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| Sub Section 1.2 – Intermediate Weapons                              |  |
| Subject 1.2.1P – Intermediate Weapon and Restraint Approval Process | Effective: January 30, 2012<br>Revised effective: February 1, 2015 |

## Definitions

**“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” or “restraint system”** – any mechanical device or system of mechanical devices that when used in their ordinary and intended manner restrict the normal physical activity or range of motion of an individual in part or in whole.

**“Device”** - all intermediate weapons and restraints or restraint systems captured by the above definitions.

## Policy Directive

In accordance with Standard (1) of *BCPPS 1.2.2 Intermediate Weapons*, the chief constable, chief officer, or commissioner must ensure that any new weapon carried and used by officers of their police force has been approved by the director of police services through the following *Intermediate Weapon and Restraint Approval Process*.

### Application

- (1) A police force that identifies a potential need or use for a new restraint or a new intermediate weapon must apply to the director of police services to request consideration of the device. A separate application is required for each device.
- (2) The police force must provide the director of police services with a written rationale and supporting documentation of any existing information, specifications, and research regarding the device. At a minimum, the police force must provide information as to:
  - (a) Why the device is needed;
  - (b) The function of the device;
  - (c) The range of possible uses for the device and its methods of deployment;
  - (d) Analysis of identified potential health effects or injury potential associated with the device;

- (e) Analysis of possible training, recertification and qualification options and implications;
- (f) A summary of existing research surrounding the device;
- (g) Analysis of possible legal issues and safety standards;
- (h) Analysis of costs involved in the implementation;
- (i) Analysis of potential policies, facility renovations, or training that could respond to the issue intended to be addressed by the device through means other than use of a weapon or restraint; and
- (j) The manufacturer's formal statement on device safety and intended use. At a minimum, this must include:
  - (i) Efficacy of the device;
  - (ii) Intended use of the device;
  - (iii) Recommended policy considerations concerning the device's use;
  - (iv) Safety of the device and any cautions or restrictions on use; and
  - (v) Any anticipated device 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 of police services will strike an intermediate weapon and restraint advisory panel, coordinated by Police Services Division (PSD). The panel must be made up of at least six agencies, including PSD and five other agencies representing a mix of law enforcement and non-law enforcement interests. Panel participants must disclose any conflicts of interest they have, including direct or indirect financial interests in the manufacturer of the device. The panel may consult with police and non-police subject matter experts for more information. The panel is to invite written submissions from the public. Minutes must be kept of the proceedings of the panel.
- (4) The panel will make a written recommendation to the director of police services to either reject the device or support a field trial of the device. The panel should consider the following criteria:
  - (a) The device is effective and not likely to cause grievous bodily harm or death;
  - (b) The device is affordable;
  - (c) Officer training is available;
  - (d) Device maintenance procedures are available (e.g., repairs, recharging, storage and testing);
  - (e) If the device is an 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) Independent research on the effects of the device is available;
  - (i) Written submissions from the public, community groups, stakeholders, as well as law enforcement agencies; and
  - (j) Any other criteria considered relevant by the panel.
- (5) 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 twelve months in duration.
- (6) 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 of police services will review the panel's recommendations and either reject the device 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.
- (8) Following the field trial, the director of police services 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 proposed device for use in BC.

#### Approval to use the device

- (9) The director of police services is responsible for the final approval or rejection of the proposed device for use in BC.
- (10) When a device is approved for use in BC, the director of police services will develop *BC Provincial Policing Standards* for the device.

(11) A police service may not use the device until:

- (a) The director of police services has published *BC Provincial Policing Standards* for the device; and
- (b) The police force has filed with the director of police services policies and procedures for the device that are consistent with the *BC Provincial Policing Standards*.