

Classification **PUBLIC**

Meeting Durham Regional Police Board May 2019



Agenda Item

**Monitoring Report:  
Equipment and Use of Force Regulation**

Recommended Motion:

THAT the Board finds that all related policy provisions of the Equipment and Use of Force Regulation have been complied with.

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**Equipment and Use of Force Regulation**

I hereby submit my monitoring report on the Executive Limitations Policy, "Equipment and Use of Force Regulation" according to the schedule set out. I certify that the information contained in this report is true.

I report compliance with this policy.

Signed:

  
Chief of Police

Date:

09 MAY 19

**BROADEST POLICY PROVISION:**

*The Chief of Police shall not fail to comply with all requirements of the Equipment and Use of Force Regulation.*

*Further, without limiting the scope of the foregoing, the Chief of Police will not fail to:*

- 1. Ensure that force options used by members of the Durham Regional Police Service meet all requirements and standards established by the Ministry of Community Safety and Correctional Services.*
- 2. Ensure training every 12 months for members required to use force on other persons and for those authorized to carry force option weapons.*
- 3. Immediately cause an investigation and file a report to the Board where a member, by the discharge of a firearm in the performance of his or her duty, kills or injures another person.*

4. *Promptly inform the Board when the Chief discharges a firearm in the performance of the Chief's duties.*
5. *Ensure the ongoing review and evaluation of local use of force procedures, training and reporting.*
6. *Provide a copy of the Service's annual Use of Force report to the Board.*

## **INTERPRETATION OF THE CHIEF OF POLICE**

The Durham Regional Police Service shall reference the provisions of Reg. 926 of the *Police Services Act* for dealing with the issuance of equipment pertaining to use of force, deployment, training, and reporting to both the Board and any other Ministry official, as required.

Every police officer, including the Chief of Police shall use only approved and issued use of force equipment. They shall prove their competency in the legal requirements, exercise of judgment, safety, theories relating to the use of force, and practical proficiency. They shall meet the prescribed timelines (every 12 months).

Every member shall provide the appropriate reports when, in the execution of their duties other than training, draws a handgun in the presence of a member of the public, excluding a member of the police force who is on duty, points a firearm at a person or discharges a firearm, uses a weapon other than a firearm on another person, or applies physical force on any person that results in an injury requiring medical attention.

The Chief shall ensure that all required reporting provisions are met in a timely and comprehensive fashion.

## **EQUIPMENT AND USE OF FORCE OPTIONS**

The Durham Regional Police Service, Police Education and Innovation Centre (PEIC) – Use of Force portfolio is responsible for the issuance and maintenance of all use of force options as specified in this Regulation. Each member of the PEIC Use of Force portfolio has been certified by the Ontario Police College to provide education and training to all uniform, special constable and auxiliary members in appropriate Use of Force programming for their role. Directives, policies and educational curriculum are in place, in accordance with provincially mandated Adequacy Standards for use of force options.

In compliance with Regulation 926, the DRPS use of force options consist of:

- Glock Model 22, .40 caliber handgun with three magazines and 45 rounds of ammunition
- Tactical Expandable Baton
- Oleoresin Capsicum Spray (O.C. or pepper spray)
- Handcuffs
- TASER X26 Conducted Energy Weapon (CEW) with four cartridges or TASER X CEW with two cartridges (carried by front-line officers, supervisors and other members as designated by the Chief).



Other Use of Force Options available:

- Remington 870, 12-gauge shotgun with six shells of 00 buckshot.
- Colt C8A2 Patrol Rifle, with four magazines and 112 rounds of ammunition.

Directives that address equipment and use of force include, but are not limited to:

- AO-09-001 Reporting the Use of Force
- AO-19-003 Police Uniforms Equipment Dress and Appearance
- AO-19-004 Secure Holster
- AO-19-006 Conducted Energy Weapons
- AO-19-012 Uniform and Equipment Issue and Return
- LT-05-002 Police Use of Force
- AO-19-005 Lead Control Program

A Ministry mandated reporting structure is in place whenever a member uses force in a situation as specified under Regulation 926. The use of force reporting system is used as an internal mechanism to identify force option(s) chosen, appropriateness, and to inform educational programming individually or systemically. All members currently issued use of force options are requalified or refreshed annually in accordance with provincially mandated Adequacy Standards.

## **USE OF FORCE EDUCATIONAL PROGRAM - “BLOCK TRAINING”**

The annual use of force curriculum, also known as “Block Training” is a program that includes re-qualification on the handgun, shotgun, ASP baton and OC spray. It is complimented by review and reassessment of handgun techniques, defensive tactics (including empty-hand techniques and ground-control measures), judgmental assessment (including de-escalation) and rapid deployment scenario-based simulations for active threats. Historically, “Block Training” was a three-day program and was conducted as such from January-July 2017. In September of 2017, the program was reduced to two days as the result of recommendations stemming from a Continuous Improvement review; the program components are similar, however adjustments were made to better manage available time.

Auxiliary and Special Constables participate in their own “Block Training” programming which is specific to their scope of responsibilities as outlined in the PSA and adequacy standards, which includes participation in judgmental scenarios that are specifically tailored to their working environments and available force options.

See the attached **Appendix A** for the complete police officer (sworn member) Use of Force program schedule.

#### Individuals Qualified or Requalified at Block in 2018

DRPS	Auxiliary	TSU	Special Constables	Other Services	Total
*804	77	18	46	49	994

\*50 sworn members and 8 special constable attended block twice in the same calendar year due to scheduling.

18 TSU Officers received recertification within their own unit.

Other services include Port Hope, Cobourg and the occasional member from Peterborough.

#### Non-Qualifying Members in Block in 2018

There were a total of **53** members that were unable to complete their annual qualifications for a variety of reasons which include, but are not limited to; maternal/parental leave, WSIB, secondments, injuries, or health related accommodations. (52 sworn & 1 S/Cst)

Members who have not completed the “Block Training” qualification program have their use of force options stored and secured at the Operations Training Centre armoury.

In 2018 the DRPS Police Education and Innovation Centre compiled use of force statistics from the mandatory reports submitted by frontline officers. The number of reports submitted indicates officers who have used force, not the number of incidents. In other words, one incident involving a number of officers may generate more than one use of force report for that one incident. The reports were then reviewed for follow-up education and training as required.

#### Patrol Rifle Qualified (C8)

In 2018, in addition to Block programming, 165 DRPS front line officers were qualified on the C8 Patrol Rifle.

#### Patrol Rifle Qualified (C8)

Year	2014	2015	2016	2017	2018
Re-qualified (1 day)	154	163	171	145	134
New User (2 day)	42	35	0	11	31
<b>Total Users</b>	<b>196</b>	<b>198</b>	<b>171</b>	<b>156</b>	<b>165</b>



## Conducted Energy Weapon (TASER)

Since 2005 Conducted Energy Weapons (CEW's) have been part of the use of force options available. In 2016 Chief Martin authorized all front-line members to carry CEW's in response to the Ministry of Community Safety and Correctional Services recommendations regarding a move to front line deployment of the device. Prior to that, all front-line supervisors, qualified acting supervisors and other designated members were authorized to carry the device. Certification guidelines are outlined in Ontario Police Standards Manual Guideline A1-012 and DRP directive AO-19-006. The PEIC is committed to having all front-line officers CEW qualified by the end of 2019, as evidenced by the 107 new users trained in 2018.

Changes to the legislation also resulted in increased hours associated with qualification of new users, increasing the programming from 8-12 hours.

CEW 2018	Total
Recertification (X26/ X2)	205
Certification (X2) <i>(note: 107 new CEW users, 73 users converted from X26)</i>	180
Total Qualified	385

All "post-OPC" recruits and experienced hires are qualified in CEW at the PEIC prior to being deployed to their divisions.

The Use of Force unit anticipates that by July 2019, the remainder of X26 CEW users will be converted to the X2 platform. The X26 platform is no longer supported by Axon.

In January 2019, CEW requalification is included as part of the two-day Block training. This reduces the training burden of re-certification by the Use of Force staff and operational members who no longer have to schedule an additional training day for CEW requalification.

The table below shows a comparison of Q1 deployment stats year over year. 2017 to 2019 show increased deployment, which was anticipated with the increased amounts of units available, although Q1 2019 shows a minor decrease in CEW deployments from 2018.

## CEW Deployments Q1 comparison 2016-2019

Year	2015	2016	2017	2018	2019
Q1 deployments	10	9	13	22	19

## Measures Supporting Educational Offerings

In 2018, the DRPS responded to 97,568 calls for service. In only 245 incidents did our officers use force to a degree that met the threshold for reporting. This comprises .0025% of the total number of dispatched calls, which is extremely low and virtually identical to the 2017 number. Furthermore, this does not take into account many other aspects of officer contact with the public - for example traffic stops or random street interactions. This statistic continues to speak to the professional, strategic and purposeful manner in which our officers engage the members of our community on a daily basis, as well as their commitment to making the Region of Durham the safest community to live, work and play. It is also a testament to the training provided to our officers and the transferability of our training techniques from the classroom to the street.

In 2018, out of the 245 UOF reports submitted, **only 3** members reported sustaining an injury while engaged in a use of force encounter. This suggests that 98.8% of the times officer were involved in incidents where they were required to use force, they effectively gained control of the situation and avoided injuries.

Similarly, in 95.1% of incidents requiring UOF reports, there were no injuries to a subject or third party (233 of 245).

## USE OF FORCE OPTION DEPLOYED 2014-2018

	Discharge Firearm	Draw Firearm	Aerosol	Impact Hard	Empty Hand	CEW	Canine	UOF Incidents	UOF Reports
2014	16	156	4	1	33	26	12	161	211
2015	24	136	7	1	14	44	7	209	238
2016	39	168	2	2	18	47	4	241	287
2017	40	85	7	0	12	89	5	238	291
<b>2018</b>	<b>35</b>	<b>87</b>	<b>2</b>	<b>0</b>	<b>18</b>	<b>100</b>	<b>3</b>	<b>245</b>	<b>324</b>

## RATIONALE FOR DEPLOYMENT

	Officer / Public Safety	Effect Arrest	Destroy Animal	Accidental
2014	98	61	1	0
2015	64	118	2	4
2016	101	100	3	2
2017	148	43	3	8*
<b>2018</b>	<b>154</b>	<b>51</b>	<b>3</b>	<b>7**</b>

\* 6 unintentional CEW discharges, 1 unintentional firearm discharge and 1 accidental K9 bite in 2017.

\*\* 6 unintentional CEW discharges, 1 accidental K9 bite in 2018. All CEW unintentional discharges occurred in the weapons room of a police facility. In all cases, there were no injuries. All members involved were debriefed as a result and none have had a recurrence.

*For a complete list of all UOF / CEW statistics for 2017, please see Appendix B.*



## CONDUCTED ENERGY WEAPONS

Conducted Energy Weapon (CEW) deployments are not required to be reported separately from other use of force options; however, the Durham Regional Police tracks these occurrences as a means of informing decision making with respect to education and training.

Reported Deployments	2014	2015	2016	2017	2018
Effective Deployments	25	39	45	75	87
Non-effective	1	5	2	14*	13*
Total Deployments	26	44	47	89	100

*\*includes 6 unintentional discharges (2018 & 2019)*

Subject Behaviour during incidents involving CEW	2014	2015	2016	2017	2018
Co-operative	0	0	0	0	0
Passive Resistant	0	0	0	3	0
Active Resistant	1	0	3	15	3
Assaultive	17	26	20	41	69
Serious Bodily Harm/ Death	10	15	22	24	22

## USE OF FORCE AND THE CHIEF

In the performance of the Chief's duties, the Chief did not discharge his firearm in 2018. The Chief has maintained his use of force qualification.

## REVIEW AND EVALUATION

The Durham Regional Police Education and Innovation Centre, (PEIC) has one sergeant and ten constables qualified to be use of force (UOF) instructors as prescribed in the regulation.

These instructors are certified by the Ontario Police College. Instructors' responsibilities include ongoing evaluation of training techniques, member UOF re-qualification, safety, lesson planning and formative and summative feedback of our members. This information is compiled and compared to current and updated educational outcomes as set out by the Police Standards Manual and the academic direction of the PEIC. New updates that address changes to adequacy standards are immediately incorporated.

The sergeant of the UOF portfolio and two constables review and compile statistics on all use of force reports and recommend in collaboration with the team additional education and training if applicable. Reports are analyzed and stored for legal and curriculum review purposes. The 2018 information is attached in Appendix A and is compliant with Regulation 926.

## Appendix A

### USE OF FORCE / FIREARMS BLOCK QUALIFICATION PROGRAM

#### Day One - DEFENSIVE TACTICS (Sept 2018-Dec 2018)

08:00-08:45 Use of Force Articulation Presentation  
08:45-10:00 Defensive Tactics (Mat Room)  
10:15 -11:00 Baton and OC (Presentation and Practical)  
11:15 -12:00 IRD (Demonstrations and Practical)  
12:00 -13:00 Lunch  
13:00-13:45 De-Escalation Presentation and Scenario  
14:15-15:00 Judgmental Training Scenarios  
15:00-15:45 CEW Introduction and Refresher  
15:45-16:00 Debrief and Dismissal

#### Day One - DEFENSIVE TACTICS (Jan 2019-Jul 2019)

08:00-08:10 Introduction, Safety Briefing and Overview  
08:10-08:40 CEW Presentation  
08:45-09:45 Defensive Tactics (Mat Room)  
09:45-10:00 CEW Practical + Force Option Transition Drills (Mat Room)  
10:15 -11:15 Baton and OC (Presentation and Practical)  
11:15 -12:00 IRD (Demonstrations and Practical)  
12:00 -13:00 Lunch  
13:00-13:45 De-Escalation Presentation  
13:45-15:30 De-Escalation Scenario, 'Box-Drill' (3 x Iterations), Judgmental Training Scenarios  
15:30-16:00 Live CEW Deployments (3 x Cartridges)  
16:00-16:15 Debrief and Dismissal

**+1 Hour Student-Directed Learning (Case Law, Background, Warnings and Effects) for CEW content.**

#### Day Two – FIREARMS (Sep 2018-Jul 2019)

08:00-09:00 Safety Briefing and Pistol Lecture  
09:00-09:30 Pistol Warm-Up Drills  
09:30-10:30 Provincial Pistol Requalification  
10:30-11:00 Break and Remedial (As Required)  
11:00-12:00 Pistol Drills (Advanced / One-Handed)  
12:00-13:00 Lunch  
13:00-13:30 Shotgun Lecture  
13:30-14:30 Shotgun Requalification  
14:30-15:15 Advanced Courses of Fire  
15:15-15:45 Cleaning  
**15:45-16:00 Debrief and Dismissal**



## Yearly Statistics 2014-2018

### Controlled Energy Weapon Device Deployment Statistics

Community Police Office	2014	2015	2016	2017	2018
North	2	3	7	11	7
East	3	2	8	7	18
Central East	5	20	19	26	32
Central West	10	11	6	18	16
West	3	6	5	24	21
TSU	2	2	2	1	0
Central Cell Block	1	0	0	0	1
K9	-	0	0	0	1
DEU/GEU/OMU/MCU	-	0	0	2	3
Courts	-	0	0	0	1

Deployment Type	2014	2015	2016	2017	2018
Force Presence Only	13	25	19	59	57
Drive Stun Mode	3	3	4	5	9
Full Probe Deployment	12	16	24	25	34

Armed Subjects	2014	2015	2016	2017	2018
Firearm	0	1	0	2	0
Edged Weapon	8	6	1	22	19
Blunt Weapon	2	2	1	4	2
None	5	2	2	50	56
Unknown ( <i>weapon is presumed</i> )	-	1	7	2	12
Other ( <i>ie: weapon of opportunity</i> )	-	1	2	3	5

Subject Behaviour on Deployment	2014	2015	2016	2017	2018
Co-operative	0	0	0	0	0
Passive Resistant	0	0	0	3	0
Active Resistant	1	0	3	15	3
Assaultive	17	26	20	41	69
Serious Bodily Harm/ Death	10	15	22	24	22

Related Injuries	2014	2015	2016	2017	2018
Subject	0	1	7	3	3
Officer	1	1	1	0	1
Third Party	0	0	0	0	0

## APPENDIX B



### Use of Force Report Statistics

# 2018

### Q4 Summary and Year End Report

DURHAM REGIONAL POLICE SERVICE

Police Education and Innovation Centre - Use of Force Section

#### Reports

*Difference in numbers is a result of multiple officers attending the same call*

<u>Quarter</u>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
Number of Incidents	64	52	66	63	245
Number of Reports	87	74	82	81	324

#### Reason for Use of Force

<u>Quarter</u>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
Protect Public/Self	40	31	46	37	154
Effect an Arrest	15	14	15	7	51
Destroy Animal	8	7	4	14	33
Other	1*	0	1*	5**	7

\*Includes 1 accidental discharge

\*\* Includes 4 CEW accidental discharge, 1 accidental K9 bite

#### Officer's Length of Service (Years)

<u>Quarter</u>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
1 - 3	9	6	9	9	33
4 - 7	3	8	2	6	19
8 - 11	9	8	14	11	42
12 - 15	7	6	4	2	19
15 + (also used also for team reports)	36	24	37	35	132



Type of Incidents						
	<u>Quarter</u>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
Robbery		5	2	1	3	11
Domestic		5	7	1	2	15
Weapons Call		11	11	15	10	47
Break and Enter		2	2	1	1	6
High Risk Arrest		4	0	6	0	10
Traffic		3	4	6	0	13
Animal		8	7	4	14	33
Suspicious Person		1	0	1	0	2
Search Warrant		3	2	9	3	17
Mental Health Related		9	8	11	8	36
Other		13*	9	11*	22**	55

\*Includes 1 accidental discharge

\*\* Includes 4 CEW accidental discharge, 1 accidental K9 bite

Time of Day						
	<u>Quarter</u>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
06:00 hrs - 18:00 hrs		24	16	24	31	95
18:00 hrs - 24:00 hrs		21	23	31	17	92
00:01 hrs -06:00 hrs		19	13	11	15	58

Other Stats					
<u>Quarter</u>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
Number of Team Reports	5	6	19	5	35
Officers Counseled	0	0	0	0	0
Number of HRT Incidents	0	0	0	0	0
Officer sent for re-training	0	0	0	0	0

Subject Behaviour on Deployment									
	All Use of Force Reports				During CEW Incident				
<i>Quarter</i>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
Co-operative	0	0	0	1***	0	0	0	0	1
Passive Resistant	0	0	0	0	0	0	0	0	0
Active Resistant	6	2	6	3	0	1	2	0	17
Assaultive	21	25	21	16	17	21	18	13	83
Serious Bodily Harm/Death	28	18	34	25	5	5	4	8	105
Unintentional Discharge	1	0	1	4	1	0	1	4	6

\*\*Excludes animal calls

\*\*\* 1 accidental K9 bite

Community Police Office									
	All Use of Force Reports				Reports involving CEW deployment				
<u>Quarter</u>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
North	6	7	8	6	2	2	1	2	27
East	10	6	8	9	5	3	5	5	33
Central East	10	15	12	17	4	13	7	8	54
Central West	10	8	8	5	4	5	5	2	31
West	16	7	10	14	6	3	7	5	47
K9	1	1	1	5	0	0	0	1	8
DEU	1	2	6	1	1	0	0	0	10
GEU	1	3	9	1	0	0	0	0	14
Central Cell Block	0	0	0	1	0	0	0	1	1
Courts	1	0	0	0	1	0	0	0	1
Tactical Support Unit	5	2	4	3	0	0	0	0	14
Major Crime	2	0	0	1	0	0	0	1	3
OMU	1	1	0	0	0	1	0	0	2

Type of Force Used					
<u>Quarter</u>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
Handgun	28	17	30	24	99
Shotgun	2	1	3	4	10
Rifle	5	2	2	4	13
O.C.	1	1	0	0	2
Impact Weapon	0	0	0	0	0
Canine Unit	0	0	1	2	3
Empty Hand Techniques	5	4	5	4	18
CEW Deployed/Effective	20/23*	25/27	21/25*	21/25**	87/100

\*Includes 1 accidental discharge

\*\*Includes 4 accidental discharges

C.E.W. Deployment Type					
<u>Quarter</u>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	Total
Force Presence Only	12	17	18	10	57
Drive Stun Mode	2	3	0	4	9
Full Probe Deployment	9	7	7	11	34



<b>Weapon Carried by Suspect</b>									
<u>Quarter</u>	Use of Force				During CEW Incident				Total
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	
Handgun	6	1	0	3	0	0	0	0	10
Rifle	0	1	0	0	0	0	0	0	1
Shotgun	0	1	0	1	0	0	0	0	2
Bat/ Club	2	1	0	1	0	1	0	1	4
Edged Weapon	9	7	8	10	4	4	4	7	34
Unknown *	16	11	22	12	3	4	3	2	61
Other **	1	4	5	1	0	3	1	1	11
None	21	19	26	17	15	15	16	10	83

\*Includes incidents where force is used because weapons are presumed or likely. ie: search warrants, high risk arrests/traffic stops, etc.

\*\*Includes any weapon of opportunity not listed, ie: single handcuff, crossbow, etc

\*\*\* Excludes animal calls and accidental discharges

<b>Person Injured</b>									
<u>Quarter</u>	Use of Force				During CEW Incident				Total
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	
No Injuries	54	42	58	46	22	25	25	25	200
Police	0	2	1	0	0	1	0	0	3
Subject	2	3	4	3	1	2	0	0	12
Third Party	0	0	0	0	0	0	0	0	0

Excludes animal calls

Some calls reported both police and subject hurt \*\*\*\*