

Classification **PUBLIC**

Meeting **Durham Regional Police Board May 9, 2016**



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 has been complied with.

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**Equipment and Use of Force Regulation**

I hereby submit my monitoring report on your 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: \_\_\_\_\_

**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 or the use of any weapon 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 proscribed timelines (every 12 months).

Every member shall provide the appropriate reports when, in the execution of their duties other than training, they draw a handgun in the presence of a member of the public, use a weapon other than a firearm on another person, or applies physical force on any person that requires 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 X-26 Conducted Energy Weapon (CEW) with Four Cartridges or Taser X-2 CEW with 2 cartridges (carried by supervisors, qualified acting members, and other members as designated by the Chief)

Other Use of Force Options available:

- Remington 870 - 12 gauge shotgun
- Colt C8 Carbine Rifle

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 options chosen, its 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”**

The annual use of force curriculum, also known as “Block,” is a three day program that includes re-qualification on the handgun, shotgun, ASP baton and OC spray refresher complimented by review and reassessment of handgun techniques, defensive tactics including empty hand techniques, judgmental assessment including escalation and de-escalation and rapid deployment scenario based simulations.

Auxiliary and Special Constables participate in their own ‘Block’ programming which is specific to their scope of responsibilities as outlined in the PSA and adequacy standards. See the attached **Appendix A** for the full police officer Use of Force program schedule.

### Individuals Requalified in Block in 2015

DRPS	Auxiliary	TSU	Special Constables	Other Services	Total
*847	76**	17	45	61	<b>1,046</b>

\*45 DRPS members attended block twice in the same calendar year due to scheduling.

\*\* includes 2 members from Cobourg PS.

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 2015

There were a total of **60** 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. (57 sworn & 3 S/Cst)

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

In 2015 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 2015, in addition to Block programming, 198 DRPS front line officers (163 + 35 new users) were qualified on the C8 Patrol Rifle, which was a new program introduced in 2011.

### Patrol Rifle Qualified (C8)

Year	2011	2012	2013	2014	<b>2015</b>
<b>Re-qualified (1 day)</b>	60	80	102	154	163
<b>New User (3 day)</b>	24	30	58	42	35
<b>Total Users</b>	84	110	160	196	198

## Conducted Energy Weapon (Taser)

Since 2005 Conducted Energy Weapons (CEW's) have been part of the use of force options available. Currently all front line supervisors, qualified acting supervisors and other designated members have been authorized to carry this device. Certification guidelines are outlined in Ontario Police Standards Manual Guideline A1-012 and DRP directive AO-19-006.

In the fall of 2013 the Ministry of Community Safety and Correctional Services released new recommendations in regard to authorities of use; specifically a move to front line deployment of the device. Changes to the legislation also resulted in increased hours associated with qualification of new users, increasing the programming from 8-12 hours.

CEW 2015 Certification	DRPS	Other Services	Total
Recertification/X2 New User * <i>*users converted from X26 to X2</i>	137/*12	10	159
Certification (X26 New User)	14	0	14
Total Qualified	163	10	173

In the fall of 2014 DRPS moved to a board approved recommendation to allow all qualified actors to carry the device, even when not in an acting capacity, effectively doubling the amount of active carriers of the device per shift.

The table below notes that in a comparison of Q1 deployment stats year over year, 2015 and 2016 show increased deployment, which was anticipated with the increased amounts of units available. It also shows a consistent number of deployments in Q1 of both 2015 and 2016.

### CEW Deployments Q1 comparison 2012-2016

Year	2012	2013	2014	2015	2016
Q1 deployments	7	6	5	10	9

### Measures Supporting Educational Offerings

In 2015, the DRPS responded to 85,569 calls for service. In only 209 incidents did our officers use force to a degree that met the threshold for reporting. This comprises .002% of the total number of dispatched calls, which is extremely low and similar to the 2014 number. Furthermore, this does not take into account many other aspects of officer contact with the public - for example traffic stops or street checks. 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 2015, out of the 209 UOF reports submitted, **only 6** members reported sustaining an injury while engaged in a use of force encounter. This suggests that 97.12% of the times officer were involved in incidents where they were required to use force, they effectively utilized weapons and tactics and avoided injuries.

### USE OF FORCE OPTION DEPLOYED 2011-2015

	Discharge Firearm	Draw Firearm	Aerosol	Impact Hard	Empty Hand	CEW	Canine	Calls for Service	Total Use of Force Reports
2011	21	194	13	2	45	23	22	205	285
2012	19	190	12	1	35	34	15	217	277
2013	24	212	7	5	54	34	20	238	296
2014	16	156	4	1	33	26	12	161	211
<b>2015</b>	<b>*24</b>	<b>136</b>	<b>7</b>	<b>1</b>	<b>14</b>	<b>44</b>	<b>7</b>	<b>209</b>	<b>238</b>

*\* The total number encompasses 23 for animal destruction and 1 unintentional rifle discharge.*

### RATIONALE FOR DEPLOYMENT

	Officer / Public Safety	Effect Arrest	Destroy Animal	Accidental
2011	113	123	21	0
2012	99	115	19	0
2013	130	94	15	1
2014	98	61	16	0
<b>2015</b>	<b>64</b>	<b>118</b>	<b>23</b>	<b>4</b>

*For a complete list of all UOF / CEW statistics for 2014, 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	2011	2012	2013	2014	2015
Effective Deployments	21	30	31	25	<b>39</b>
Non-effective	2	4	3	1	<b>5*</b>
Total Deployments	23	34	34	26	<b>44</b>

*\*includes 3 unintentional discharges*

Subject Behaviour	2011	2012	2013	2014	2015
Co-operative	0	0	0	0	0
Passive Resistant*	1	0	0	0	0
Active Resistant	3	3	3	1	0
Assaultive	12	15	15	17	26
Serious Bodily Harm/ Death	7	16	16	10	15

*\*Passive resistant results when CEW was present, subject became compliant, no deployment required.*

## **USE OF FORCE AND THE CHIEF**

In the performance of the Chief's duties, the Chief did not discharge his firearm in 2015. The Chief has maintained his use of force qualification.

## **REVIEW AND EVALUATION**

The Durham Regional Police Education and Innovation Centre 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 2015 information is attached in Appendix A and is compliant with Regulation 926.

## Appendix A

### USE OF FORCE / FIREARMS BLOCK QUALIFICATION PROGRAM September 2015 – July 2016

#### DEFENSIVE TACTICS

0800 hrs Counter Ambush Lecture  
0830 hrs Counter Ambush Drill  
0900 hrs DT- Mat room  
1100 hrs Baton/OC  
1200 hrs Lunch  
1300 hrs Flash scenarios  
1600 hrs Dismissal

#### FIREARMS

0800 hrs Safety Rules and Introduction  
0830 hrs Warm-Up (dry and live-fire)  
0930 hrs Re-Qualification Course of Fire  
1100 hrs C8 Information and Introduction  
1200 hrs Lunch  
1300 hrs Shotgun lecture and Requalification  
1400 hrs Dynamic Pistol Drills  
1500 hrs Pistol Cleaning and Maintenance  
1600 hrs Dismissal

#### DAY THREE – Judgmental Training Off Site at Ritson Road Public School

0800 hrs Chief's talk  
0900 hrs Fair and Impartial Policing Lecture  
1030 hrs Open Dynamic Judgmental Scenarios  
1200 hrs Lunch  
1300 hrs Immediate Rapid Deployment Scenarios  
1600 hrs Qualification program wrap-up / Debrief



## Appendix B

Yearly Statistics  
Jan 2011- Dec 2015

### Conducted Energy Weapon Device Deployment Statistics

<b>Community Police Office</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
North	0	0	1	2	3
East	1	2	2	3	2
Central East	12	16	20	5	20
Central West	4	5	2	10	11
West	5	11	6	3	6
TSU	1	4	3	2	2
Central Cell Block	1	0	0	1	0
K9	-	-	-	-	0
DEU	-	-	-	-	0
GEU	-	-	-	-	0
Court Services	-	-	-	-	0

<b>Deployment Type</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Force Presence Only	10	9	12	13	25
Drive Stun Mode	7	10	5	3	3
Full Probe Deployment	7	17	17	12	16

<b>Armed Subjects</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Firearm	0	0	0	0	1
Edged Weapon	6	6	11	8	6
Blunt Weapon	1	7	1	2	2
None	1	0	0	5	20
Unknown ( <i>weapon is presumed</i> )	-	-	-	-	11
Other ( <i>ie: weapon of opportunity</i> )	-	-	-	-	1

<b>Subject Behaviour on Deployment</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Co-operative	0	0	0	0	0
Passive Resistant	1	0	0	0	0
Active Resistant	3	3	3	1	0
Assaultive	12	15	15	17	26
Serious Bodily Harm/ Death	7	16	16	10	15

<b>Related Injuries</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>
Subject	0	0	0	0	1
Officer	0	0	0	1	1
Third Party	0	0	0	0	0