

Classification **PUBLIC**

Meeting **Durham Regional Police Board May 2020**



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.

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: 11 MAY 20

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 (DRPS) 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, officer safety, theories relating to the use of force, and practical proficiency. They shall meet the prescribed timelines, which includes re-certification once every twelve 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 (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 FORCE OPTIONS

The DRPS Police Education and Innovation Centre (PEIC) – Use of Force (UOF) cadre is responsible for the issuance and maintenance of all use of force options, weapons and devices as specified in this Regulation. Each member of the UOF cadre 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 curriculums 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 handgun with three magazines and 45 rounds of ammunition;
- Tactical, expandable baton;
- Oleoresin capsicum spray (OC or pepper spray);
- Handcuffs; and,
- TASER X2 Conducted Energy Weapon (CEW) with two cartridges.

Other options available to members, based on qualifications and position, include:

- 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 reporting structure, mandated by the Ministry, is in place for 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 during an encounter or incident, their appropriateness in the specified situation, and ultimately to inform educational programming; individual training deficiencies or systemic trends may be gleaned from analysis of this documentation. All members who are currently issued use of force options, or are required to carry them in accordance with their duties, are requalified or refreshed annually in accordance with Adequacy Standards from the provincial government.

USE OF FORCE EDUCATIONAL PROGRAM - BLOCK TRAINING

The annual use of force curriculum for sworn officers, also known as block training, is a program that includes requalification on the Service's handgun, shotgun, CEW, ASP baton and OC spray. It is complimented by a review and reassessment of firearm principles and techniques, defensive tactics (including empty-hand techniques and ground-control measures), judgmental assessment (including de-escalation) and immediate rapid deployment scenario-based simulations for active threats. Block training is a two-day, intensive program.

Auxiliary and Special Constables participate in their own annual 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. Block training for these members is a single day, annually.

See **Appendix A** for an overview of the sworn police officer block training syllabus.

Individuals Qualified or Re-qualified at Block Training in 2019					
Sworn	Auxiliary	TSU	Special Constables	Other Services	Total
808*	89**	19	54	51	1,021

* 40 sworn members attended block twice in the same calendar year due to scheduling.

** 69 Auxiliary members were re-certified, with an additional 20 being trained as recruits.

TSU officers were re-certified within their own unit, as they have an internal training cadre.

Other services that received block training from DRPS UOF, in accordance with memorandums of understanding that existed during the 2019 calendar year, included Cobourg and Port Hope.

NON-QUALIFIED MEMBERS

There were a total of 45 members that were unable to complete their annual block training for a variety of reasons which include, but are not limited to leave of absence, injury, secondment, or health-related accommodation.

Members who have not completed the block training program have their force options stored and secured at the Operations Training Centre. These items are re-issued upon successful achievement of the provincial standards.

USE OF FORCE PROGRAM - PATROL RIFLE

In 2019, 192 sworn officers were qualified or re-qualified on the patrol rifle platform.

	2015	2016	2017	2018	2019
Re-qualified (1 day)	163	171	145	134	157
New User (2 days)	35	0	11	31	35
Total Qualified	198	171	156	165	192

USE OF FORCE PROGRAM - CONDUCTED ENERGY WEAPONS

Since 2005, CEW have been part of the use of force options available to sworn members of DRPS. In 2016, Chief Martin authorized all front-line members to carry CEWs in response to the Ministry of Community Safety and Correctional Services recommendations regarding a move to front-line deployment of the device. The PEIC is committed to having all front-line officers CEW qualified by the end of 2020.

It is worth noting that in 2019, the UOF cadre successfully completed the transition of all members that were using the legacy X26E CEW device; those individuals were trained in the new model X2, which has been in use with DRPS since the program expanded in 2015. This has resulted in efficiencies in logistics, budgeting and training materials, as well as increasing accountability by using a newer, safer and manufacturer-supported system.

	Total
Re-qualified	514
New User <i>(Note: 98 new operators, 105 users converted from legacy X26E device)</i>	203
Total Certifications <i>(Note: This number includes officers that re-qualified and converted in the same year.)</i>	717

All sworn police recruits and experienced officer hires are qualified to use CEW, prior to concluding their initial training with the UOF cadre, prior to being deployed to their front-line assignments.

In January 2019, CEW requalification was included as part of the two-day block training. This reduces the training burden of re-certification by the UOF cadre, while simultaneously supporting 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. 2016 to 2019 show increased deployment, which was anticipated with the increased amounts of units available, although Q1 2020 shows a decrease in CEW deployments from 2019. It must be stated that for the current year, data is still incomplete as a new electronic reporting system has resulted in delayed entry due to incomplete forms. Further analysis will be required in the calendar year.

CEW Deployments Q1 Comparison 2016-2020					
	2016	2017	2018	2019	2020
Q1 Deployments	9	13	22	19	8

MEASUREMENT OF EFFECTIVENESS - USE OF FORCE PROGRAM

In 2019, the DRPS responded to 102,189 calls for service. In only 312 incidents did our officers use force to a degree that met the threshold for reporting. This comprises .003% of the total number of dispatched calls, which is extremely low and virtually identical to the 2018 number. Furthermore, this does not take into account many other aspects of officer contact with the public - for example traffic stops or personal 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 2019, out of the 409 use of force reports submitted, 27 members reported sustaining an injury while engaged in an encounter or incident. This suggests that during 94% of all occasions where an officer was required to use force, members were able to effectively gain control of the situation and avoid injuries.

Similarly, in 92% of incidents requiring reports, there were no injuries to a subject or third party.

FORCE OPTIONS DEPLOYED 2015-2019

	Discharge Firearm	Draw Firearm	Aerosol	Impact Hard	Empty Hand	CEW	Canine	UOF Incidents	UOF Reports
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
2018	35	87	2	0	18	100	3	245	324
2019	22	174	5	2	19	109	8	312	409

RATIONALE FOR DEPLOYMENT OF FORCE OPTIONS

	Officer / Public Safety	Effect Arrest	Destroy Animal	Accidental
2015	64	118	23	4
2016	101	100	38	2
2017	148	43	39	8
2018	154	51	33	7
2019	151	118	21	11*

** 11 unintentional CEW discharges in 2019. 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.*

CONDUCTED ENERGY WEAPONS

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.

For a complete list of all CEW statistics for 2019, refer to **Appendix B**.

Reported Deployments	2015	2016	2017	2018	2019
Effective Deployments	39	45	75	87	87
Non-effective	5	2	14	13	21*
Total Deployments	44	47	89	100	109

** Includes 11 unintentional discharges).*

USE OF FORCE AND THE CHIEF

In the performance of the Chief's duties, the Chief did not discharge his firearm in 2019. The Chief has maintained his use of force qualification.

REVIEW AND EVALUATION

The PEIC is allotted positions for one Sergeant and ten Constables; for 2019, the Sergeant position

was filled by a Long-Term Acting Sergeant and another Constable position remained on secondment to another unit.

These instructors are certified by the Ontario Police College. Their responsibilities include the ongoing evaluation of training techniques, re-qualification on force options by all members, safety principles, lesson planning and delivering constructive feedback for learners.

The cadre stays current on contemporary trends in policing, analyzes internal statistical data, consults external agencies for best practices and reviews legal decisions relating to the application of force; all information and factors are assessed yearly during the process of developing block training, while concurrently comparing the curriculum to current objectives and standards 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 an analyst from Strategic Planning review and compile statistics on all use of force reports and make recommendations to unit and organizational leaders, in collaboration with the remainder of the team. Additional education and training can be delivered to members, if applicable. Reports are analyzed and stored for legal and curriculum review purposes.

APPENDIX A

UNIFORM MEMBER BLOCK TRAINING CURRICULUM (2019-2020)

Day One – Defensive Tactics

08:00-08:15	Introduction, Safety Briefing and Overview
08:15-09:00	CEW Presentation
09:00-11:00	Defensive Tactics (Mat Room) CEW Practical & Force-Option Transition Drills
11:00-11:30	Baton and OC (Presentation & Practical)
11:30-12:00	High-Risk Vehicle Stops (Presentation & Scenarios)
12:00 -13:00	Lunch
13:00-13:15	Live CEW Deployments (3 x Cartridges)
13:15-14:15	IRD (Practical Review & Scenarios)
14:15-14:45	'Box Drill' ('Flash' Scenarios – 5 x Iterations)
14:45-16:15	Judgmental Training Scenarios
16:15-16:30	Debrief and Dismissal

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

Day Two – Firearms

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 Courses of Fire)
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

APPENDIX B

CEW DEPLOYMENT STATISTICS

Community Police Office	2015	2016	2017	2018	2019
North	3	7	11	7	7
East	2	8	7	18	6
Central East	20	19	26	32	38
Central West	11	6	18	16	17
West	6	5	24	21	35
TSU	2	2	1	0	3
Central Cell Block	0	0	0	1	0
K9	0	0	0	1	0
DEU/GEU/OMU/MCU	0	0	2	3	2
Courts	0	0	0	1	0

Deployment Type	2015	2016	2017	2018	2019
Force Presence Only	25	19	59	57	54
Drive Stun Mode	3	4	5	9	10
Full Probe Deployment	16	24	25	34	34

Armed Subjects	2015	2016	2017	2018	2019
Firearm	1	0	2	0	1
Edged Weapon	6	11	22	19	27
Blunt Weapon	2	1	4	2	1
None	20	24	50	56	32
Unknown (<i>weapon is presumed</i>)	111	7	2	12	34
Other (<i>ie: weapon of opportunity</i>)	1	2	3	5	5

Subject Behaviour	2015	2016	2017	2018	2019
Co-operative	0	0	0	0	0
Passive Resistant	0	0	3	0	0
Active Resistant	0	3	15	3	3
Assaultive	26	20	41	69	58
Serious Bodily Harm/ Death	15	22	24	22	37

Injuries	2015	2016	2017	2018	2019
Subject	1	7	3	3	8
Officer	1	1	0	1	4
Third Party	0	0	0	0	1