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Via Email

Dubi Kanengisser
Senior Advisor, Strategic Analysis and Governance
Toronto Police Services Board
40 College Street
Toronto, ON Canada M5G 2J3
Dubi.Kanengisser@tpsb.ca

James Cornish
Strategic Advisor to the Chief of Police
Toronto Police Service
40 College Street
Toronto, Ontario
James.Cornish@torontopolice.on.ca

Dear Sirs:

Re: Toronto Police Use of Force Policy and Procedure Update

Thank you for sharing the Toronto Police Services Board's (the Board) revised draft Use of Force policy and procedure with the Office of the Independent Police Review Director (OIPRD). This is an important initiative, and I appreciate the opportunity for my agency to participate in the consultation process.

The OIPRD supports the Board's zero tolerance policy for excessive use of force and the greater emphasis on de-escalation and transparency through more extensive reporting obligations. I am also encouraged to see the addition of the new provisions regarding the duty to intervene.

As discussed during the meeting of March 30, 2022, it may be early to provide a definitive response or fulsome comment on the revised drafts. However, in order to assist in your consultation process, I offer the following recommendations for your consideration:

De-escalation: the emphasis on de-escalation is important and much needed. However, this area in the draft policy and procedure would benefit from further

clarification or additional information. This would then allow for more accountability and oversight. It may also be of value to explore the possibility of articulating de-escalation techniques in the procedure, especially as it pertains to interaction with people in crisis and *Mental Health Act* apprehensions, which are often volatile and dynamic.

Intersectional Lens: As discussed, the importance of utilizing an intersectional lens in drafting police policies and procedures is undeniable. It is often observed that certain groups in our society are disproportionately and more severely impacted by police use of force. To that end, the policy and procedure could contain specific provisions dealing with police use of force in relation to people in crisis and racialized communities. Alternatively, the relevant policies and procedures (e.g., 06-04 Persons In Crisis) could be cross-referenced in the Use of Force policy/procedure.

ICCS and Body Camera: The role of body camera and ICCS recordings in increasing accountability and a fair assessment of police conduct is significant. Time and time again, the OIPRD investigations have revealed the great value of audio and video recordings in assessment of the reasonableness of police use of force. Accordingly, it would also be beneficial to cross reference the relevant ICCS procedure within the Use of Force procedure, in addition to emphasizing the importance of preserving evidence from body camera and ICCS and maintaining their operability.

Duty to Intervene: The intervention requirement and the promotion of peer-based accountability is a step forward towards increasing public trust in policing. That stated, both officers and oversight agencies require further guidance and direction in the policy and procedure regarding the extent of this duty and its application within the context of the Code of Conduct. More specifically, the officers should be provided with adequate guideline on the various ways that they can satisfy their duty to intervene and the circumstances within which intervention may not be appropriate.

The policy and procedure could also address the challenges that may be faced by officers in complying with their duty to intervene in relation to higher ranking and more senior officers. The policy and procedure should also address the impact of officers' ranks in their compliance with this duty. In addition, it is recommended that the policy and procedure require specific training for the officers regarding this newly established duty.

Once again, I appreciate the OIPRD's opportunity to engage in the consultation for updating the Use of Force policy and procedure of the Toronto Police Service. Police ability to use force against members of the public finds its legitimacy in the community's

trust in police and hopefully these steps will lead to strengthening that trust. I look forward to additional consultations and receiving the final draft of the policy and procedure.

Sincerely,



Stephen Leach
Independent Police Review Director