## **Criminal Law**

## Implement police training before Tasers, body cams



By Jacob Stilman

It seems that in the past decade or so the number of incidents of lethal force being used by police on individuals experiencing an acute mental health crisis has increased dramatically. Whether this is in fact the case, or whether it is a function of increased public awareness brought on by the proliferation of cell phone cameras and social media, the public has demanded a response which holds the police to greater account.

The death of Sammy Yatim, shot by a police officer while brandishing a knife even though he presented no immediate threat to the public or the officers surrounding him, sparked massive public outrage and legal fallout. The officer who shot Yatim has been charged with murder, a large civil lawsuit is pending, and an independent investigation was initiated by the Office of the Ombudsman. However, the first official report on the incident has just been released by former Supreme Court Justice Frank Iacobucci, who was commissioned by Toronto Police Chief Bill Blair to look into systemic issues involving police handling of mentally ill persons.

The Iacobucci report makes more than 80 recommendations with the aim of reducing the use of lethal force. The report calls for studies on the medical effects and desirability of Taser-type weaponry, the education of officers on mental health issues, lapel cameras for first responders so as to record all interactions in confrontational situations, and greater information sharing between the police force and mental health providers.

It is hard to be critical of the recommendations, although certainly some of the report essentially calls for "more study" and the delegation of its recommendations to police-formed subcommittees and study groups. The inherent delay in implementation of the recommendations, which may arise if they become buried within police force bureaucratic processes, is concerning. We can also expect the usual protests from certain quarters.-The Toronto Police Association has already gone on record opposing the very notion of police officers being required to wear body cameras, and will likely claim that their officers are being unfairly criticized for making "split-second" decisions in moments of extreme stress and danger, etc. etc.

Other aspects of the report might, if implemented, lead to other concerns. For example, the creation of a body to share information between mental health facilities and the police could produce some unintended and detrimental consequences. Although Iacobucci emphasized the importance of limiting access to such information and highlighted privacy concerns, such objectives can be difficult to implement in the real world. If frontline officers can quickly access a mental health database, there is bound to be misuse of such information. Or imagine a situation where a person with a mild or a vastly improved mental health condition is the subject of a first response, if police enter into a situation bracing for a full-on psychotic subject based on outdated or inaccurate database content where such is not the case, then perhaps "too much information" can work to that person's detriment.

What is troubling for anyone familiar with the issues of mental health and law enforcement is the apparent obliviousness of front-line officers to the needs of the emotionally unstable and mentally ill. It usually does not require a degree in psychiatry to tell a mentally ill person from a healthy one. That some police officers, who certainly encounter the mentally ill far more frequently than the average person, seem to regularly resort to a confrontational approach which simply escalates the distress of the subject, rather than recognize the special needs of the person and moderate their approach, is a source of frustration for anyone familiar with mental illness.

The tragic results of the standard police "playbook" approach – harshly yelled commands, surrounding of the subject by large and threatening men, the brandishing of weapons – has clearly not been an effective way to de-escalate such a situation. The Iacobucci report does indeed call for more training and awareness to be part of the police curriculum, which is an important step, but only if it is effectively implemented.

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