



INTERNAL CORRESPONDENCE

To: Chair and Members
From: Deb Reid
Dept: Niagara Police Services Board
Dept: Executive Director
Niagara Police Services Board

Date: January 5, 2023

Re: Police Services Board By-law Revision – Use of Force

Purpose:

The purpose of this report is to provide the Board with revisions to the Use of Force By-law 346-2014 as required for compliance with Ontario Regulation 532/22 made under the *Police Services Act* amending the *Equipment and Use of Force Regulation (R.R.O. 1990, Reg. 926)*.

Background Information and Discussion:

On November 28, 2022, the Ministry of the Solicitor General announced amendments to the Use of Force reporting requirements. Those amendments were finalized on December 16, 2022 and implemented on January 1, 2023. The amendments refer to submission requirements related to conducted energy weapons, exceptions to reporting, team reporting, annual review of Use of Force procedures and training, and publication of annual reports. The amended regulation is available at the following link: <https://www.ontario.ca/laws/regulation/900926>

To ensure compliance with legislative requirements, the Board's By-law respecting Use of Force has been updated to reflect the new reporting requirements. These are outlined below and highlighted in yellow on the attached revised by-law:

- Article 1.5 – add reference to Ontario Regulation 532/22;
- Articles 2.5 and 4.1.1 – change name from Ministry of Community Safety and Correctional Services to Ministry of the Solicitor General;
- Article 4.2.1 – update to reference compliance with Sections 14.5, 14.6, 14.7 and 14.8 of Ontario Regulation 532/22 made under the *Police Services Act* amending the *Equipment and Use of Force Regulation (R.R.O. 1990, Reg. 926)*;
- Article 5.2 (b) – update reference to reporting timeframes as outlined in Section 14.8(1), (2), and (3) of Ontario Regulation 532/22 made under the *Police Services Act* amending the *Equipment and Use of Force Regulation (R.R.O. 1990, Reg. 926)*;
- Article 5.2 (c) – updated to remove reference to an article number that no longer exists; and
- Article 5.2.2 – add section for the publication of annual reports.

The revised by-law has been reviewed and discussed with Chief Bryan MacCulloch, Service staff, and the Board's Solicitor, Woody McKaig, and is now presented to the Board for final approval.

Recommendation:

That the Board adopt the revisions to the By-law as appended to the report and authorize the Board Chair and Executive Director to execute the required documentation.

Deb Reid
Executive Director

Encl.



**BY-LAW NO. – 346-2014
(2nd REVISION)**

**A BY-LAW RESPECTING
USE OF FORCE
(AI-012)**

1. PREAMBLE

- 1.1 WHEREAS subsection 31(1) of the *Police Services Act* provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
- b. generally determine after consultation with the Chief of Police, objectives and priorities with respect to the police service in the municipality;
 - c. establish priorities for the effective management of the police service; and
 - e. direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
- 1.3 AND whereas the *Criminal Code of Canada*, other legislation and case law address the use of force by police and other authorized persons;
- 1.4 AND whereas the *Equipment and Use of Force Regulation (R.R.O. 1990, Reg. 926)*, under the *Police Services Act*, sets out requirements in relation to the use of force, including use of approved weapons, training, reporting as well as use/technical specifications for handguns;
- 1.5 AND whereas Ontario Regulation 532/22 made under the *Police Services Act* amends the *Equipment and Use of Force Regulation (R.R.O. 1990, Reg. 926)*;
- 1.6 AND whereas the Board is responsible for providing adequate equipment for the Service pursuant to section 38 of the *Police Services Act*;
- 1.7 AND whereas Part AI-012 of the Policing Standards Manual (2000), a copy of which is attached hereto as Appendix A, contains guidelines directing the Board, the Chief and Members relative to the use of force.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD
ENACTS AS FOLLOWS:

2 DEFINITIONS

- 2.1 “Act” means *Police Services Act*, R.S.O. 1990, c.P.15, as amended;
- 2.2 “Board” means the Regional Municipality of Niagara Police Services Board;
- 2.3 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.4 “Member” means a Member of the Niagara Regional Police Service;
- 2.5 “Ministry” means the **Ministry of the Solicitor General**;
- 2.6 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 The Board recognizes that issues involving the use of force are an important part of policing, and it is therefore the policy of this Board that issues involving use of force be dealt with in a professional and thorough manner in accordance with the procedures established by the Chief as directed in this By-law.

4 DIRECTION TO THE CHIEF

4.1 USE OF FORCE OPTIONS

- 4.1.1 The Chief of Police shall ensure that Members use approved use of force options as set out in the Regulations, the **Ministry of the Solicitor General** Guidelines and the Ontario Use of Force Model, as amended from time to time.
- 4.1.2 The Chief shall establish written procedures on use of force that address the reasonable use of weapons of opportunity by police officers when none of the approved options are available or appropriate to defend themselves or members of the public.
- 4.1.3 The Chief shall ensure the ongoing review and evaluation of local use of force procedures, training and reporting.

4.2 DOCUMENTARY PROCEDURES

- 4.2.1 The Chief shall establish written procedures to ensure **compliance with Sections 14.5, 14.6, 14.7 and 14.8 of Ontario Regulation 532/22 made under the *Police Services Act* amending the *Equipment and Use of Force Regulation (R.R.O. 1990, Reg. 926)*.**
- 4.2.2 The written procedures referenced above shall be in accordance with the use of force reporting guidelines described in Appendix A.

4.3 MEMBERSHIP AND TRAINING

- 4.3.1 The Chief shall ensure that all Members receive adequate training, in accordance with Appendix A, in respect of the use of force and related equipment provided by the Board including but not limited to officer safety, communication, physical

control, handcuffing, impact weapons, aerosol weapons, conducted energy weapons and firearms.

- 4.3.2 The Chief shall ensure that all Members who may reasonably be required to use force on a person, receive appropriate training, refresher training and requalification (which are collectively called “required training” in this by-law) in respect of all aspects of use of force and such required training shall, as a minimum, meet the standards set by the Ministry.
- 4.3.3 The Chief shall maintain training records on the use of force and the use of firearms in respect of each Member, which records shall be maintained in each Member’s personnel file and shall contain at least the following information:
- (a) the date, nature and success of required training undertaken by the Member;
 - (b) the date or dates before which Members are to complete required training;
 - (c) a copy of written notification given to Members who have failed to complete any aspect of required training within the required time; and
 - (d) where requalification is required, a document signed by the qualified trainer that the officer has demonstrated safety and proficiency required to continue to use the specific use of force option which is the subject of the training.
- 4.3.4 The Chief shall give written notice to Members who have not successfully completed required training within required times, and shall ensure that such Member, if practicable, completes such training forthwith.
- 4.3.5 The Chief shall ensure that no Member is deployed to any position, which may reasonably require the Member to use force on another person until that Member fulfills the appropriate training requirements.

4.4 *DISCHARGE OF FIREARMS*

- 4.4.1 The Chief shall ensure that all reports on investigations of death or injury resulting from the discharge of a firearm made pursuant to section 13(1) of Regulation 926 are submitted to the Board within thirty (30) days of such incident occurring.
- 4.4.2 The Chief shall 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.
- 4.4.3 The Chief shall ensure that all instances of the Chief’s discharge of a firearm in the course of his/her duties shall be reported back to the Board pursuant to section 13(6) of Regulation 926 within thirty (30) days of such incident occurring.
- 4.4.4 The Board, upon receiving a report on the investigation into an injury or death caused by the discharge of a Member’s firearm, will:
- (a) review the report and make further inquiries as necessary; and
 - (b) file a copy with the Solicitor General, including any additional inquiries of the Board.
- 4.4.5 The Board, upon being notified that the Chief of Police has discharged a firearm in the performance of his/her duty, will cause an investigation into the circumstances and file a report on the investigation with the Solicitor General.

4.5 *SPECIAL INVESTIGATIONS UNIT*

4.5.1 The Chief shall develop and maintain a policy to ensure that incidents of serious injury or death are reported as required to the Special Investigations Unit, which procedure shall include:

- (a) The appointment of a Member from time to time to act as liaison between the Service and the Special Investigations Unit; and
- (b) Service requirements for making reports to the Special Investigations Unit, including the time for making the report, the contents of the report and procedures for regular follow-up, if applicable.

4.6 *AUXILIARY MEMBERS*

4.6.1 The Chief shall develop a policy respecting the issuance of firearms to auxiliary Members in accordance with section 11(1) of Regulation 926 to the *Police Services Act*.

4.7 *DISPOSITION OF REVOLVERS*

4.7.1 Prior to the disposition of any revolver permitted for use by Regulation 926 prior to February 3, 1994, the Chief shall make a written report to the Board:

- (a) as to the circumstances of the proposed disposition;
- (b) as to whether or not, in the opinion of the Chief, the revolver is of historical or educational value; and
- (c) whether or not the Ministry has approved the disposition as required by the Regulation.

4.8 *CRITICAL INCIDENT TRAUMA AFTERCARE*

4.8.1 The Chief shall ensure that, whenever possible, a response strategy/protocol be developed in cooperation with emergency medical service personnel to address post-deployment medical attention for individuals subjected to activation of a conducted energy weapon.

4.8.2 The Chief shall ensure that satisfactory critical incident trauma aftercare arrangements are made for Members, including medical and counseling services.

4.9 *EQUIPMENT*

4.9.1 The Chief shall ensure that Members do not use a weapon other than a firearm, with the exception of those used on another member in the course of a training exercise in accordance with procedures, unless:

- (a) that type of weapon has been approved for use by the Solicitor General;
- (b) the weapon conforms to technical standards established by the Solicitor General; and
- (c) the weapon is used in accordance with standards established by the Solicitor General.

4.9.2 The Chief shall ensure that every police officer is issued and carries a handgun that meets the technical specifications set out in the *Equipment and Use of Force Regulation 926*.

- 4.9.3 The Chief shall be authorized to issue a conducted energy weapon to police officers who are:
- (a) front-line officers and supervisors;
 - (b) members of tactical/hostage rescue teams;
 - (c) members of preliminary perimeter control and containment teams; and
 - (d) other classes of officers as deemed appropriate.
- 4.9.4 The Chief shall ensure that every police officer is issued oleoresin capsicum aerosol spray and a baton.
- 4.9.5 The Chief shall report to the Board annually on or before August 30th of each year, confirming that all old equipment was turned in to the Service, and on the disposition of such equipment.
- 4.9.6 The Chief shall ensure,
- (a) that accurate records are maintained disclosing all equipment issued to each Member;
 - (b) that old equipment is relinquished to the Service when no longer used by the Member; and
 - (c) that a written procedure is implemented for the disposition of old equipment no longer used by the Members.

5 REPORT TO THE BOARD

5.1 REPORTING REQUIREMENTS - EXCEPTION BASED REPORTING

The Chief shall make a written report to the Board immediately following any incidents involving the discharge of a firearm:

- a. when a Member of the police service, unintentionally discharges a firearm during the ordinary firearm maintenance in accordance with the rules of the police service;
- b. there has been property damage;
- c. there has been a personal injury or death;
- d. the procedures with respect to firearms safety were not followed;
- e. in any other circumstance where, in the opinion of the Chief, there is significant issue or potential liability to the Board or the Service.

5.2 ANNUAL REPORTING REQUIREMENTS

The Chief shall develop for the Board's review an annual study on the use of force/training issues, which report shall disclose the following information and be made available to the community:

- (a) use of force trends, and the Service response to such trends, as disclosed by the procedures referred to in 4.2.1 above, and in accordance with Appendix A;
- (b) all matters which in Part B of the Use of Force report that were retained for more than the required timeframes outlined in Section 14.8(1), (2), and (3) of Ontario Regulation 532/22 made under the Police Services Act amending the Equipment and Use of Force Regulation (R.R.O. 1990, Reg. 926);

- (c) all matters which in Part B of the use of force report was retained for more than thirty (30) days, the reasons therefore, and the action taken in respect of Members in connection with the retained report;
- (d) in respect of training, whether use of force training meets or exceeds Ministry standards, as amended from time to time;
- (e) in respect of training, the number of Members who did not successfully complete the required training, the reasons for not so doing and the remedial action taken;
- (f) a summary of all reports made pursuant to 4.4.1 and 4.4.2 regarding the discharge of firearms;
- (g) a summary of Service policy, reports and follow-ups in accordance with 4.6 above;
- (h) a summary of the disposition of revolvers made pursuant to 4.7 above;
- (i) the nature of critical incident trauma aftercare available pursuant to 4.8 above and the number of Members using the aftercare arrangements;
- (j) Service compliance with equipment standards of the Ministry as amended from time to time;
- (k) a summary of Service policy regarding disposition of old equipment, and comment on Service compliance with that policy;
- (l) anticipated changes in the cost of any of the above matters to be considered in the budget for the ensuing year, which information shall also be included in the training program budget submitted to the Board.

5.2.1 The Chief shall ensure that no Board report filed pursuant to 5.2 above contains any personal information, including name, of any individual Member.

5.2.2 The Board shall publish the Annual Report on the Police Service website.

6 IMPLEMENTATION

6.1 By-law Nos. 171-1997, 271-2005, 286-2009, and 299-2010, as amended, and all other By-laws, sections of By-laws and procedural policies of the Board inconsistent with the provisions of this By-law are hereby repealed.

6.2 This By-law shall come into force upon the date of its passage.

6.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 26th day of January, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Chairperson _____

Executive Director _____

Legislative/Regulatory Requirements

The *Criminal Code*, other legislation and case law address the use of force by police and other authorized persons.

The *Equipment and Use of Force Regulation* (R.R.O. 1990, Reg. 926), under the *Police Services Act*, sets out requirements in relation to the use of force including use of approved weapons, training and reporting, as well as use/technical specifications for handguns.

Sample Board Policy

Board Policy # _____

It is the policy of the _____ Police Services Board with respect to use of force that:

- a) this Board, upon receiving a report on the investigation into an injury or death caused by the discharge of a member's firearm, will:
 - i) review the report and make further inquiries as necessary; and
 - ii) file a copy with the Solicitor General, including any additional inquiries of the Board;
- b) this Board, upon being notified that the Chief of Police has discharged a firearm in the performance of his/her duty, will cause an investigation into the circumstances and file a report on the investigation with the Solicitor General;
- c) the Chief of Police will:
 - i) ensure that members do not use a weapon other than a firearm, with the exception of those used on another member in the course of a training exercise in accordance with procedures, unless:
 - that type of weapon has been approved for use by the Solicitor General;
 - the weapon conforms to technical standards established by the Solicitor General; and
 - the weapon is used in accordance with standards established by the Solicitor General;
 - ii) ensure that, at minimum, police officers are:
 - issued a handgun that meets the technical specifications set out in the *Equipment and Use of Force Regulation*;
 - issued oleoresin capsicum aerosol spray;
 - issued a baton; and
 - trained in officer safety, communication, handcuffing and physical control techniques;
 - iii) be authorized to issue a conducted energy weapon to police officers who are:
 - front line supervisors;
 - members of tactical/hostage rescue teams;
 - members of preliminary perimeter control and containment teams; and
 - _____ (other classes of officers deemed appropriate, in consultation with the Chief of Police)

- iv) ensure that members do not:
 - use force on another person unless they have successfully completed a training course on the use of force;
 - carry a firearm unless they have successfully completed a training course on the use of firearms, and are competent in the use of the firearm;
- v) ensure that, subject to section 14.3 (2) of the *Equipment and Use of Force Regulation*, at least once every 12 months, members:
 - who may be required to use force on other persons receive a training course on the use of force; and
 - authorized to carry a firearm, receive a training course on the use of firearms;
- vi) permit the use of reasonable weapons of opportunity by police officers, when none of the approved options is available or appropriate to defend themselves or members of the public;
- v) establish procedures consistent with the requirements of the *Equipment and Use of Force Regulation*;
- vi) immediately cause an investigation to be made where a member unintentionally or intentionally discharges his or her firearm, except on a target range or in the course of weapon maintenance;
- vii) immediately cause an investigation and file a report to this Board where a member, by the discharge of a firearm in the performance of his or her duty, kills or injures another person;
- viii) where the Chief discharges a firearm in the performance of the Chief's duties, promptly report the matter to this Board;
- ix) ensure that a written record is maintained of the training courses taken by the members of the police service on the use of force and the use of firearms;
- x) ensure the reporting of the use of force by members in accordance with the *Equipment and Use of Force Regulation*;
- xi) ensure the ongoing review and evaluation of local use of force procedures, training and reporting; and
- xii) provide a copy of the police service's annual use of force study to this Board for review, and ensure the availability of the study to the community.

Police Service Guidelines

General

1. Every Chief of Police shall ensure that members do not use a weapon other than a firearm, with the exception of those used on another member in the course of a training exercise in accordance with procedures, unless:
 - a) that type of weapon has been approved for use by the Solicitor General;
 - b) the weapon conforms to technical standards established by the Solicitor General; and
 - c) the weapon is used in accordance with standards established by the Solicitor General.
2. Every Chief of Police should ensure that, at minimum, police officers are:
 - a) issued a handgun;
 - b) issued oleoresin capsicum aerosol spray;

- c) issued a baton; and
 - d) trained in officer safety, communication and physical control techniques.
3. Every Chief of Police shall ensure that members do not:
- a) use force on another person unless the member has successfully completed a training course on the use of force, including training on the following matters:
 - i) legal requirements;
 - ii) the exercise of judgement;
 - iii) safety;
 - iv) theories relating to the use of force; and
 - v) practical proficiencies; and
 - b) carry a firearm unless, during the 12 previous months, they have successfully completed a training course on the use of firearms and are competent in the use of the firearm, subject to section 14.2 (3) of the *Equipment and Use of Force Regulation*.
4. Every Chief of Police shall ensure that, subject to section 14.3 (2) of the *Equipment and Use of Force Regulation*, at least once every 12 months, members:
- a) who may be required to use force on other persons receive a training course on the use of force; and
 - b) authorized to carry a firearm, receive a training course on the use of firearms.
5. Every Chief of Police should ensure that training on the use of force is:
- a) in the context of the Use of Force Model currently used in Ontario;
 - b) consistent with the Ministry's approved Use of Force options that include:
 - i) officer presence;
 - ii) communication;
 - iii) physical control:
 - empty hand techniques;
 - iv) intermediate weapons:
 - impact weapons;
 - conducted energy weapons, as applicable;
 - aerosol weapons; and
 - v) lethal force:
 - firearms; and
 - c) conducted by a Use of Force Trainer, certified by the Ministry.
6. Every police service's procedures on use of force:
- a) shall address the reasonable use of weapons of opportunity by police officers, when none of the approved options is available or appropriate to defend themselves or members of the public;
 - b) shall address the issuance of a firearm to an auxiliary member as set out in the *Equipment and Use of Force Regulation*;
 - c) should set out Special Investigations Unit (SIU) liaison policies and practices;

- d) should require that any potential use of force situation where a subject appears to be in a state of “excited delirium” be treated as a medical emergency;
- e) should require, if possible, a response strategy be developed in cooperation with emergency medical service personnel to address situations in 6 d); and
- f) should require that if an injury to a member of the public is claimed or observed, the injury be documented;
- g) should ensure arrangements for critical incident trauma aftercare for members.

**Officer
Safety**

7. Every Chief of Police should ensure that annual refresher* training on officer safety:
- a) is integrated into other appropriate use of force options; and
 - b) covers a review of the topics set out in Appendix A: *Ontario Police College Guideline* section 2 (c).

Communication

8. Every Chief of Police should ensure that annual refresher* training on communication covers a review of the topics set out in Appendix A: *Ontario Police College Guideline* section 3(b).

Physical Control

9. Every Chief of Police should ensure that annual refresher* training on empty hand techniques includes a minimum of 2 hours of training and covers a review of the topics set out in Appendix A: *Ontario Police College Guideline* section 4.

**Intermediate
Weapons**

10. Every police service’s procedures on impact weapons should require that:
- a) batons are the only impact weapon permitted for use when dealing directly with the public;
 - b) officers are not issued with, or trained in the use of, impact devices commonly known as ‘saps’ or ‘blackjacks’; and
 - c) batons have the following features:
 - i) the capability of being used defensively;
 - ii) they must be rigid at all times, including when expanded;
 - iii) they must be straight, handled, or expandable design; and
 - iv) minimum length (when expanded) of 16 inches.
11. Every Chief of Police should ensure that the annual re-qualification** training on the use of a baton includes a minimum of 1 hour of training and requires officers to demonstrate competency in the following skills and knowledge to the satisfaction of the Use of Force Trainer certified by the Ministry:
- a) use context;
 - b) stances;
 - c) control techniques;
 - d) blocks/strikes; and
 - e) baton retention techniques.

**Aerosol
Weapons**

12. Every police service’s procedures on aerosol weapons shall require that:
- a) aerosol weapons are not used if the active ingredient is a gas or chemical; and

- b) the use of a substance commonly known as tear gas is not applied intentionally in a concentrated form directly to a person.
13. Every police service's procedures on aerosol weapons should:
- a) address the use of aerosol weapons as a legitimate force option, only when alternatives reasonably present a risk of injury to a subject or police officers;
 - b) require that canisters for aerosol weapons:
 - i) be issued to individual officers who are responsible for the canister;
 - ii) be identified by an individual serial number either engraved or stamped on the can, or through numbered adhesives;
 - iii) carried by uniformed officers, be in a secure holder that can be securely fastened to the duty belt to prevent accidental loss; and
 - iv) be equipped with a safety device, which may be part of the canister or may be integrated into the design of the holster, to prevent unintentional discharge;
 - c) require that the active ingredient of aerosol weapons is oleoresin capsicum (5%-10%);
 - d) require that aerosol weapons, where the active ingredient is oleoresin capsicum products blended with tear gas (CS-CN), not be permitted for use;
 - e) require that the propellant for aerosol weapons:
 - i) be provided by the manufacturer;
 - ii) be non-flammable; and
 - iii) not be chlorofluorocarbon (CFCs), such as Freon 113, as prohibited by the *Montreal Protocol on Substances that Deplete the Ozone Layer*;
 - f) require that the shelf life of aerosol weapons is as recommended by the manufacturer, but no longer than 2 years;
 - g) require that aerosol weapons be replaced as recommended by the manufacturer, but no less than every 2 years; and
 - h) require that all reasonable efforts be taken to decontaminate sprayed individuals at the earliest safe or practicable opportunity, including the consideration of aerosol water mist decontamination devices.
14. Every Chief of Police should ensure that the annual refresher* on aerosol weapons includes a minimum of 1 hour of training that:
- a) covers a review of the following issues:
 - i) technical data on the product, including active ingredients and propellant;
 - ii) the effects of being sprayed;
 - iii) use of force legislation including the *Criminal Code*, *Police Services Act*, *Provincial Offences Act*, and case law; and
 - iv) local police service policies and procedures and case studies of recent use; and
 - b) ensures competence is demonstrated in:
 - i) proper application of spray; and
 - ii) decontamination procedures.

**Conducted
Energy
Weapons**

15. Every Chief of Police should ensure that:
 - a) all training on conducted energy weapons is conducted by a ministry-certified Use of Force Trainer who has successfully completed the Conducted Energy Weapon Trainers course; and
 - b) conducted energy weapon trainer, user, user re-qualification, trainer re-certification and familiarization training is consistent with ministry training standards as per the appendices to this guideline.
16. Every Chief of Police should ensure that police officers are issued conducted energy weapons in accordance with the policy of the Police Services Board.
17. A Chief of Police may permit an officer to use a conducted energy weapon subject to the following:
 - a. the conducted energy weapon must be the TASER X26, TASER X26P, TASER X2, or TASER 7;
 - b. the conducted energy weapons must conform to the technical standards contained in Appendix H;
 - c. the officer believes a subject is threatening or displaying assaultive behavior or, taking into account the totality of the circumstances, the officer believes there is an imminent need for control of a subject; and
 - d. the officer believes it is reasonably necessary to use a conducted energy weapon, which may involve consideration of the following factors:
 - i. whether efforts to de-escalate the situation have been effective;
 - ii. whether verbal commands are not practical or are not being followed;
 - iii. the risk of secondary injury (e.g., as a result of a fall); and
 - iv. the conducted energy weapon's capabilities in relation to the context and environment.
18. Every police service's procedures on conducted energy weapons should include the following:
 - a) at the commencement of each shift during which a conducted energy weapon is to be carried:
 - i) a function test should be conducted before use to ensure proper functioning;
 - ii) the results of the function test should be recorded in the officer's notebook or the appropriate log book; and
 - iii) if the weapon is not personally issued, the serial number of the conducted energy weapon being used should be recorded in the officer's notebook or the appropriate log book;
 - b) in an incident in which a conducted energy weapon is used, one or more additional officers should be present to provide support when possible and restraint of a subject should be attempted when appropriate during the conducted energy weapon activation cycle;
 - c) when appropriate, an announcement should be made to other officers on the scene that a conducted energy weapon is going to be activated;

- d) conducted energy weapon use should be avoided in the presence of flammable or explosive substances (e.g., alcohol, gas vapours, natural gas, propane) especially in interventions in clandestine labs;
- e) as with any use of force option, a conducted energy weapon should only be used as necessary to gain physical control of a subject;
- f) conducted energy weapon use should be avoided:
 - i) on a handcuffed subject;
 - ii) on a pregnant woman, elderly person, young child or visibly frail person;
 - iii) on sensitive areas of the body (i.e., head, neck, genitals); and
 - iv) on a subject in control of a moving vehicle, bicycle or other conveyance;
- g) the subject should be informed that a conducted energy weapon has been used and the effects are of short duration;
- h) once the subject is controlled, he or she should be placed in a position for care and observation by officers (e.g., sitting or recovery position);
- i) a medical assessment should be obtained in the following circumstances:
 - i) when a conducted energy weapon is used on a subject who is pregnant, elderly, young, or visibly frail;
 - ii) when a CEW is used on a sensitive area of the body (see section 18 f) iii));
 - iii) when both probes are deployed on the chest near the heart;
 - iv) if a subject loses consciousness or strikes his/her head during a fall; or
 - v) when the CEW is used multiple times or for an extended period of time.
- j) embedded probes should be removed by medical personnel or an officer who has received specific training in doing so
- k) the officer removing the probes should seek medical assistance if he/she has concerns regarding the potential for injury resulting from removal of the probes;
- l) officers should request medical personnel remove probes embedded in sensitive areas;
- m) probes that have penetrated the subject's body should be handled with the same precautions as other biohazards;
- n) following CEW use, data should be downloaded for audit and analysis by designated personnel as soon as practicable;
- o) secure storage requirements for CEWs.

19. Every Chief of Police should ensure a response strategy/protocol be developed in cooperation with emergency medical service personnel to address post-deployment medical attention for individuals subjected to activation of a CEW.

Firearms

20. Every Chief of Police shall ensure that every police officer is issued and carries a handgun that meets the technical specifications set out in the *Equipment and Use of Force Regulation*.

21. Every police service's procedures on firearms should provide that the authority to use firearms is an exceptional responsibility and must be exercised with the highest concern for human life.

22. Every police service's procedures on firearms shall require that a member of a police force shall not draw a handgun, point a firearm at a person, or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm; or unless
- a) they are engaged in a training exercise, target practice or ordinary weapon maintenance in accordance with the rules of the police force;
 - b) the discharge of a handgun or other firearm is to call for assistance in a critical situation, if there is no reasonable alternative; or
 - c) the discharge of a handgun or other firearm is to destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended.
23. Every police service's procedures on firearms shall:
- a) address the authorization of members by the Chief of Police to carry firearms (except revolvers) of a type other than that permitted by section 3(1) of the *Equipment and Use of Force Regulation*, including:
 - i) whether or not the Chief of Police has designated another police officer to give authorization; and
 - ii) the special purpose for which the firearms will be carried;
 - b) prohibit members from altering or modifying their issued handguns;
 - c) require that members who are issued a handgun:
 - i) are issued a minimum of three full magazines; and
 - ii) one of the issued full magazines is loaded in the handgun while the member is on duty;
 - d) require that ammunition issued for handguns, other than those authorized for a special purpose, meet the specifications set out in subsection 3(3) of the *Equipment and Use of Force Regulation*; and
 - e) provide that procedures addressing subsections 23 (a)-(d) do not apply to members when engaged in a training exercise, target practice or ordinary weapon maintenance in accordance with procedures governing these activities.
24. Every police service's procedures shall require that members not discharge their firearm for the sole purpose of attempting to stop a fleeing motor vehicle.
25. Every Chief of Police should ensure that the annual re-qualification** on service handguns:
- a) includes an inspection of service handguns and related equipment by a qualified armorer and an exchange of duty ammunition for new ammunition; and
 - b) is divided into the following three areas:
 - i) a minimum of 1 hour of in-class academic training that provides a review of the following topics:
 - use of force legislation, including the *Criminal Code*, *Provincial Offences Act*, *Police Services Act* and case law;
 - reporting requirements;
 - principles of firearms safety; and
 - safe storage and security practices;

- ii) a minimum of 1½ hours of proficiency training that:
 - requires the firing of a minimum of 100 rounds of live service velocity ammunition of which at least 50 rounds will be a test on the Ministry's approved Course of Fire under daylight conditions;
 - may provide police officers the opportunity to shoot more, including, if practicable, under low light and outdoor conditions; and
 - reinforces handgun training received at the basic qualification level; and
- iii) a minimum of 1½ hours of judgement development training that:
 - is designed to develop decision-making skills in stressful conditions;
 - may be delivered in several different ways, including role-playing, live or simulated fire and/or branching/interactive simulator systems;
 - allows sufficient time for a Use of Force Trainer, certified by the Ministry, to determine the police officer's competency in using good judgement;
 - ensures that officers are debriefed on powers of arrest, threat perceptions, communication skills, tactics used, less than-lethal force options, justification for force used, weapons discipline, reaction time and accuracy, following the completion of training; and
 - requires that an officer will not be considered qualified to carry a firearm unless a Use of Force Trainer, certified by the Ministry, determines that the officer has the judgement skills, regardless of the officers performance in other components of handgun training.

- Accountability** 26. Every Chief of Police shall immediately cause an investigation to be made consistent with sections 12 and 13 of the *Equipment and Use of Force Regulation*:
- a) where a member unintentionally or intentionally discharges his or her firearm, except on a target range or in the course of weapon maintenance; or
 - b) where a member, by the discharge of a firearm in the performance of his or her duty, kills or injures another person.
27. Every Chief of Police shall ensure that a written record is maintained of the training courses taken by the members of the police service on the use of force and the use of firearms.
28. Every police service's procedures should address remedial training and administrative steps to be taken when a police officer does not qualify in a specific use of force area.

- Use of Force Reporting** 29. Every police service's procedures on use of force reporting shall require that:
- a) a report be submitted by a member to the Chief of Police whenever the member:
 - i) draws a handgun in the presence of a member of the public, excluding a member of the police service while on duty;
 - ii) points a firearm at a person;
 - iii) discharges a firearm;
 - iv) uses a weapon other than a firearm on another person, including a conducted energy weapon in cartridge/probe mode, three-point contact, and drive/push stun mode; or

- v) uses physical force on another person that results in an injury requiring medical attention;
- b) the report be in Form 1 as set out in the *Equipment and Use of Force Regulation*;
- c) the retention period on Part B of a use of force report is consistent with section 14.5 of the *Equipment and Use of Force Regulation*;
- d) Section 29 a) does not apply when:
 - i) a handgun is drawn, a firearm is pointed at another person, or a firearm is discharged, in the course of a training exercise, target practice or ordinary firearm maintenance, in accordance with the procedures of the police force;
 - ii) a weapon other than a firearm is used on another member of a police service in the course of a training exercise in accordance with the procedures of the police force; or
 - iii) physical force is used on another member of a police service in the course of a training exercise; in accordance with the procedures of the police force;
- e) use of force reports not be admitted in evidence at any hearing under Part V of *The Police Services Act*, other than a hearing to determine whether the police officer has contravened section 14.5 of the *Equipment and Use of Force Regulation* and local procedures on use of force reporting;
- f) the Chief of Police deliver or make available to the Solicitor General a copy of a report, upon the request of the Solicitor General; and
- g) a regular review is conducted on the police service's procedures, training and reporting on the use of force based on information obtained from the reports.

30. Every police service's procedures on use of force reporting should:

- a) require that a use of force report be submitted by a member to the Chief of Police whenever the member uses a CEW as demonstrated force presence (i.e., overt display of the CEW with the intent to achieve compliance);
- b) require use of force reports to be collected and used only to identify individual and group training requirements, or organizational use of force policy and procedure requirements;
- c) require use of force reports and associated occurrence reports to be completed and submitted to the front-line supervisor as soon as possible after the relevant incident;
- d) where a member is incapacitated, allow for the completion of the report by the member's immediate supervisor;
- e) allow for the completion of team reports by leaders of specialist teams (e.g., tactical units);
- f) require front-line supervisors to:
 - i) report, in conjunction with associated occurrence reports, to identify individual training requirements;
 - ii) indicate on the use of force report whether additional training is required by the officer; and
 - iii) forward the use of force report to the training analyst;
- g) set out the supervisory levels, if any, beyond the front-line supervisors, who will review the use of force reports, prior to review by the training analyst;

- h) require that use of force reports not be introduced, quoted from, or in any way referred to, during considerations of promotion or job assignment without the consent of the reporting officer;
- i) require that information from a use of force report not be contained in an officer's personnel file;
- j) require the appointment of a training analyst responsible for:
 - i) reviewing use of force reports to identify individual and group training requirements;
 - ii) maintaining a database (electronic or manual) of use of force data from Part A of all use of force reports; and
 - iii) at least once every calendar year, producing a study, including an analysis of use of force trends for the entire police service, which does not contain data that identifies reporting police officers;
- k) require review by the Chief of Police and the police services board of the annual use of force study; and
- l) require the availability of the annual use of force study to the community.

Ministry's Approved Course of Fire				
Stage	Distance	Minimum Rounds	Time Allowed	
			Drawing / Firing from Secure Holster	Firing from Ready Position
One	0-10 ft / 0-3.04 m	12	2 sec. for one round 3 sec. for two rounds 4 sec. for three rounds	1 sec. for one round 2 sec. for two rounds 3 sec. for three rounds
Two	11-39 ft / 3.35-11.88 m	12	3 sec. for one round 3 sec. for two rounds 4 sec. for three rounds	2 sec. for one round 3 sec. for two rounds 4 sec. for three rounds
Three	over 40 ft / 12.19 m	6	maximum of 5 seconds per round (after the police officer has drawn the handgun and adopted a firing position behind cover)	Maximum of 5 seconds per round

Approved Targets
Targets for the qualification will be of a life-sized silhouette type. The designated scoring area will be incorporated within the upper center mass of the torso, and be approximately 12" wide x 18" (30.5 cm x 45.7 cm) in height.

Scoring
Only hits to the designated scoring area will be counted. Hits outside the designated scoring area, but on the silhouette do not count. Shots fired in a "no shoot" situation will result in failure.
The minimum passing score on this Course of Fire for police officers using a semi-automatic pistol will be 90% or 45 hits out of 50 rounds in the designated scoring area.

Duty Attire:
All officers will qualify wearing their regular attire, with their issued handgun, carried in the manner in which it is carried on duty.

Handgun:
Police officers must successfully complete the course of fire with their issued service handgun.

Teaching Points for Ministry Approved Course of Fire:

- It may not be possible to include all teaching points in each individual stage in the Course of Fire. However, when all three stages are combined, the following training points should be covered:
 - ✓ cover / concealment, including:
 - the importance of gaining cover is stressed throughout handgun training, refresher and re-qualification training; and
 - concealment only hides the police officer's position;
 - ✓ tactical / emergency reload, including the importance of being able to perform tactical or emergency reloads under stressful conditions;
 - ✓ shooting with one hand, including the ability to discharge handgun at close quarters with strong hand and support hand;
 - ✓ draw and fire, including the ability to draw and fire from a secure holster under stressful conditions;
 - ✓ handgun at ready position, including the ability to fire from the previously unholstered position;
 - ✓ move with the handgun unholstered, including the ability to move safely from position to position with the handgun unholstered;
 - ✓ Scan target, follow through, including reminding police officers of the need to continually conduct a threat evaluation. Police officers will be required to evaluate the threat before reholstering;
 - ✓ use of sights, including the importance of using the sights at intermediate and long distances;
 - ✓ various positions, including teaching police officers to draw and discharge from various positions, including standing and kneeling;
 - ✓ Ontario Adopted Police Challenge - "POLICE – DON'T MOVE" where applicable;
 - ✓ don't shoot situations - designed to develop decision-making skills in stressful situations;
 - ✓ stress, including the issue of physical or psychological stress inducements to simulate stressful conditions; and
 - ✓ stoppages and immediate Action Drills, including the method used to clear stoppages from the handgun.

*Refresher training is training which does not involve a pass/fail test.

**Re-qualification training is training with pass/fail evaluation of an individual's skills or knowledge.