

Classification **PUBLIC**



Meeting **May 18, 2021**

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:

May 5/21

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 [Regulation 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 role¹. 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 capicum 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:

¹ The newest onboarding member (2020) is completing OPC certification May 7, 2021

- 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 PRACTICAL SKILLS PROGRAM - BLOCK TRAINING

The annual use of force/practical skills 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.

⚠ BLOCK TRAINING CESSATION – COVID-19:

Effective Wednesday, April 15, 2020, all annual Block Training classes scheduled prior to July 2020 were cancelled due to Covid-19 restrictions. In accordance with *All Chiefs Memorandum 20-0045 'Changes to Use of Force and Firearms Training Requirements During Declaration of Provincial Emergency'* issued on 9 April 2020, and pursuant to *O. Reg. 132/20*, the Chief of Police exercised his authority to enable members that have completed re-certification within the past 24 months to continue with their duties, with all issued use of force items.

Individuals Qualified or Re-qualified at Block Training in 2020					
Sworn	Auxiliary	TSU	Special Constables	Other Services	Total
662*	79**	18	44	N/A***	803

* Includes 85 *Constables in Training* (CIT).

** All requalification – no new Auxiliary members in 2020.

*** No external services were hosted in 2020 due to Covid-19 restrictions.

Tactical Support Unit (TSU) officers were re-certified within their own unit with their own *internal* training cadre.

NON-QUALIFIED MEMBERS

There were a total of **46** 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.

⚠ Cessation of the block training program throughout April, May, and June due to Covid-19 restrictions has been adequately remedied through augmentation of the PEIC training schedule, resulting in no measurable impact to *qualified* strength.

USE OF FORCE PROGRAM - PATROL RIFLE

In 2020, 109 sworn officers were qualified or *re-qualified* on the C8 Patrol Rifle secondary weapon platform.

	2016	2017	2018	2019	2020
Re-qualified (1 day)	171	145	134	157	97
New User (2 days)	0	11	31	35	12
Total Qualified	171	156	165	192	109

USE OF FORCE PROGRAM - CONDUCTED ENERGY WEAPONS (CEW)

Since 2005, CEWs have been deployed to sworn members as a use of force option. 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.

	Total
Re-qualified	392
New User	140
Total Qualifications in CEW X2	532

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

Since January 2019, CEW requalification has been included in the two-day block training for operational and training efficiency.

The table below shows a comparison of Q1 deployment stats year over year. There has been an overall annual decrease in CEW deployments from 2019, with consistent 2021 Q1 deployments from 2020.


CEW Deployments Q1 Comparison 2016-2020					
	2017	2018	2019	2020	2021
Q1 Deployments	13	22	19	8	8

MEASUREMENT OF EFFECTIVENESS - USE OF FORCE PROGRAM

In 2020, the DRPS responded to 114,161 calls for service. In only 256 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, a significantly low indicator virtually identical in 2019. 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 2020, out of the 384 use of force reports submitted, 18 members reported sustaining an injury while engaged in an encounter or incident. This suggests that during 95% of all occasions where an officer was required to use force, members were able to effectively gain control of the situation and avoid personal injury.

Of those incidents requiring reports, 69 involved injury to a subject (67) or third party (2). A relative increase from 2019, Ministry standardized use of force reporting introduced in 2020 has broadened the scope of catchment to include injuries sustained *per individual* (up to three/report) as opposed to previous *per incident* reporting structure. All but one injury sustained were categorized as *minor*.

 *Subject injuries may not be related to the use of force encounter, and may include injuries the individual had sustained prior to interacting with officers.*

FORCE OPTIONS DEPLOYED 2016-2020

	Discharge Firearm	Draw Firearm	Aerosol	Impact Hard	Empty Hand	CEW	Canine	UOF Incidents	UOF Reports
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
2020	11	24	3	1	9	88	22	256	384*

* Variance is the result of multiple officers attending the same call for service.

RATIONALE FOR DEPLOYMENT OF FORCE OPTIONS

	Officer / Public Safety	Effect Arrest	Destroy Animal	Accidental
2016	101	100	38	2
2017	148	43	39	8
2018	154	51	33	7
2019	151	118	21	11
2020	173 / 118	189	11	10 *

* 10 unintentional CEW discharges in 2020. 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 to inform decision making with respect to education and training.

For a complete list of all CEW statistics for 2020, refer to **Appendix A**.

Reported Deployments	2016	2017	2018	2019	2020
Effective Deployments	45	75	87	87	72
Non-effective	2	14	13	21	16*
Total Deployments	47	89	100	109	88

* Includes 10 unintentional discharges.

USE OF FORCE AND THE CHIEF

In the performance of the Chief's duties, the Chief did not discharge his firearm in 2020. The Chief has maintained his use of force qualification.

REVIEW AND EVALUATION

The PEIC Use of Force cadre is staffed by one sergeant and ten constables. In 2020, the sergeant role was executed by the full-time sergeant as assigned, augmented with an acting sergeant to support operations. One of the ten assigned constables remained seconded to another unit in 2020, impacting relative operational capacity by 1/10th.

Use of Force 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 - CEW DEPLOYMENT STATISTICS

⚠ Effective 1 January 2020, the Ministry of the Solicitor General implemented a new Use of Force reporting structure whereby a standardized electronic form, created by the provincial agency, is to be used by all police services in Ontario and is submitted to the Ministry upon review by the Use of Force Supervisor or their designate.

The new standardized Use of Force report permits weapon/injury input for *up to three* subject entities. To this end, '**Armed Subjects**' and '**Injuries**' indicators may be disproportionately inflated for 2020. Where previous annual reporting captured this information on a *per incident* scale, 2020 reporting captures this information *per individual*.

Community Police Office	2016	2017	2018	2019	2020
North	7	11	7	7	4
East	8	7	18	6	10
Central East	19	26	32	38	36
Central West	6	18	16	17	13
West	5	24	21	35	23
TSU	2	1	0	3	2
Central Cell Block	0	0	1	0	2
K9	0	0	1	0	1
DEU/GEU/OMU/MCU	0	2	3	2	0
Courts	0	0	1	0	0

Deployment Type	2016	2017	2018	2019	2020
Force Presence Only	19	59	57	54	49
Drive Stun Mode	4	5	9	10	3
xFull Probe Deployment	24	25	34	34	36*

*1 was a 3-Point Contact Deployment

Armed Subjects	2016	2017	2018	2019	2020*
Firearm	0	2	0	1	19
Edged Weapon	11	22	19	27	34
Blunt Weapon	1	4	2	1	3
None	24	50	56	32	138
Unknown (<i>weapon is presumed</i>)	7	2	12	34	81
Other (<i>ie: weapon of opportunity</i>)	2	3	5	5	27

Subject Behaviour	2016	2017	2018	2019	2020
Co-operative	0	0	0	0	REMOVED BY MINISTRY FOR 2020
Passive Resistant	0	3	0	0	
Active Resistant	3	15	3	3	
Assaultive	20	41	69	58	
Serious Bodily Harm/ Death	22	24	22	37	

Injuries	2016	2017	2018	2019	2020
Subject	7	3	3	8	67
Officer	1	0	1	4	18
Third Party	0	0	0	1	2