

Classification **PUBLIC**

Meeting

Durham Regional Police Board May 8, 2017



Agenda Item

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

Recommended Motion:

DRPSB MEETING
DATE: <i>May 8/17</i>
ACTION: _____

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

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:

May 1, 2017

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, 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. It should be noted that in 2017, The Use of Force Team will

qualify 100 new users [mostly front line constables] on the X2 CEW)

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 at Block in 2016

DRPS	Auxiliary	TSU	Special Constables	Other Services	Total
*848	68	16	48	60	1040

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

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 2016

There were a total of **61** 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. (60 sworn & 1 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 2016 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 2016, in addition to Block programming, 171 DRPS front line officers were qualified on the C8 Patrol Rifle.

Patrol Rifle Qualified (C8)

Year	2012	2013	2014	2015	2016
Re-qualified (1 day)	80	102	154	163	171
New User (3 day)	30	58	42	35	0
Total Users	110	160	196	198	171

Note – The Peterborough Fish and Game Association advised us in 2016 that, due to noise complaints, we were not able to use their rifle range in July or August (when we traditionally run Rifle new user classes) ergo no new rifle users in 2016.

Conducted Energy Weapon (Taser)

Since 2005 Conducted Energy Weapons (CEW's) have been part of the use of force options available. Recently Chief Martin has 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.

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

CEW 2016	DRPS	Other Services	Total
Recertification (X26/ X2)	154/7	0	161
Certification (X26/X2 New User)	25/32	0	57
Total Qualified			218

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 in 2015. That number continued to increase in 2016.

The table below notes 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. As evidenced above, intentional training efforts in 2016 increased the number of CEW qualified officers to 218, a 20% increase over the 2015 number of 173 (not shown). The availability of officers who are CEW equipped roughly corresponds to the increase in deployments in Q1 of 2017.

CEW Deployments Q1 comparison 2012-2016

Year	2013	2014	2015	2016	2017
Q1 deployments	6	5	10	9	13

Measures Supporting Educational Offerings

In 2016, the DRPS responded to 89,934 calls for service. In only 241 incidents did our officers use force to a degree that met the threshold for reporting. This comprises .0026% of the total number of dispatched calls, which is extremely low and very similar to the 2015 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 2016, out of the 241 UOF reports submitted, **only 9** members reported sustaining an injury while engaged in a use of force encounter. This suggests that 96.27% 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.

USE OF FORCE OPTION DEPLOYED 2012-2016

	Discharge Firearm	Draw Firearm	Aerosol	Impact Hard	Empty Hand	CEW	Canine	UOF Incidents	UOF Reports
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
2015	24	136	7	1	14	44	7	209	238
2016	39	168	2	2	18	47*	4	241	287

* Includes two unintentional CEW discharges

RATIONALE FOR DEPLOYMENT

	Officer / Public Safety	Effect Arrest	Destroy Animal	Accidental
2012	99	115	19	0
2013	130	94	15	1
2014	98	61	16	0
2015	64	118	23	4
2016	101	100	38	2

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	2012	2013	2014	2015	2016
Effective Deployments	30	31	25	39	45
Non-effective	4	3	1	5	2*
Total Deployments	34	34	26	44	47

*includes 2 unintentional discharges

Subject Behaviour	2012	2013	2014	2015	2016
Co-operative	0	0	0	0	0
Passive Resistant	0	0	0	0	0
Active Resistant	3	3	1	0	3
Assaultive	15	15	17	26	20
Serious Bodily Harm/ Death	16	16	10	15	22

USE OF FORCE AND THE CHIEF

In the performance of the Chief's duties, the Chief did not discharge his firearm in 2016. 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 2016 information is attached in Appendix A and is compliant with Regulation 926.

Appendix A

USE OF FORCE / FIREARMS BLOCK QUALIFICATION PROGRAM September 2016 – July 2017

Day One - 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

Day Two - 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 2012- Dec 2016

Controlled Energy Weapon Device Deployment Statistics

Community Police Office	2012	2013	2014	2015	2016
North	0	1	2	3	7
East	2	2	3	2	8
Central East	16	20	5	20	19
Central West	5	2	10	11	6
West	11	6	3	6	5
TSU	4	3	2	2	2
Central Cell Block	0	0	1	0	0
K9	-	-	-	0	0
DEU	-	-	-	0	0
GEU	-	-	-	0	0
Court Services	-	-	-	0	0

Deployment Type	2012	2013	2014	2015	2016
Force Presence Only	9	12	13	25	19
Drive Stun Mode	10	5	3	3	4
Full Probe Deployment	17	17	12	16	24

Armed Subjects	2012	2013	2014	2015	2016
Firearm	0	0	0	1	0
Edged Weapon	6	11	8	6	11
Blunt Weapon	7	1	2	2	1
None	0	0	5	20	24
Unknown (<i>weapon is presumed</i>)	-	-	-	11	7
Other (<i>ie: weapon of opportunity</i>)	-	-	-	1	2

Subject Behaviour on Deployment	2012	2013	2014	2015	2016
Co-operative	0	0	0	0	0
Passive Resistant	0	0	0	0	0
Active Resistant	3	3	1	0	3
Assaultive	15	15	17	26	20
Serious Bodily Harm/ Death	16	16	10	15	22

Related Injuries	2012	2013	2014	2015	2016
Subject	0	0	0	1	7
Officer	0	0	1	1	1
Third Party	0	0	0	0	0



Use of Force Report Statistics

2016

Q4 and YTD Summary

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 st	2 nd	3 rd	4 th	Total
Number of Incidents	76	62	48	55	241
Number of Reports	92	75	55	65	287

Reason for Use of Force

<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
Protect Public/Self	12	30	36	30	101
Effect an Arrest	54	20	8	13	100
Destroy Animal	10	12	4	13	38
Other	0	0	1	1	2

Officer's Length of Service (Years)

<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
1 - 3	3	5	3	4	15
4 - 7	9	3	2	3	17
8 - 11	8	10	8	6	32
12 - 15	13	13	9	5	40
15 + <i>(also used also for team reports)</i>	43	31	26	37	137

Type of Incidents						
	<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
Robbery		1	4	0	1	6
Domestic		1	2	1	3	7
Weapons Call		13	6	10	7	36
Break and Enter		0	1	4	2	7
High Risk Arrest		21	12	3	2	36
Traffic		0	1	3	2	6
Animal		10	12	4	13	39
Suspicious Person		2	0	1	0	3
Search Warrant		17	11	8	10	46
Mental Health Related		6	7	6	7	26
Other		5	6	8	10	29

Time of Day						
	<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
06:00 hrs - 18:00 hrs		35	24	13	13	85
18:00 hrs - 24:00 hrs		20	20	25	26	91
00:01 hrs -06:00 hrs		21	18	10	26	65

Other Stats						
	<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
Number of Team Reports		27	17	15	14	83
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				Total
	<u>Quarter</u>	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th
Co-operative		0	0	0	0	0	0	0	0
Passive Resistant		1	0	3	0	0	0	0	4
Active Resistant		4	0	13	19	0	0	0	3
Assaultive		9	10	12	14	4	7	2	7
Serious Bodily Harm/Death		52	40	13	11	5	6	8	3
Unintentional Discharge		0	0	0	0	0	0	1	1

*plus 38 animal calls where subjective behavior not captured

Community Police Office									
	All Use of Force Reports				Reports involving CEW deployment				
<u>Quarter</u>	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	Total
North	8	8	6	3	2	1	2	2	25
East	2	9	5	6	0	5	2	1	22
Central East	12	12	10	10	5	4	5	5	44
Central West	3	3	2	9	0	1	1	4	17
West	19	12	4	10	1	2	1	1	45
K9	3	1	2	0	0	0	0	0	6
DEU	6	4	5	2	0	0	0	0	17
GEU	2	0	1	0	0	0	0	0	3
Central Cell Block	0	0	1	0	0	0	0	0	1
Courts	0	0	1	0	0	0	0	0	1
Tactical Support Unit	19	12	11	12	1	0	1	0	54
Major Crime	1	0	0	1	0	0	0	0	2
OMU	1	1	0	2	0	0	0	0	4

Type of Force Used					
<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
Handgun	50	41	25	29	145
Shotgun	0	2	1	2	5
Rifle	6	3	4	7	18
O.C.	2	0	0	0	2
Impact Weapon	0	1	0	1	2
Canine Unit	0	1	3	0	4
Empty Hand Techniques	9	1	4	4	18
CEW Deployed/Effective	9	13/13	10/11	13/14	45/47

***includes 2 accidental discharges

C.E.W. Deployment Type					
<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
Force Presence Only	4	5	2	8	19
Drive Stun Mode	2	1	1	0	4
Full Probe Deployment	3	7	8	6	24

	Use of Force				During CEW Incident				
<u>Quarter</u>	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th	Total
Handgun	0	4	2	1	0	0	0	0	7
Rifle	0	0	0	0	0	0	0	0	0
Shotgun	0	0	1	0	0	0	0	0	1
Bat/ Club	1	1	1	0	0	1	0	0	3
Edged Weapon	12	10	7	9	1	4	2	4	38
Unknown *	34	23	14	6	0	1	3	3	95
Other **	4	0	2	3	1	0	1	0	9
None	15	24	21	23	7	7	4	6	88

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

[illegible]