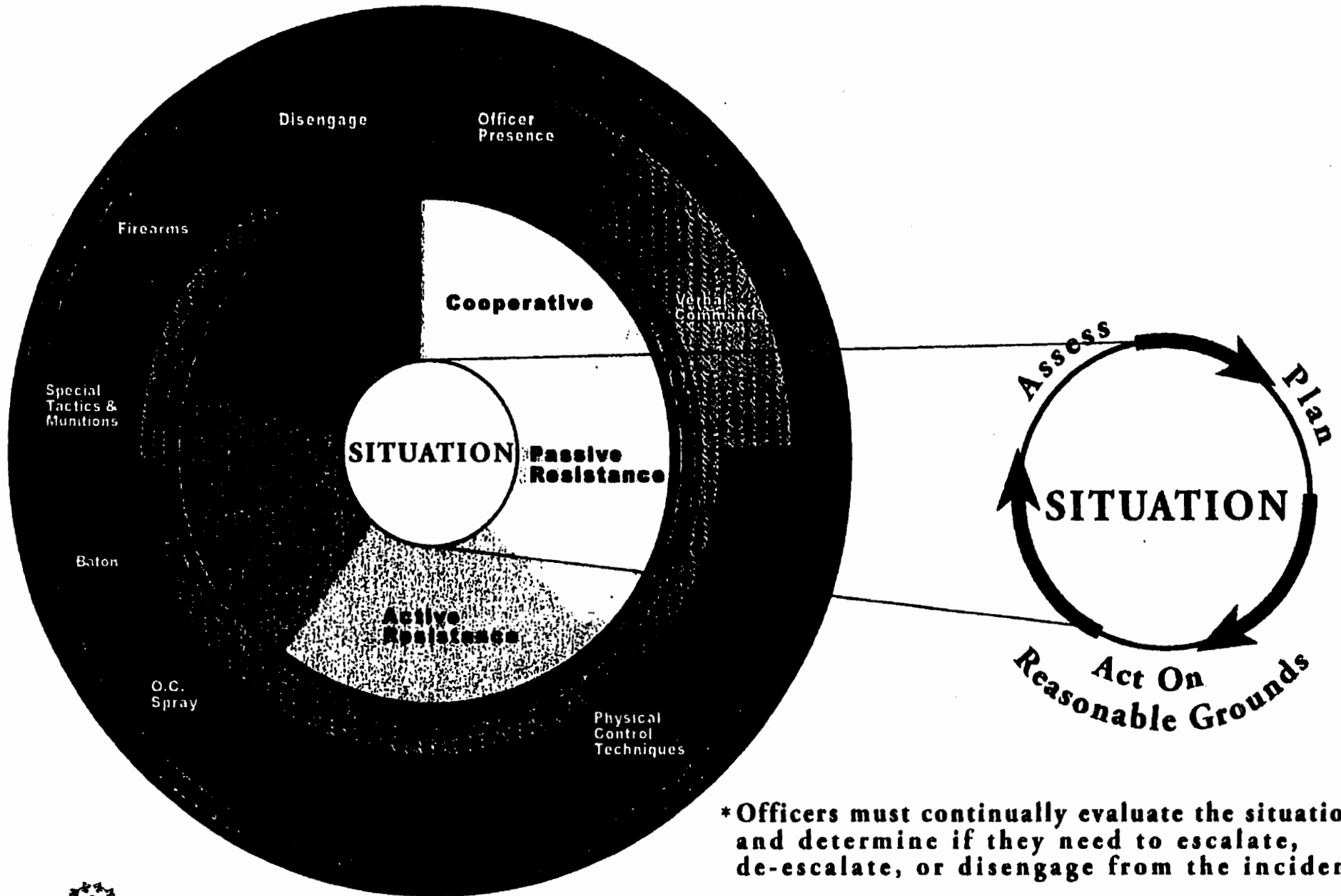


THE OFFICER CONTINUOUSLY ASSESSES RISK AND APPLIES THE NECESSARY INTERVENTION TO ENSURE PUBLIC AND POLICE SAFETY.

L'OFFICIER ÉVALUE CONTINUELLEMENT LES RISQUES ET APPLIQUE LA FORME D'INTERVENTION CONVENABLE AFIN D'ASSURER LA SÉCURITÉ DU PUBLIC ET DES SERVICES POLICIERS.

Calgary Police Service

USE OF FORCE MODEL*



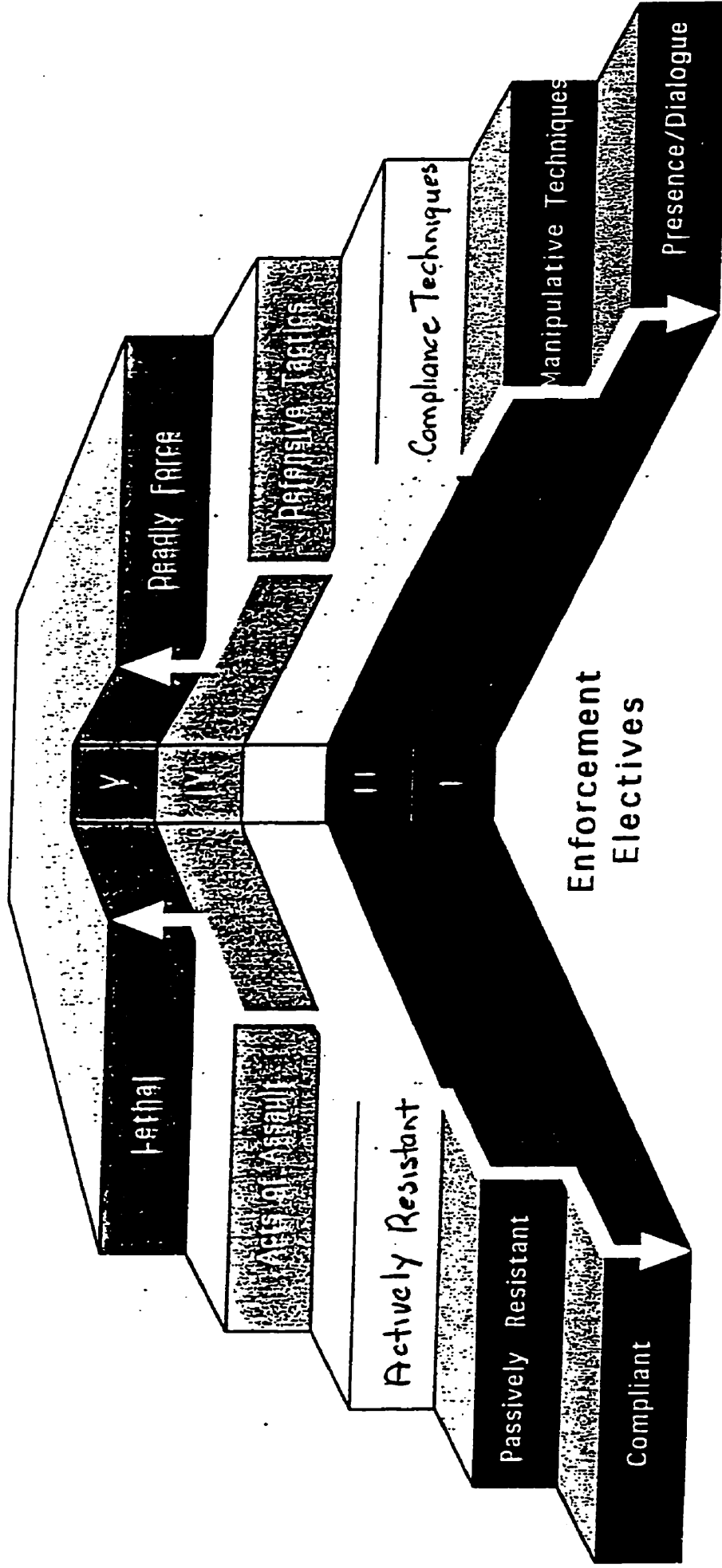
* Officers must continually evaluate the situation and determine if they need to escalate, de-escalate, or disengage from the incident.

* The authority and jurisdiction of police officers for the use of force is derived from, and limited by, the Criminal Code.



CALGARY
POLICE
SERVICE

USE OF FORCE MODEL



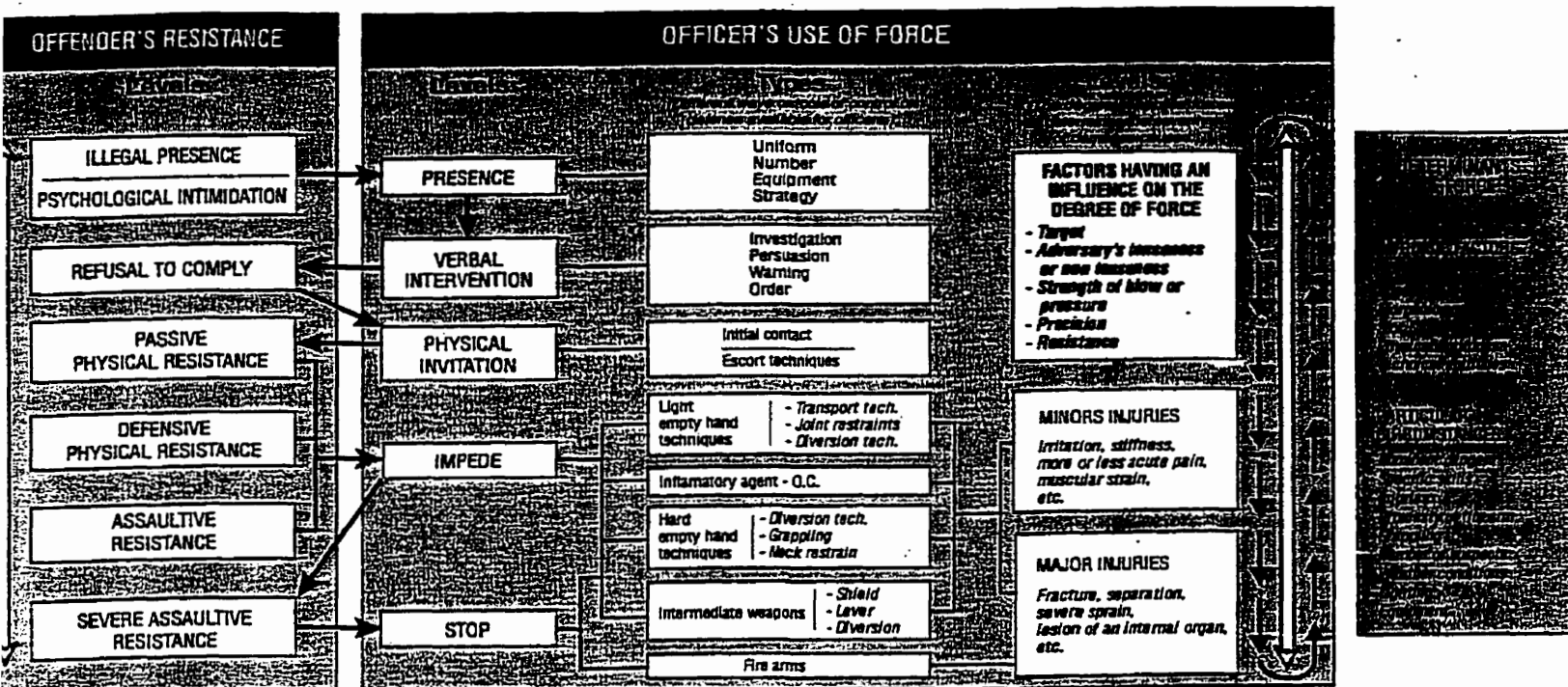
Reasonable Officer's Perception

Reasonable Officer's Response

This diagram of the "Use Of Force Model", in itself, is not intended to describe any set of circumstances nor an appropriate response to a given situation. It represents a visual aid to assist officers in understanding a complex set of skills, responses and perceptions.

PROBLEMATIC OF THE USE OF FORCE *

(To dissuade, persuade, compel to do or not do something; in other words, to overcome one form or another of resistance. No resistance = no use of force)



The officer does not necessarily need to strictly follow, in order, each level of the use of force, but rather adjust to each situation, using the level, the type and the degree of force that seems most appropriate when considering the offender's resistance and all other circumstances (elevator vs stairs).

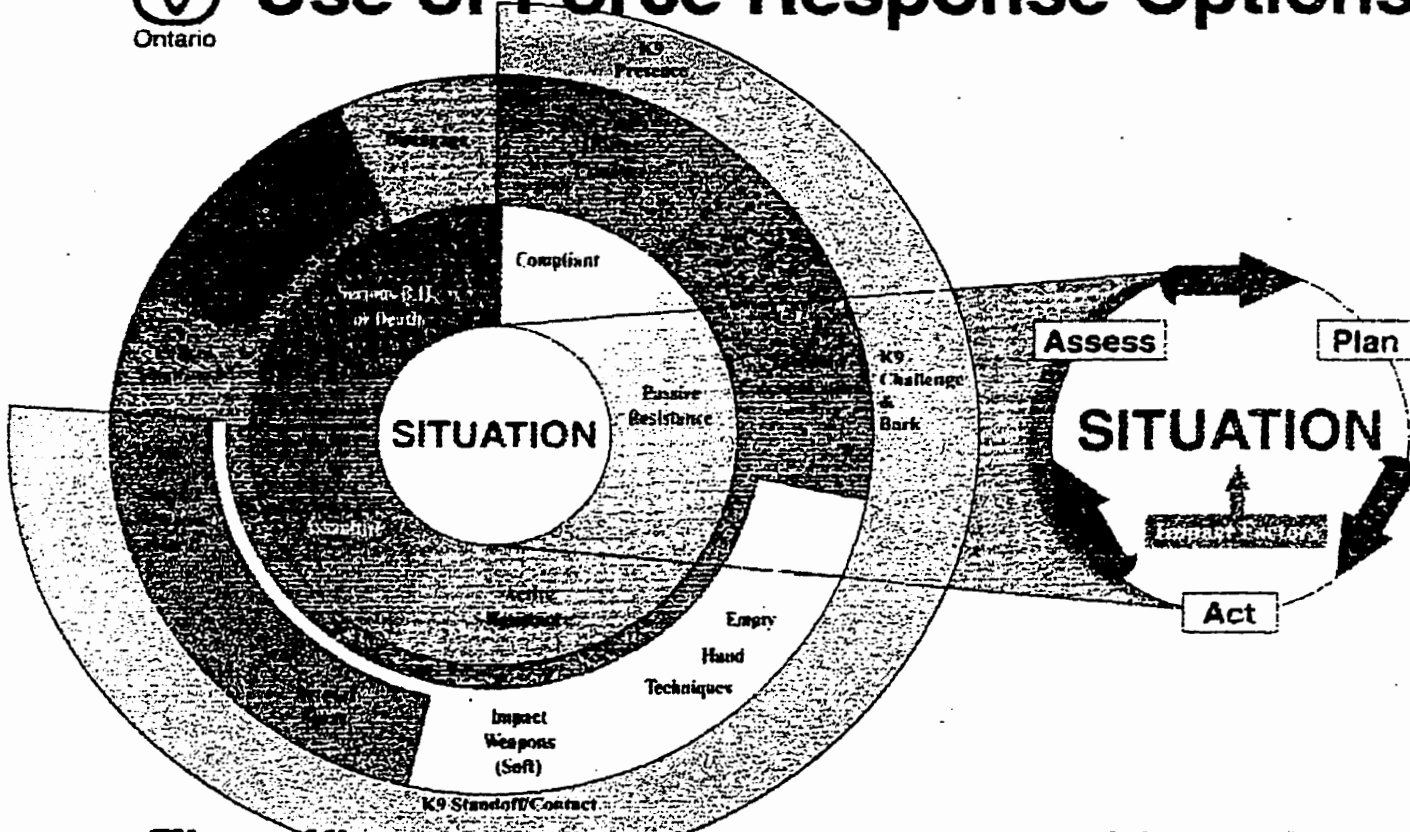
Whatever the level or the type of force used, if at all possible, the police officer must consider withdrawal as an appropriate alternative.

* Resort to force is subordinate to the previous existence of a ~~state~~ power of intervention, given to the police officer by rule of law, or by the power of COMMON LAW.

→ <<LEGAL>>

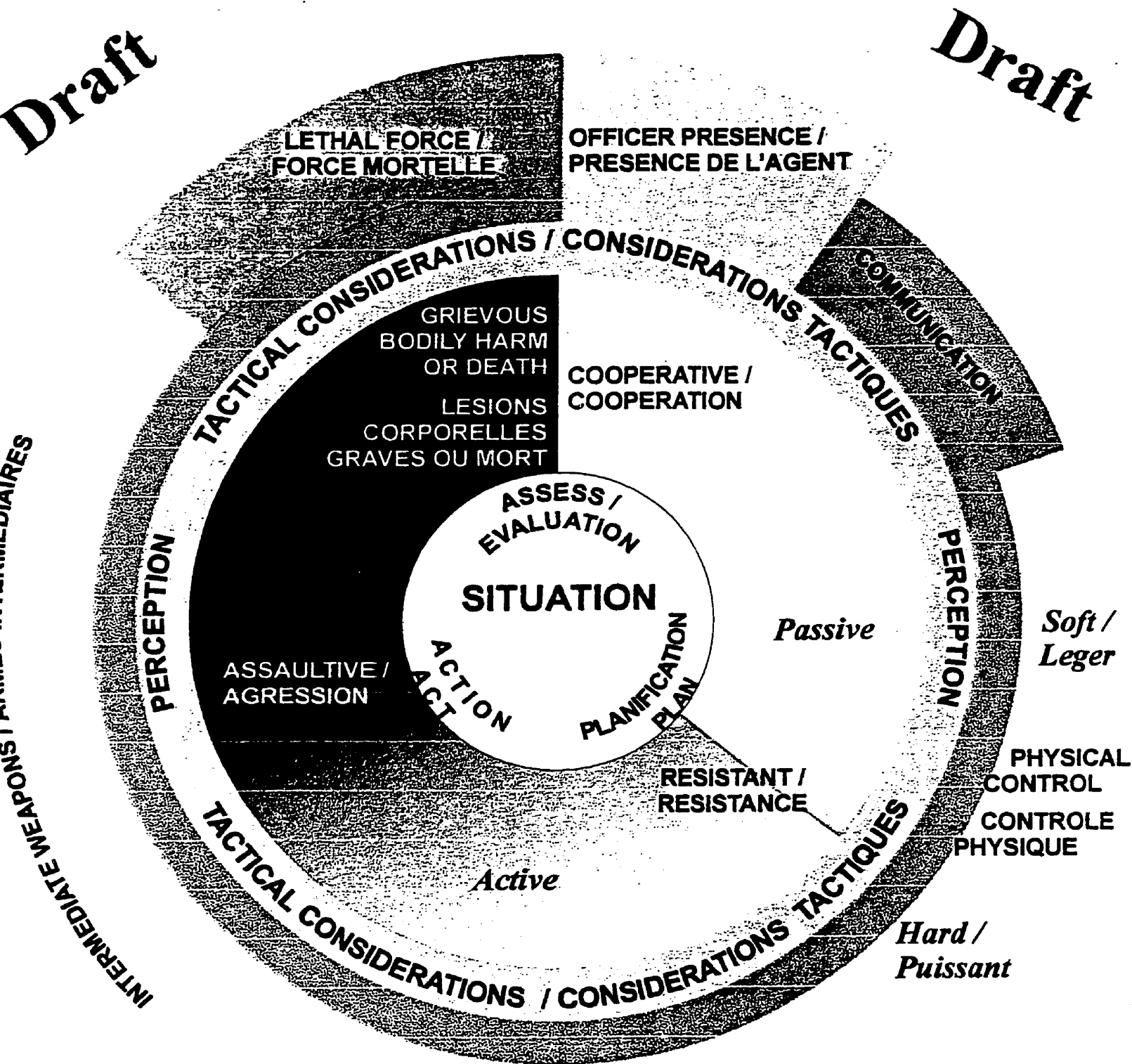


Use of Force Response Options



The officer selects the most reasonable option relative to the situation.

MODELE NATIONAL DE L'EMPLOI DE LA FORCE



THE OFFICER CONTINUOUSLY ASSESSES THE SITUATION AND ACTS IN A REASONABLE MANNER TO ENSURE OFFICER AND PUBLIC SAFETY.

Toronto Police Service

40 College Street, Toronto, Ontario, Canada. M5G 2J3
(416) 808-2222 FAX (416) 808-8202

David J. Boothby
Chief of Police

*To Serve and Protect
Working with the Community*

File Number: _____

1999-05-14

To Whom It May Concern

Sergeant Gary Pitcher of the Toronto Police Service is currently conducting research on behalf of the Toronto Police Service related to the use of Police Service Dogs. This research will be reported by in such a way to satisfy his requirements of the Master of Arts in Leadership and Training program at Royal Roads University.

The proper reporting of his research will require him to reproduce and use Toronto Police Service forms, directives, procedures and training materials. He has permission to use these materials for the internal reporting of his findings as well as for academic purposes related to his Masters Degree program at Royal Roads University.

If you have any questions please contact me at 416-808-4213.

Yours truly,



Gary Ellis
Inspector
Toronto Police Service

Toronto Police Service

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