

AR 28673

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Dear Jennifer Fuchinsky:

Thank you for providing me with the Honourable Judge G. Lepp's Fatality Inquiry Report. This letter is in response to the three recommendations resulting from the Public Fatality Inquiry into the death of Jeffrey Tyler Oatway:

- Recommendation 1: Alberta Association of Chiefs of Police (AACP) to contact Dr. Hall to determine how best to marshal and communicate any needed research data in cases of Excited Delirium Syndrome (ExDS), implement any recommendations.
- Recommendation 2: AACP convene force-use experts from member agencies to determine whether available evidence and research supports more widespread use of Conducted Energy Weapons (CEW) and Vascular Neck Restraint (VNR).
- Recommendation 3: Remove the phrase "public expectations of acceptable police behaviour" from the Provincial Guidelines for the Use of CEWs.

Public Security Division's review of this Fatality Inquiry Report on my behalf has determined the following:

Recommendation 1: "...contact Dr. Hall to determine how best to marshal and communicate any needed research data in cases of ExDS..."

- Alberta's police services have been and continue to be active participants in research on Excited Delirium Syndrome and other aspects of use of force. In fact, the Honourable Judge G. Lepp commends the actions of Constable Akers and all other members during this incident. Their performance is directly related to training developed using research conducted by Dr. Hall.

- Alberta's Policing Standards and associated guidelines direct that police collect and analyze data on all incidents involving use of force and the results be combined with academic research to shape their risk management practices. Operational data and academic research informs the development of all force-related practices including training, force option selection, and related risk management practices.

Recommendation 2: Convene use of force experts...to study CEW and VNR use:

- This body already exists. The AACP-Alberta Justice and Solicitor General (AJSG) Use of Force Working Group (WG) was established in 2008. Its role is to create a stable forum for police and government subject matter experts to discuss and analyze issues related to the use of force.
- The WG meets one to two times per year and when required to address significant incidents. All WG discussions are framed by evidence collected through the provincial force reporting system, research, and reports (fatality inquiries, government reviews, etc.).
- WG deliverables such as guideline documents or training recommendations take a systems approach to managing force-related risk (injury and/or death). Systems-based recommendations may include force option selection, individual practice, supervision, management or organization practices, assistance of partner agencies (other police, emergency medical service) and/or legislation or other forms of direction.

Recommendation 3: Changes to Guidelines for the Use of CEWs:

- The recommended change was completed in 2011-2012 after extensive consultations with police services. It appears that an out-of-date version of this guideline was presented during the inquiry.

The ministry's position is to accept the recommendations as reminders for police services to continue current best practices. As such, I have requested the Senior Assistant Deputy Minister/Director of Law Enforcement (the Director) to:

- Issue a letter to all chiefs of police and the Royal Canadian Mounted Police to remind them of the importance of supporting academic and operational research into Excited Delirium Syndrome and in-custody deaths, the use of force, and policing in general.
- Examine the feasibility of tasking the AACP-AJSG Use of Force WG with:
  - 1) study the risk presented by force incidents in cell areas; and
  - 2) modify Alberta's Standardized Force Reporting System to capture data on the frequency of police encounters with persons displaying features of Excited Delirium.

Lastly, it is suggested, that future fatality inquiries contact the Public Security Division for matters related to Alberta's Policing Standards and associated guidelines in order to ensure related information and documents assessed during the inquiry is the most current.

Thank you for the opportunity to respond to the recommendation of the inquiry. If you require any further information, please do not hesitate to contact my office.

Yours truly,

Original signed by

Dennis Cooley, PhD  
Associate Deputy Minister,  
Solicitor General