



NIAGARA REGIONAL POLICE SERVICE

Police Service Board Report

PUBLIC AGENDA

Subject: Annual Report - Suspect Apprehension Pursuits –
January 1 to December 31, 2023

Report To: Chair and Members, Niagara Police Service Board

Report Date: 2024-04-04

Recommendation

That the Niagara Police Service Board (Board) receives this report for information.

Key Facts

- This purpose of this report is to provide the Board with information on Suspect Apprehension Pursuits (SAP) pursuant to Board By-law 338-2013.
- On October 24, 2013, Police Service Board By-law 338-2013 was enacted in response to the *Provincial Adequacy Standards Regulations LE-045*.
- This by-law contains provisions requiring the Chief of Police to report specific information in order to ensure compliance with the legislative guidelines.

Financial Considerations

There are no financial implications relating to the recommendation contained in this report.

Analysis

This by-law details specific requirements that are to be reported as follows:

The Chief shall make a written report to the Board on or before August 30 of each year. The report shall include:

- a) a summary of the written procedures regarding SAPs;
- b) confirmation of compliance with the procedures regarding SAPs; and,
- c) the total number of SAPs and a summary of each.

The following is a detailed response to each of the above noted requirements:

a) A summary of the written procedures regarding SAPs:

Niagara Regional Police Service (NRPS) General Order 042.12 titled "Suspect Apprehension Pursuits" establishes written procedures on the management and control of SAPs. The procedures are in compliance with Ontario Regulation 266/10 of the Police Service Act. These procedures include:

- The circumstances in which an officer may pursue or continue to pursue a fleeing motor vehicle that fails to stop. Factors to consider in assessing whether to initiate, continue, or discontinue pursuits, and the need for continual reassessment.
- The process of notifications that must take place through Dispatchers, Communications Supervisors, Patrol Supervisors, and the Duty Officer when a SAP is both initiated and terminated.
- Police pursuit management, including the responsibility of all persons involved or monitoring the pursuit for its safe conduct. Pursuits may be discontinued by any of these individuals if there is a risk to public safety.
- Termination methods, including alternatives to SAPs, strategic following, termination for public safety considerations, and tactics for safely stopping fleeing vehicles.
- Pursuit restrictions such as the prohibition of using firearms for the sole purpose of attempting to stop a fleeing motor vehicle; use of unmarked vehicles; pursuits of known individuals for non-criminal offences; and the requirement for training approved by the Ontario Police College.
- All sworn members and communicators will receive training accredited by the Solicitor General with respect to SAPs.
- The Training Unit will prepare Fail to Stop Analysis Reports for review by the Chief of Police and the Board prior to release to the community.
- Reporting of pursuits using the Ministry's Fail to Stop Report, duty of the involved Officer to complete such report, as well as supervisory review, and analysis of reports, by a qualified instructor in the NRPS Training Unit.
- Notifications through the Chain of Command to the Chief of Police, in the event of a pursuit that results in serious injury or death. As well as the requirement to make notification to the Special Investigations Unit.
- General Order 042.12 – Suspect Apprehension Pursuits was in force throughout 2023. It was reviewed and replaced on January 24, 2024 by General Order 042.13.

b) Confirmation of compliance with the procedures regarding SAPs

An All Chiefs Memo from the Assistant Deputy Minister, dated November 19, 1999, requires front line officers to have Police Vehicle Operations (PVO)/SAP refresher training every 2 years. The Service's Training Unit ensures that initial and maintenance training is delivered to sworn members of the Service, in compliance with procedures.

SAPs are high risk, low frequency events that require knowledge, skills, and abilities by all involved members; patrol officers, supervisors, and communications personnel. The rules that govern all SAPs are found in the Police Services Act, Ontario Regulation 266/10.

A SAP occurs when a police officer attempts to stop a vehicle by signalling the driver of the vehicle using emergency equipment (lights and siren) and the driver refuses to obey, following which the officer pursues in a motor vehicle for the purpose of stopping the fleeing motor vehicle or identifying the motor vehicle or a person inside the vehicle. Every officer who engages in a SAP is required to submit a "Fail to Stop" report, forthwith.

In preparation of this report, the Service's SAP analyst reviewed all "Fail to Stop" reports to ensure compliance with Ontario Regulation 266/10 of the Police Services Act, and the Service's General Order 042.12 – Suspect Apprehension Pursuits.

To comply with training requirements in June of 2023, the Post-Ontario Police College (OPC) training program for recruit officers was extended to include a new two-day Police Vehicle Operations component. The two-day program was added to emphasize learning of best practices for the safe operation of a police vehicle. The academic and practical skills training includes:

- Driving cone course - This allows recruits to get comfortable with the capabilities of a cruiser in confined spaces;
- Commentate Driving - This allows recruits to understand what they're looking for in different driving capacities and re-enforces eye-lead, proper following distance, and speeds;
- Traffic Stops - This allows recruits to learn how to safely conduct a traffic stop and practice it in real time traffic;
- Tandem Stops - Tandem stops are not practiced by the recruits at the OPC. They are required to complete a tandem stop several times including communications understanding this is an effective pursuit prevention technique, as well;
- Rolling Blocks - Rolling blocks are not practiced at the OPC. They are required to complete a rolling block several times understanding the importance of each role;

- Suspect Initiated Containment - This training assists recruits to understand how to react when they have completed a rolling block or tandem stop and the suspect attempts to flee in their vehicle;
- Scenarios - Each recruit completes a minimum of one scenario. These scenarios are done out in the public using cruisers and a training unit "subject vehicle". This allows recruits in a controlled atmosphere to experience and demonstrate the skill learned.

c) The total number of SAPs and a summary of each

The NRPS Training Unit submits an annual report to the Board, summarizing the "Fail to Stop" reports prepared during the calendar year. This report has been prepared using the reports, which have been received and compiled to date. There were 13 SAP events for the reporting year of January 1, 2023, to December 31, 2023, summarized as follows:

First Quarter

SAP Report 1: January 7, 2023

- A police officer in full uniform operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Break and Enter);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used police lights and siren while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for two km before being terminated for public safety reasons;
- No charges were laid as no suspect was identified;
- There were no injuries or damages associated to this event;
- This event met the established SAP guidelines.

SAP Report 2: February 8, 2023

- A detective in plain clothes and operating an unmarked police vehicle, attempted to stop a motor vehicle for a Criminal Code offence (warrant);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The responding officer used police lights and siren while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for 500 m before being terminated for public safety reasons;
- No charges were laid as no suspect was identified;
- There were no injuries or damages associated to this event;
- This pursuit met the established SAP guidelines.

SAP Report 3: March 29, 2023

- A police officer in full uniform and operating a fully marked police vehicle, attempted to stop a motor vehicle for a Provincial offence (Speeding 174 km/hr);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used police lights and siren while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for three km before it was terminated for public safety reasons;
- No charges were laid as no suspect was identified;
- There were no injuries or damages associated to this event;
- This pursuit did not meet the established SAP guidelines and as such the officer was counseled.

Second Quarter

SAP Report 4: April 4, 2023

- A police officer in full uniform and operating a fully marked police vehicle, attempted a traffic stop for a Criminal Code offence (Impaired Operation of a Conveyance);
- The driver of the subject vehicle failed to stop, and a pursuit was initiated;
- The officer initiated a pursuit using police lights and siren while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for 1km before the suspect willingly stopped his/her vehicle;
- The suspect was immediately arrested and charged accordingly;
- There were no injuries or damages associated to this event;
- This event met the established SAP guidelines.

SAP Report 5: May 5, 2023

- A police officer in full uniform and operating a fully marked police vehicle, attempted to stop a motor vehicle for a Criminal Code offence (Firearm investigation);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used police lights and siren while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for six km before the pursuit was terminated for public safety reasons;
- No charges were laid as the suspect was not identified;
- There were no injuries or damages associated to this event;
- This pursuit met the established SAP guidelines.

Third Quarter

SAP Report 6: August 8, 2023

- A police officer in full uniform and operating a fully marked police vehicle, attempted to stop a motor vehicle for a Provincial offence (Speeding 80km/hr);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used police lights and siren while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for seven km before the pursuit was terminated for public safety reasons;
- Further investigation resulted in the driver being identified, arrested, and charged accordingly with Highway Traffic Act offences;
- There were no injuries associated to this event or damages;
- This event did not meet the established SAP guidelines and the officer was counseled.

SAP Report 7: August 12, 2023

- A police officer in full uniform and operating a fully marked police vehicle, attempted a traffic stop for a Criminal Code offence (Impaired Operation of a Conveyance);
- The driver of the subject vehicle failed to stop, and pursuit was initiated;
- The pursuing officer used police lights and siren while utilizing strategic following as a pursuit tactic;
- No charges were laid as the suspect was not identified;
- There were no injuries or damages associated to this event;
- This pursuit met the established SAP guidelines.

SAP Report 8: August 19, 2023

- A police officer in full uniform and operating an unmarked police vehicle, attempted to stop a motor vehicle for a Provincial offence (Speeding 174 km/hr);
- The driver of the vehicle failed to stop and a pursuit was initiated;
- The pursuing officer used police lights and siren while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for three km before it was terminated for public safety reasons;
- No charges were laid as the suspect was not identified;
- There were no injuries or damages associated to this event;
- This pursuit did not meet the established SAP guidelines and as such the officer was counseled.

SAP Report 9: September 1, 2023

- A police officer in full uniform and operating a fully marked police vehicle, attempted to stop a motor vehicle for a Provincial offence (Suspended Driver);
- The driver of the vehicle failed to stop and a pursuit was initiated;
- The pursuing officer used police lights and siren while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for 0.2 km before it was terminated for public safety reasons;
- The driver was identified and as a result a warrant was sought, and the suspect was charge accordingly;
- There were no injuries or damages associated to this event;
- This pursuit did not meet the established SAP guidelines and as such the officer was counseled.

SAP Report 10: September 2, 2023

- A police officer in full uniform and operating a fully marked police vehicle, attempted to stop a motor vehicle for a Provincial offence (Stop Sign Fail to Stop)
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used police lights and siren while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for 100 m before it was terminated for public safety reasons;
- No charges were laid as the suspect was not identified;
- There were no injuries or damages associated to this event;
- This pursuit did not meet the established SAP guidelines and as such the officer was counseled.

SAP Report 11: September 4, 2023

- A police officer in full uniform and operating a fully marked police vehicle, attempted to stop a motor vehicle for a Provincial offence (Other Unsafe)
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used police lights and siren while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for 0.2 km before it was terminated with the use of a rolling block tactic;
- The driver was identified and was charge accordingly;
- There were no injuries or damages associated to this event;
- This pursuit did not meet the established SAP guidelines and as such the officer was counseled.

Fourth Quarter

SAP Report 12: October 21, 2023

- A police officer in full uniform and operating an unmarked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Flight from Police);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used police lights while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for 3.6 km before the pursuit was terminated for public safety reasons;
- No charges were laid as the suspect was not identified;
- There were no injuries associated to this event unknown damages;
- This pursuit did not meet the established SAP guidelines and as such the officer was counseled.

SAP Report 13: November 28, 2023

- A police officer in full uniform and operating a fully marked police vehicle, attempted to stop a motor vehicle for a Criminal Code offence (Domestic & Firearm);
- The driver of the vehicle failed to stop and a pursuit was initiated;
- The pursuing officer used police lights while utilizing strategic following as a pursuit tactic;
- The pursuit lasted for 700 m before the suspect made a wrong turn down a dead-end street allowing police to bring the pursuit to a successful conclusion;
- The driver was immediately arrested and charged accordingly;
- There were no injuries or damages associated to this event;
- This pursuit met the established SAP guidelines.

Conclusion

Out of the 13 Fail to Stop reports submitted, 7 did not meet the standard set out by our Service's General Order but did meet the criteria in Ontario Regulation 266/10 of the Police Services Act and the Provincial Adequacy Standard LE-045. The 7 events were minor in their severity, and they were addressed appropriately at the immediate supervisor level. To ensure members have a fundamental understanding of the risk and the legislative requirements to pursue a motor vehicle, the September 2024 In Service Training will directly address this in both lecture and practical training formats.

The implementation of the new recruit PVO program and the revised General Order will mitigate risk to the public, the Service and its members. The enhanced PVO training will

ensure our member's knowledge, skills, and abilities are inline with our strategic plan and emphasize continued improvement, organizational continuity and best practices. The NRPS Training Unit continues to provide SAP training in compliance with General Order 042.13, reports relevant findings, and when appropriate, makes recommendations to Senior Command and the Board, as it relates to training issues.

The NRPS Training Unit will also continue to analyze and monitor any relevant trends and changes as they relate to SAPs.

Alternatives Reviewed

Not applicable.

Relationship to Police Service/Board Strategic Priorities

To comply with Board By-law 338-2013.

Relevant Policy Considerations

- Police Service Board By-law 338-2013.
- Police Services Act of Ontario Regulation 266/10.
- Provincial Adequacy Standard LE-045.
- NRPS General Order 042.12

Other Pertinent Reports

8.11.2023.04.27 – Annual Report – Suspect Apprehension Pursuits – January 1 to December 31, 2023.

This report was prepared by Kris Hamilton, Constable, and Training Unit in consultation with Mark Di Egidio, Staff Sergeant, Training Unit, Jesse Hicks, Sergeant, Training Unit, and Paul Koscinski Inspector, Labour Relations & Career Development. Reviewed by Lynda Hughes, Acting Superintendent, Executive Services. Recommended by Luigi Greco, Deputy Chief, Support Services.



Submitted by:

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Appendices

None.