

Classification **PUBLIC**

Meeting **Durham Regional Police Board May 11, 2015**

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.

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 judgement, 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 academic 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 .40 Calibre Handgun with three magazines totaling 45 rounds
- ASP Tactical Expandable Baton
- Def-Tek Oleoresin Capsicum Spray (O.C. or pepper spray)
- Peerless Handcuffs
- Taser X-26 Conducted Energy Weapon (CEW) with Four Cartridges
 - Carried by supervisors and all qualified acting members.

Other Use of Force Options employed:

- Remington 870 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 re-qualified 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, hand to hand combat drills, escalation-de-escalation, judgmental and rapid deployment scenario based simulations.

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

Individuals Re-qualified in Block in 2014

DRPS	Auxiliary	TSU	Special Constables	Other Services	Total
*853	**69 + 19	18	48	61	1,068

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

** 69 members were re-qualified and an additional 19 new members completed the Basic Auxiliary Recruit Program in 2014.

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 2014

There were a total of **59** 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. (55 uniform & 4 S/Cst)

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

In 2014 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 2014, in addition to Block programming, 196 DRPS (154 + 42 new users) front line officers were qualified on the C8 Patrol Rifle, which was a new program introduced in 2011. This program has been extended in 2015, with an anticipated additional qualification of 48 new users for a total of 244. This will mean that DRPS regionally will have 80% of all patrol vehicles equipped with a rifle qualified member every shift across all platoons, which was the stated outcome of the expansion program proposed in 2012. This represents a 19% increase in workload associated with this single program.

Patrol Rifle Qualified (C8)

Year	2011	2012	2013	2014
Re-qualified (1 day)	60	80	102	154
New User (3 day)	24	30	58	42
Total Users	84	110	160	196

Conducted Energy Weapon (Taser)

Since 2005 Conducted Energy Weapons (CEW's) have been part of the use of force options available. Currently supervisors, qualified acting supervisors or designated members have been authorized to certify and 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. This represented an additional 68 hours of instruction to the CEW program in 2014, or a 33% increase in time to deliver the program.

CEW 2014 Certification

	DRPS	Cobourg	Total
Recertification	147	5	152
Certification (New user)	17	0	17
Total Qualified	164	5	169

- DRPS in the fall of 2014 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 1st quarter deployment stats year over year, that since the increase in members carrying in fall of 2014, the number of effective deployments have also increased.

CEW Deployments 1st quarter comparison 2012-2015

Year	2012	2013	2014	2015
1 st Quarter deployments	7	6	5	10

First quarter comparison was chosen as it is historically the quarter when the most deployments annually have occurred, as well it is the most reflective of the time period where we know that the full expansion program was in effect.

Measures Supporting Educational Offerings

In 2014, 84,430 calls for service were made to the DRPS. A closer analysis of this data noted that 3,710 of these calls were responding to calls with a weapon involved. That indicated that 95.6 % of all calls in 2014 were calls without a weapon threat reported. Of the total calls reported force was used in only 0.002 % of all calls, which is less than 2013's reported number of 0.004%

Our members only used force in 4.3 % of the 3,710 calls where a weapon threat was imminent, down from 7.6% in 2013. These measures continue to speak to the excellent judgmental and educational offerings coupled with experience and tactical communication skills in de-escalating situations.

In 2014, out of the 211 UOF reports submitted, **only 1** member reported sustaining an injury while engaged in a use of force encounter. This suggests that 99.95% of officers that engaged in force encounters utilized effective defensive tactics and UOF techniques to ensure their safety and the safety of others.

USE OF FORCE OPTION DEPLOYED 2010-2014

	Discharged	Draw Firearm	Aerosol	Impact Hard	Empty Hand	CEW	Canine	Calls for Service	Total Use of Force Reports
2010	24	170	12	7	60	30	20	213	271
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

* The total number encompasses 16 for animal destruction.

More than one use of force option may be used during a single incident /call for service.

RATIONALE FOR DEPLOYMENT

	Officer / Public Safety	Effect Arrest	Destroy Animal	Accidental
2010	64	139	24	0
2011	113	123	21	0
2012	99	115	19	0
2013	130	94	15	1
2014	98	61	16	0

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 reports these occurrences as a means of informing educational decision making.

Reported Deployments	2010	2011	2012	2013	2014
Effective Deployments	28	21	30	31	25
Non-effective (poor conduction)	2	2	4	3	1
Total Deployments	30	23	34	34	26

Subject Behaviour	2010	2011	2012	2013	2014
Co-operative	0	0	0	0	0
Passive Resistant *	0	1	0	0	0
Active Resistant	3	3	3	3	1
Assaultive	17	12	15	15	17
Serious Bodily Harm/ Death	10	7	16	16	10

**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 2014. The Chief has maintained his use of force qualification.

REVIEW AND EVALUATION

The Durham Regional Police Education and Innovation Centre have one Sergeant and ten Constables qualified to be use of force (UOF) instructors as prescribed in the regulation. In addition, the PEIC has sponsored annually the qualification of a TSU member to be a Use of Force instructor as well, as a means of ensuring additional expertise when needed in times of staffing shortages.

These instructors are certified by the Ontario Police College. Instructors' responsibilities include ongoing evaluation of technique training, 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 academic 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 2014 information is attached in Appendix A and is compliant with Regulation 926.

In the summer of 2014, the quality assurance unit completed an audit of the training records of the UOF portfolio. The following objectives were identified:

1. To examine the records regarding use of force recertification for completeness and accuracy.
2. To determine whether the use of force record keeping system is compliant with the directive and the requirements outlined in the retention bylaw.
3. To assess the accuracy of the registration records required for issued firearms.

The following was a summary of the audit:

- The use of force training records on file at the PEIC for 2013 and 2014 are complete and current as of June 2014. As of June 20th 2014, the records show a compliance rate of **98.9%** on recertification.
- The Block Training Listing (2013 / 2014) is current and is well communicated, as is evident from the rate of attendance for recertification
- There are errors in the date field of some use of force files that require correction in order to verify the 12 month recertification of these officers. (These files were immediately reviewed and amended appropriately by Nov. 2014).

A management action plan was submitted in the fall of 2014 outlining not only the recommendations of the audit, but a complete plan with associated deliverable dates for completion in areas of interest noted in the final audit report. The summary of those plans was shared with the board at the April 2015 board meeting.

Appendix A

USE OF FORCE / FIREARMS BLOCK QUALIFICATION PROGRAM September 2014 – July 2015

DEFENSIVE TACTICS

08:00-08:45 OPVTA – Freemen on the Land - Video

08:45-09:15 OPVTA – From Concept to Court

09:15-09:30 Break

09:30-11:30 DT – Mat Room

11:30-12:00 OC Powerpoint

12:00-13:00 Lunch

13:00-14:00 Building Searches Practical

14:00-14:45 Baton

14:45-16:00 Baton Gauntlet

FIREARMS

0800hrs Pistol Lecture and Safety Rules/Vest Inspections

0900hrs Warm-Up (live-fire)

0930hrs Re-Qualification Course of Fire

1100hrs Shotgun Lecture and Re-Qualification Course of Fire

1200hrs Lunch

1300hrs C8 Information and Introduction

1400hrs Moving Target Pistol Drill

1500hrs Pistol Cleaning and Maintenance

DAY THREE – SCENARIO DAY

Off Site at Ritson Public School

0800hrs Chief's talk

0900hrs Open Dynamic Judgmental Scenarios

1100hrs Foot work and fundamentals - Hallways and Stairs

1200hrs Lunch

1300hrs Immediate Rapid Deployment Scenarios

1600hrs Qualification program wrap-up / Debrief

Appendix B

Yearly Statistics
Jan 2010- Dec 2014

Controlled Energy Weapon Device Deployment Statistics

Community Police Office	2010	2011	2012	2013	2014
15 Division	1	0	0	1	2
16 Division	0	1	2	2	3
17 Division	9	12	16	20	5
18 Division	11	4	5	2	10
19 Division	9	5	11	6	3
Regional -TSU	2	1	4	3	2
Central Cell Block	0	1	0	0	1

**Deployment Type	2010	2011	2012	2013	2014
Force Presence Only	11	10	9	12	13
Drive Stun Mode	3	7	10	5	3
Full Probe Deployment	17	7	17	17	12

Armed Subjects	2010	2011	2012	2013	2014
Firearm	0	0	0	0	0
Edged Weapon	10	6	6	11	8
Blunt Weapon	1	1	7	1	2
None	2	1	0	0	5

Subject Behaviour on Deployment	2010	2011	2012	2013	2014
Co-operative	0	0	0	0	0
Passive Resistant	0	1	0	0	0
Active Resistant	3	3	3	3	1
Assaultive	17	12	15	15	17
Serious Bodily Harm/ Death	10	7	16	16	10

Related Injuries*	2010	2011	2012	2013	2014
Subject	0	0	0	0	0
Officer	1	0	0	0	1
Third Party	0	0	0	0	0

**not including minor puncture wounds expected from normal ECD / Taser use*

***Please note that some incidents may involve multiple deployment methods. i.e.: initial probe deployment followed up by a drive stun.*

Use of Force Report Statistics

2014 Summary

DURHAM REGIONAL POLICE SERVICE

Police Education and Innovation- Use of Force Academic Portfolios

Reports					
<i>Difference in numbers is a result of multiple Officers attending the same call</i>					
<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
Number of Incidents	39	38	41	43	161
Number of Reports	51	52	55	53	211

Reason for Use of Force					
<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
Protect Public/Self	23	21	29	25	98
Effect an Arrest	16	12	17	16	61
Destroy Animal	2	6	3	5	16
Other	0	0	0	0	0

Officer's Length of Service (Years)					
<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
1 - 3	0	0	0	0	0
4 - 7	7	11	8	10	36
8 - 11	9	5	4	4	22
12 - 15	13	16	14	11	54
15 +	22	20	27	27	96

Time of Day					
<u>Quarter</u>	1 st	2 nd	3 rd	4 th	Total
06:00 hrs - 18:00 hrs	18	12	20	14	64
18:00 hrs - 24:00 hrs	6	10	11	18	45
00:01 hrs -06:00 hrs	14	15	10	12	51

Type of Incidents					
<i>Quarter</i>	1 st	2 nd	3 rd	4 th	Total
Robbery	2	1	3	3	9
Domestic/Family Disturbance	3	1	0	1	3
Weapons Call	3	10	13	7	33
Break and Enter	1	0	0	0	1
High Risk Arrest	7	0	7	6	20
Traffic	3	0	2	0	5
Animal	2	6	3	5	16
Suspicious Person	1	3	0	1	5
Warrants	9	11	12	15	47
Mental Health/Suicidal Person	3	3	0	5	11
*Other	5	0	2	2	9

*Other incidents category may include anything that falls outside of the stated types for example: drug related.

Other Stats					
<i>Quarter</i>	1 st	2 nd	3 rd	4 th	Total
Number of Team Reports	12	7	13	13	45
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

Type of Force					
<i>Quarter</i>	1 st	2 nd	3 rd	4 th	Total
Firearm: Handgun (.40 cal)	35	40	35	33	143
Shotgun	1	0	0	1	2
Rifle	0	1	5	5	11
O.C.	0	1	2	1	4
Impact Weapon	0	0	0	1	1
Canine Unit	3	3	5	1	12
Hand Techniques	13	5	8	7	33
C.E.W. Effective	5	5	8	7	25
Non-Effective	0	1	0	0	1

Injury					
	Use of Force				
<i>Quarter</i>	1 st	2 nd	3 rd	4 th	Total
Police	0	0	0	0	0
Subject	10	9	8	8	35
Third Party	0	0	0	2	2

Weapon Carried by Suspect					
	Use of Force				
<i>Quarter</i>	1 st	2 nd	3 rd	4 th	Total
Firearm: Handgun Rifle Shotgun	3	0	1	0	4
	0	0	0	1	4
	5	0	0	0	5
Bat/ Club	1	1	2	1	5
Edged Weapon	5	9	8	6	28
Unknown	11	12	15	12	50
Other	1	0	2	1	4
None	14	10	13	18	55

** Other weapon types may include: bow and arrow or any other improvised weapon.