

OPP Public Order Units:

A Comparison of 1995 to 2006



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OVERVIEW

The purpose of Public Order Units is to proactively manage crowds at any and all levels of order (i.e., from peaceful to confrontational). When managing crowds, the responsibilities of police are as follows:

- ✧ Protect members of lawful and peaceful assemblies
- ✧ Protect lives and property of citizens
- ✧ Prevent a breach of the peace
- ✧ Use minimal force¹

Public Order units employ the Gradual Application of Force (GAF) theory, which is consistent with the Ontario Use-of-Force Model. This allows the officer to “continuously assess the situation and select the most reasonable option relative to those circumstances as perceived at that point in time.”² It is designed to ensure only the minimum use-of-force necessary is used. By assessing the situation, the officer is also assessing the crowd. Public Order training defines a crowd as “a group of people in a recognizable area” and breaks behaviour into five types of crowds. These are casual, cohesive, expressive, demonstration and aggressive and require careful consideration on how to manage them. The police tactics include simple monitoring of the crowd to the presence of OPP uniform officers interacting with the individuals in the crowd to the deployment of the POU in hard “tac” equipment and uniform. Deployment of POU and the tactics used are judgement calls made by the Bronze Commander, based upon the overall strategies determined by the Silver and Gold Commanders and the purpose of Public Order – to manage crowds at all levels of order, using the least amount of force.

The advantages of GAF include:

- ✧ Adherence to the use-of-force continuum
- ✧ The first step is the presence of the POU members, which can be sufficient in itself to manage crowd behaviour
- ✧ Reduces risk of criminal and civil liability
- ✧ Reduces perceptions and/or accusations of police heavy-handedness
- ✧ Reduces the risk of causing excitement within the crowd, thereby reducing the potential for unlawful or aggressive behaviour
- ✧ Police are seen as professional and in control³

GAF theory also includes consideration of which officers will be present and visible at an event (e.g., general patrol, ERT, POU), as well as the types of uniforms and equipment that are worn (e.g., regular blue working uniform, tactical blue or coveralls).

¹ POU Course Training Standard, 2006.

² Ontario Use-of-Force Model

³ POU Course Training Standard (POU Commanders package), 2006.

In the late 1960s, crowd control teams existed in the OPP districts. Some members were trained in the use of tear gas and crowd control procedures. However, this was not captured as formalized policy in OPP Police Orders.

An internal OPP Report in April 1975 recommended the creation of TRU prior to the 1976 Olympics. In that report, it is said that the OPP began providing crowd control training to its members as early as 1969. The following quote best describes the OPP's early crowd management efforts:

“Thirty men were selected from each of 10 districts in southern and central Ontario to form two Crowd Control Units of 150 men to be known as the East and West groups. These men were each equipped with military type helmets and riot sticks. Each District Headquarters was also issued with a number of helmets and sticks for distribution to field personnel if and when required. All able-bodied field personnel were required to participate annually in a one-day Crowd Control training session. Gas squads were located in each of the 17 Districts. The squads are comprised of one N.C.O. and four constables with a total of 34 squads throughout the province.”⁴

Throughout the 1960s and 1970s, each district had its own Crowd Control Team (CCT). There was no formal coordination of training, but members would generally receive one-day of maintenance training at the discretion of the district. Overall command for a CCT event would fall under the responsibility of a commissioned officer designated by the district (i.e. the district duty officer) A detachment commander would also be deployed with the unit under the duty officer's direction.

In 1983, the first formal CCT course was introduced. It was one-week long, supported by six days of maintenance training per year. Also, every two years the CCTs would get together at CFB Petawawa for training.

Public Order Units (CMU/POU): 1995 - 2006

In 2000, with the introduction of the Provincial Adequacy Standards, the OPP changed the name of the Crowd Management Units (CMUs) to Public Order Units (POUs) to reflect the legislated terminology. (Both terms are used in the paragraphs that follow.)

In March 1996, the OPP CMU responded to protests held at Queen's Park. An inquiry chaired by Willard Z. Estey, Q.C. followed.⁵ Its findings were released in October 1996. The Estey Report repeatedly made reference to the lack of coordinated command and control during the events in March 1996. Two recommendations made by Commissioner

⁴ “The Ontario Provincial Police and Tactical Response to Violent Confrontations.” OPP Internal Report. April 4, 1975 (p. 2).

⁵ *Report of the Commission of Inquiry into Events of March 18, 1996 at Queen's Park.* Willard Z. Estey, Q.C. Commissioner. October 1996.

Estey and now implemented by the OPP have particular relevance to the issues raised at the Ipperwash Inquiry:

Recommendation No.1 section 142.

It is recommended that all uniforms and equipment worn by a police officer on duty at Queen's Park shall display with reasonable prominence their service number of the police officer and or where appropriate the name of the police officer so that the general public will know or be able to determine the identity of the police officer.

Response

Officers' names or badge numbers are now clearly printed on all uniforms, including POU helmets (front and rear) and outer vest carriers.

Recommendation No. 6. section 162 Future Arrests

Is therefore recommended that, where feasible in all circumstances, arrests should be made of persons in the act of or threatening violence toward person or property in the course of a protest a demonstration or other gatherings at Queen's Park. Designated officers or agents of the police have in the past been directed to collect evidence, photographic and otherwise, of such misconduct for use in making arrests subsequent to the incident and it is recommended that this practice be continued. There are often circumstances in which it may be physically difficult to effect an arrest. In other circumstances an arrest or an attempt to arrest on the spot may escalate the level of violence.

Response.

This is the standard operating procedure in OPP Public Order operations and is supported by a video operator assigned to each POU to support operations and evidence gathering.

In November 1997, the RCMP responded to protesters at the Asia Pacific Economic Cooperation (APEC) Conference in Vancouver. As a result, a commission was tasked with reviewing the events that led to complaints against the RCMP.⁶ The results of that review were released in July 2001, and contained a number of recommendations that influenced OPP POU (CMU) policy and operations.

| Key recommendations resulting from the APEC event included:

⁶ *Commission for Public Complaints Against the RCMP*. Ted Hughes, Q.C. Commissioner. Complaints regarding events during the Asia Pacific Economic Cooperation (APEC) Conference in Vancouver, B.C. in November 1997. Commission Interim Report, July 31, 2001.

- ✧ The work of policing a public order event takes place in very large part during the preparatory period and those who are in command during the event must have had involvement at that stage. There must be continuity of personnel. In that way, those who are charged with responsibility for policing the event and for making decisions that will inevitably have to be made under pressure and in short order, will be well equipped for their task.
- ✧ Briefing of police personnel assigned to duties at a public order event should be a priority so that delivering services will understand how their responsibilities relate to the total operation.
- ✧ There should be an open door policy of meeting and working with the leaders of protest groups well in advance of a planned public order event, with a view to both police and protestors achieving their objectives in an environment that avoids unnecessary confrontation.⁷

These recommendations accord with OPP current best practices and training surrounding Public Order events. The current command structure (Gold-Silver-Bronze) to enhance informed decision-making is later discussed. As well, the avoidance of unnecessary confrontation with protestors through pre-incident and ongoing dialogue is recognized as a best practice for a number of senior police services, including the OPP. In the context of Aboriginal critical incidents, it now finds expression in the Framework for Police Preparedness for Aboriginal Critical Incidents, the position of Aboriginal Liaison Officer – Operations and the creation of ART and MELT. OPP POU strategies for Aboriginal critical incidents are governed by the Framework, which is fully addressed elsewhere in the OPP Part II materials (Tabs 2,3 and 4). Complimentary training of ERT members, and other specialty team members, as well as Commanders, on these issues, as well as their selection, in part, on human rights competencies (that is, good character, respect for diversity and for the exercise of constitutional rights by others including protestors) are also addressed at Tabs 2,3 and 4 of the OPP Part II materials.

In 1998, full-time regional ERT coordinators were established. These coordinators were now responsible for directing CMU officers deployed at a scene, but also remained under the command of an incident commander.

In September 1998, members of the then recently formed OPP Emergency Management Bureau (EMB) traveled to London, England, to study crowd management tactics, command and control, tactical units and incident command. Best practices identified on crowd management (particularly the Gold, Silver and Bronze command structure) were formally implemented in the OPP in 2001.

In 1999, violent protests at the Summit of the Americas in Seattle, Washington, led to an OPP review of operational planning because of new and aggressive tactics being used by protestors to confront police and disrupt the summit (e.g., level of violence, use of direct action tactics such as sleeping dragons, tripods).

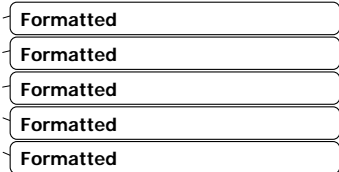
⁷ Ibid.

In June 2000, the Organization of American States (OAS) summit was held in Windsor, Ontario. As a result of intelligence received, the focus to being a high-level security event, which entailed the deployment of all OPP POU members, as well as RCMP and Toronto Police Service (TPS) Public Order and mounted units.

One week following the OAS summit, the Ontario Coalition Against Poverty (OCAP) conducted protests at Queen's Park. This resulted in numerous TPS officers being injured.

Following the above events, the OPP recognized a need for a consistent and common structure in dealing with Public Order issues on the streets. In November 2000, the OPP (Emergency Management Bureau) and TPS Public Safety Unit (PSU) met to discuss issues related to these events. As a result, the OPP and TPS entered into a partnership to develop a command and control model for large POU events.

The Ontario model once again borrowed from the British version, modifying it for the unique challenges of policing multiple jurisdictions in Ontario. The command structure incorporates three levels of command – Gold, Silver and Bronze and identifies the role and responsibilities for each level.



A summary is provided of each level, drawing from the teaching materials for the POU Commanders Course.

TRAINING/ROLE OF GOLD COMMANDER

Training for Gold Commanders:

- Level 1 Incident Command (2 weeks)
- Level 2 Incident Command (4 weeks)
 - Includes instruction on the OPP Framework for Police Preparedness for Aboriginal Critical Incidents, ART/MELT
 - Native Awareness Course (1 week)

The role of the Gold Commander is to function at the strategic level of command, that is:

- Establish policy
- Plan and prioritize strategies
- Arrange and provide resources
- Satisfy OPP interests (e.g. for multi-agency events)

PRIOR TO EVENT:

- Be assigned overall responsibility for the incident by the Commissioner or designate
- Make strategic decisions
- Develop, review and update strategies
- Conduct strategic meetings
- Ensure command and control structures are understood by all other commanders
- Brief, obtain endorsement and be accountable to the Commissioner or designate

DURING THE EVENT:

- Has overall responsibility for the event and accountable to the Commissioner or designate
- Ensure that strategies have and continue to be appropriately operationalized
- Authorize changes to strategies
- Ensure command and control structures are in place and maintained
- Ensure event is documented appropriately
- Conduct situational assessments/debriefings with all Silver and Bronze Commanders
- Responsible to action post-event issues

TRAINING/ROLE OF SILVER COMMANDER

Training for Silver Commanders:

- Level 1 Incident Command (2 weeks)
- Level 2 Incident Command (4 weeks)
 - Includes instruction on the OPP Framework for Police Preparedness for Aboriginal Critical Incidents, ART/MELT
 - Native Awareness Course (1 week)
- Basic POU Course (1 week of the ERT course)
- POU Command Course (1 week)
 - Mentoring – each POU Commander is mentored by a senior POU Commander for one or two incidents
- Experience as a Bronze Commander

The role of the Silver Commander is to function at the tactical level, that is:

- Determine deployment priorities
- Plan and coordinate mission(s)
- Obtain resources required by Bronze Commanders

PRIOR TO EVENT:

- Assist Gold Commander in developing strategy/understanding intervention tactics
- Develop tactical plans & contingency plans with Bronze Commanders

DURING THE EVENT:

- Overall coordination on-site - provide Bronze Commanders with resources to accomplish the mission
- Advise when mission changes
- Ensure site arrangements cohesive and correct
- Ensure documentation

TRAINING/ROLE OF BRONZE COMMANDER

Training for Bronze Commanders:

- Level 1 Incident Command (2 weeks)

- Level 2 Incident Command (4 weeks)
 - Includes instruction on the OPP Framework for Police Preparedness for Aboriginal Critical Incidents, ART/MELT
 - Native Awareness Course (1 week)
- Basic POU Course (1 week of the ERT course)
- POU Command Course (1 week)
 - Mentoring – each POU Commander is mentored by a senior POU Commander for one or two incidents

The role of the Bronze Commander is to function at the operational level, that is:

- Assess a situation
- Deploy resources and implement tactics
- Act to protect people and property

PRIOR TO EVENT:

- Assist in strategic & tactical planning with Gold and Silver
- Know and understand Silver's tactical plan
- Have knowledge of site

DURING THE EVENT:

- Properly positioned to maintain effective tactical command
- Oversight on scene of Public Order Unit
 - appropriate tactics
 - officer capability assessment
- Ongoing and sustained:
 - assessment for pre-emptive opportunities
 - review & assessment of perception of police
 - review & assessment of use of force options
 - risk assessment
 - crowd assessment for size, mood, agitators/ leaders, dispersal options
- Briefings to officers
- Updating Silver Commander
- Point of contact with organizers

SUMMARY

The Gold Commander, who has overall responsibility for the incident, reviews and assesses the overall incident and supports the Silver Commander. The Silver Commander is located in the Command Post and develops strategies for Bronze Commanders. The Bronze Commanders are located with their POU's and receive the strategy requests from the Silver Commander. It is the responsibility of the Bronze Commander to consider the request of Silver and assess it in the context of the crowd, risk, officer capability and the overall likelihood of success. What this means, in part, is that the Bronze Commander, who now has training as a L2 IC and as a POU Commander, makes decisions on the scene that back in 1995, might have instead been made by the incident commander who was not on scene.

All levels of the command model may not be implemented at every incident (depending upon the situation) and the roles of Silver and Gold can be combined for smaller events. For example, if only one or two OPP POU's are deployed for an incident, the two Bronze commanders report to the Incident Commander – performing combined Silver & Gold roles. When there are more than 2 OPP POU's or when a municipal police or RCMP POU is deployed with the OPP, both Silver and Gold Commanders are on duty.

With the development of this command model also came the introduction of scribes at all command levels. Gold and Silver commanders each have a civilian scribe assigned to them. The Bronze Commander has an ERT member, appropriately dressed, assigned as a scribe. This role is performed on site and by using a micro-cassette recorder.

“Shield chatter” no longer forms part of the tactics employed under the current OPP/TPS POU model. Shield chatter, under some circumstances, may exacerbate rather than diffuse a confrontation. In fairness, there is not uniformity in police circles on the use of shield chatter. Some police services in Canada continue its use.

An OPP Course Training Standard (CTS) was prepared and a POU command course was also subsequently developed in partnership with the TPS. The first OPP/TPS POU command course for Commissioned Officers (Senior Officers for TPS) was delivered in March 2001. The new OPP/TPS model was first used in Toronto in April 2001, at the OAS Finance Ministers meeting and was very effective. This was a joint response that immediately preceded another OAS meeting in Quebec City.

Prior to the Quebec City event in 2001, a resident from Tyendinaga issued an invitation through the internet to Americans intending to go to the summit. They were advised that they could access Canada without any scrutiny from Customs/Immigration at the Cornwall border bridge (Seaway International Bridge), as the land was part of the Akwesasne First Nation's territory. Neither the Tyendinaga Confederacy nor the elected Council supported the resident's position. Akwesasne Mohawk Territory and the City of Cornwall asked for the OPP to provide uniform and POU support when these individuals came across the bridge en masse. The operational principles later incorporated into the written Framework were utilized, including developing relationships with members of both communities. A unified command was established and GAF principles were used to monitor persons entering the country with minimum disruption to the surrounding communities, and to personal civil liberties. Several solutions were developed and implemented on the spot during the event to avoid escalation as hundreds of protesters marched over the bridge. The day ended peacefully.

In October 2001, a NATO ministers' meeting was held in Ottawa. With the events of 9/11 having just occurred, a heightened concern existed respecting the potential for terrorism at major political/international POU events.

After the NATO summit in 2001, the OPP assisted TPS with anti-poverty protests in Toronto. During this occurrence, a large number of potential weapons were seized. Also, a number of new protestor tactics and strategies were employed at this event (e.g., snake

marches where protesters arrive and leave the event using a variety of routes disrupting traffic flow throughout the city).

In November 2001, the G20 summit was relocated from India to Ottawa due to security concerns. OPP, RCMP and several other municipal police Public Order units were used to ensure public safety in Ottawa. Coincidentally, most of the POU Commanders had taken the first OPP/TPS POU Command course in April 2001, resulting in an instant framework of command, no conflict or confusion over roles and a command structure that was understood by all agencies.

In June 2002, the OPP was requested to assist at the G8 summit in Alberta. All senior command members of the Calgary Police Service that were involved in planning and operations were trained in the OPP/TPS POU command course. Subsequently, the Calgary Police Service adopted the OPP/TPS POU model. As well, the OPP provided 180 officers as support for this event. Of note, there were no violent incidents.

As of today the OPP/TPS POU command course is the only course of its kind in Canada. Since the course began, the OPP has trained police officers from across Canada in the OPP/TPS model of POU command. This course is also recognized as a standard in Ontario. All police services in Ontario require their senior commanders to take this course prior to commanding POU events.

During the development of the POU command course in 2001, the OPP and TPS facilitated a working group of police agencies in Ontario that have Public Order Units. In January 2004, this working group was formalized as the Ontario POU Advisory Committee. The OPP and other parties signed a working agreement in January 2005.

CONCLUSION

A summary of changes to the OPP Public Order Units (1995-2006) is attached here as Tab 6.