

Section 1.0 – Use of Force	Page 1 of 6
Sub Section 1.2 – Intermediate Weapons and Restraints	Effective: January 30, 2012 Revised: February 1, 2015, and January 18, 2021
Subject 1.2.1P – Intermediate Weapon and Restraint Approval Process	

Definitions

"Director" – the Director of police services referred to in section 39 (1) of the *Police Act*.

"Intermediate Weapon" – a weapon whose normal use is not intended or likely to cause serious injury or death. Impact weapons, aerosols, and conducted energy weapons fall within this category. Intermediate Weapons may also be referred to as less-lethal weapons.

"Restraint" – any mechanical device or system that when used in its ordinary and intended manner restricts the normal physical activity or range of motion of an individual in part or in whole.

"Approved Intermediate Weapon or Restraint" – an Intermediate Weapon or Restraint that has been approved by the director of police services.

"New Intermediate Weapon or Restraint" – an Intermediate Weapon or Restraint that has not been approved by the Director and does not have a similar function or operation to an Approved Intermediate Weapon or Restraint.

"Similar Intermediate Weapon or Restraint" – an Intermediate Weapon or Restraint that has not been approved by the Director but has a similar function or operation to an Approved Intermediate Weapon or Restraint.

Policy Directive

In accordance with Standard (1) of *BCPPS 1.2.2 Intermediate Weapons* and *BCPPS 1.2.3 Restraints*, the chief constable, chief officer, or commissioner must ensure that any Intermediate Weapon or Restraint carried and used by officers of their police force has been approved by the Director. A list of Approved Intermediate Weapons and Restraints is appended to the standards referred to above. A chief constable, chief officer or commissioner may request that an Intermediate Weapon or Restraint be added to the list of Approved Intermediate Weapons and Restraints through one of the following processes: (1) Application for a New Intermediate Weapon or Restraint or (2) Application for Similar Intermediate Weapon or Restraint.

Application for a New Intermediate Weapon or Restraint

Initial application

- (1) A police force that identifies a potential need or use for a New Intermediate Weapon or a Restraint that has not previously been approved and is not similar in function or operation to a previously Approved Intermediate Weapon or Restraint must apply to the Director for approval. A separate application is required for each New Intermediate Weapon or Restraint for which approval is requested.
- (2) The Director will consider applications that include a written rationale and supporting documentation for the New Intermediate Weapon or Restraint such as any existing information, specifications, and research regarding the New Intermediate Weapon or Restraint. In order to be considered, the following should be included in the application:
 - (a) Why the New Intermediate Weapon or Restraint is needed;
 - (b) How it functions;
 - (c) The range of possible uses and its methods of deployment;
 - (d) Analysis of its identified potential health effects or injury potential;
 - (e) Analysis of possible training, recertification and qualification options and implications;
 - (f) A summary of existing research respecting the use of the New Intermediate Weapon or Restraint;
 - (g) Analysis of possible legal issues and safety standards;
 - (h) Analysis of costs including initial procurement, replacement, training, storage, and maintenance involved in the implementation;
 - (i) Where available, analysis of alternative options to introducing the New Intermediate Weapon or Restraint, such as changes to training, policy or procedures, or facility renovations that would achieve a similar purpose; and
 - (j) The manufacturer's formal statement on its safety and intended use. At a minimum, this should include the following where available:
 - (i) Efficacy;
 - (ii) Intended use;
 - (iii) Recommended policy considerations concerning its use;
 - (iv) Safety of the New Intermediate Weapon or Restraint and any cautions or restrictions on use; and
 - (v) Any potential impacts, short or long term, that are currently uncertain or unknown.

Intermediate Weapon and Restraint advisory panel

- (3) Once an application is received from a police force, the Director will strike an Intermediate Weapon and Restraint advisory panel, coordinated by Police Services Division (PSD). The

Director will establish Terms of Reference for the panel, which will address at minimum that: the composition and makeup of the panel, determined by the Director, will include a mix of law enforcement and non-law enforcement representatives; panel participants must disclose any conflicts of interest they have, including direct or indirect financial interests in the manufacturer of the New Intermediate Weapon or Restraint; the panel may consult with police and non-police subject matter experts, who must disclose any conflicts of interest they have, including direct or indirect financial interests in the manufacturer of the New Intermediate Weapon or Restraint, for more information; the panel will consider the need to invite written submissions from the public; and minutes must be kept of the proceedings of the panel.

- (4) The panel will make a written recommendation to the Director to either reject the New Intermediate Weapon or Restraint or support a field trial of the New Intermediate Weapon or Restraint. Consistent with the panel's Terms of Reference, the panel should consider the following criteria:
 - (a) The New Intermediate Weapon or Restraint is effective and not likely to cause grievous bodily harm or death;
 - (b) The New Intermediate Weapon or Restraint is affordable;
 - (c) Officer training is available;
 - (d) Maintenance procedures for the New Intermediate Weapon or Restraint are available (e.g., repairs, recharging, storage and testing);
 - (e) For a New Intermediate Weapon, the accuracy in the targeting of the weapon is acceptable;
 - (f) The onset time of incapacitation, the time period for incapacitation, and the degree of incapacitation are acceptable;
 - (g) The effects on the physical condition and health of the subject are minimized;
 - (h) The source (manufacturer and/or distributor) of the New Intermediate Weapon or Restraint does not create significant public interest issues;
 - (i) Independent research on the effects of the New Intermediate Weapon or Restraint is available;
 - (j) Written submissions from the public, community groups, stakeholders, as well as law enforcement agencies; and
 - (k) Any other criteria considered relevant by the panel.
- (5) Consistent with the Terms of Reference, the panel may establish conditions for a field trial, including:
 - (a) Whether the field trial is to be conducted in the applicant or another police force, or more than one police force; and
 - (b) The duration of the field trial, which must not be less than one month and ideally be six to ten months in duration.

- (6) Consistent with the Terms of Reference, the panel's recommendation will be determined by the majority opinion; unanimous agreement by all members of the panel will not be required.

Field trial

- (7) The Director will review the panel's recommendations and either reject the New Intermediate Weapon or Restraint or authorize a field trial. The field trial must be conducted, and an evaluation performed collaboratively by the police force and the director. The director will specify parameters for the field trial, including:
- (a) Any conditions recommended by the panel under (6), above;
 - (b) Responsibility for costs associated with the field trial;
 - (c) The data that must be collected during the field trial on a form approved by the director, including but not limited to:
 - (i) Usage information,
 - (ii) Medical effects monitoring, and
 - (iii) Data on complaints, if any; and
 - (d) The requirements for a written evaluation report.

Decision

- (8) Following the field trial, the Director will reconvene the panel to review the results of the field trial and the evaluation report. The panel will make a final recommendation to approve or reject the New Intermediate Weapon or Restraint for use in British Columbia.
- (9) The Director shall have final determination whether to approve the New Intermediate Weapon or Restraint.
- (10) The Director shall make their final determination within two months of the conclusion of the field trial.
- (11) The Director will document their reasons for decision in writing.

Commencing use

- (12) When a New Intermediate Weapon or Restraint is approved for use in BC, the Director will develop standards for the New Intermediate Weapon or Restraint and/or where appropriate amend existing standards relevant to the New Intermediate Weapon or Restraint.
- (13) A police service may not use the New Intermediate Weapon or Restraint until:
- (a) The Director has established *BC Provincial Policing Standards* for the New Intermediate Weapon or Restraint; and

- (b) The police force has established policies and procedures for the New Intermediate Weapon or Restraint that are consistent with the *BC Provincial Policing Standards*.

Application for a Similar Intermediate Weapon or Restraint

- (14) A police force that identifies a potential need or use for an Intermediate Weapon or Restraint that is similar in function or operation to an Approved Intermediate Weapon or Restraint must apply to the Director for approval. A separate application is required for each Similar Intermediate Weapon or Restraint for which approval is requested. The Director will consider applications that include a written rationale and supporting documentation of any existing information, specifications, and research regarding the Similar Intermediate Weapon or Restraint. At minimum the police force must provide information as to :
 - (a) Why the Similar Intermediate Weapon or Restraint is needed;
 - (b) How it functions;
 - (c) The range of possible uses for the Similar Intermediate Weapon or Restraint and its methods of deployment;
 - (d) Analysis of identified potential health effects or injury potential associated with the Similar Intermediate Weapon or Restraint;
 - (e) Analysis of possible training, recertification and qualification options and implications to existing training, recertification and qualification options for Approved Intermediate Weapons or Restraints;
 - (f) A summary of existing research respecting the use of the Similar Intermediate Weapon or Restraint;
 - (g) Analysis of possible legal issues and safety standards;
 - (h) The manufacturer's formal statement on the Similar Intermediate Weapon or Restraint's safety and intended use. At a minimum, including where available:
 - (i) Efficacy of the Similar Intermediate Weapon or Restraint;
 - (ii) Intended use of the Similar Intermediate Weapon or Restraint;
 - (iii) Recommended policy considerations concerning the Similar Intermediate Weapon or Restraint's use;
 - (iv) Safety of the Similar Intermediate Weapon or Restraint and any cautions or restrictions on use; and
 - (v) Any anticipated impacts of the Similar Intermediate Weapon or Restraint, short or long term, that are currently uncertain or unknown.
- (15) Upon reviewing the written request, the Director will determine whether to:
 - (a) Approve the Similar Intermediate Weapon or Restraint;
 - (b) Require a field trial; or

- (c) If the director determines there is insufficient similarity to an Approved Intermediate Weapon or Restraint, require the application to go through the process for a New Intermediate Weapon or Restraint.
- (16) The Director may establish conditions for a field trial, including:
 - (a) Whether the field trial is to be conducted in the applicant or another police force, or more than one police force; and
 - (b) The duration of the field trial, which must not be less than one month and ideally be two to four months in duration.
- (17) The Director shall have final determination whether to approve the Similar Intermediate Weapon or Restraint.
- (18) The Director shall make their final determination within six months of receipt of the initial application.
- (19) The Director will document their reasons for decision in writing.
- (20) The Similar Intermediate Weapon or Restraint shall not be used in an operational setting by the police service until the Director has provided written approval to the chief constable, chief officer, or commissioner to use the Similar Intermediate Weapon or Restraint.