

Legislative/Regulatory Requirements

The *Criminal Code of Canada* and *Ontario Provincial Offences Act* address the use of force by police and other authorized persons.

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

Section 44(1) of the *Police Services Act* mandates that all municipal police officers are required to receive their initial period of training at the Ontario Police College.

Board Policy

It is the policy of the Regional Municipality of York Police Services Board with respect to use of force that:

- 1) 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;
- 2) 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;*
- 3) the Chief of Police shall :
 - a) 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:
 - i. that type of weapon has been approved for use by the Solicitor General;*

- ii. the weapon conforms to technical standards established by the Solicitor General;* and
 - iii. the weapon is used in accordance with standards established by the Solicitor General.*
- b) ensure that, at minimum, police officers are:
 - i. issued a handgun that meets the technical specifications set out in the *Equipment and Use of Force Regulation 926*;
 - ii. issued oleoresin capsicum aerosol spray;
 - iii. issued a baton; and
 - iv. trained in officer safety, communication, handcuffing and physical control techniques;
- c) issue conducted energy weapons to police officers who are:
 - i. front-line patrol supervisors;
 - ii. members of tactical/hostage rescue teams;
 - iii. classes of officers as the Chief of Police deems appropriate.
- d) ensure that members do not:
 - i. use force on another person unless they have successfully completed a training course on the use of force; and
 - ii. carry a firearm unless, during the 12 previous months, they have successfully completed a training course on the use of firearms, and is competent in the use of the firearm.
- e) despite subsection (d)(ii), ensure that a member of a police service who has not successfully completed a training course on the use of firearms during the 12 previous months and who has been granted additional time to take the training course under subsection (g) may carry a firearm for the period of additional time granted;
- f) subject to subsection (g), ensure that, at least once every 12 months, members:
 - i. who may be required to use force on other persons receive a training course on the use of force; and
 - ii. authorized to carry a firearm, receive a training course on the use of firearms;
- g) ensure that if it was not reasonably possible for a member of a police service to take a training course on the use of force or on the use of firearms within the time required by subsection (f), the Chief of Police may grant the member additional time, not to exceed 60 days, to take the course;
- h) ensure that if a member of the police service has been granted additional time to take a training course under subsection (g) that the member takes the training course within that additional time period.
- i) 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;

- j) establish procedures consistent with the requirements of the *Equipment and Use of Force Regulation*;
- k) 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;
- l) 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;
- m) where the Chief discharges a firearm in the performance of the Chief's duties, except on a target range or in the course of weapon maintenance, promptly report the matter to this Board;
- n) 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;
- o) ensure the reporting of the use of force by members in accordance with the *Equipment and Use of Force Regulation* ;
- p) ensure the ongoing review and evaluation of local use of force procedures, training and reporting; and
- q) provide a copy of the police service's annual use of force study to this Board for review, and ensure the availability of an appropriate report to the community.
- r) provide regular updates to the Board on the Service's use of conducted energy weapons.



Mafalda Avellino
Executive Director



Frank Scarpitti
Chair