



Toronto Police Services Board's Draft De-escalation and Appropriate Use of Force Policy

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Why Use of Force? Why Now?

- Criminal Code, s. 25 (1): "Every one who is required or authorized by law to do anything in the administration or enforcement of the law ... as a peace officer or public officer ... is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose."
- TPSB 81 Recommendations, August 2020:
 49. Direct the Executive Director, in consultation with the Chief of Police, to review the Board's Use of Force Policy, consult with internal and external experts, and propose to the Board by November 2020, amendments to the Policy that will align it with best practices to reduce death and injuries from the use of force by Service Members and with the Ontario Provincial Use of Force Model.

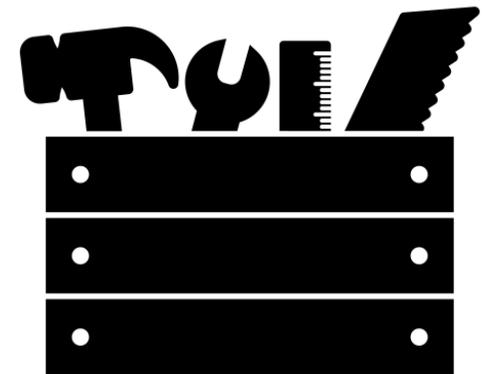


The Policy Development Process



Why Not Just “Use of Force Policy”?

- A comprehensive Policy and procedure guiding how officers should approach any interaction with a member of the public in response to an incident
- Force should not be the default response
- De-escalation should be prioritized
- When force is used, officers must always be mindful to seek opportunities to de-escalate and reduce the degree of force necessary to achieve their lawful purpose



Appropriate Incident Response

- Officers must be respectful and professional when interacting with members of the public
- Officers must respect all *Charter* rights and freedoms
- Officers must prioritize de-escalation, and seek opportunities to de-escalate at all times during an interaction, including after force has been used
- Officers are trained to take into account various individual characteristics in order to effectively de-escalate situations in different contexts
- Officers must ensure appropriate medical attention is provided following use of force that results in injury



Potentially Lethal Use of Force

- Potentially deadly use of force methods such as chokeholds are prohibited except as a last resort to prevent grievous bodily harm to an officer or members of the public
 - Officers are not and will not be trained on the use of methods intended to restrict respiration
- Use of excessive force is strictly prohibited



Duty to intervene

- Officers must intervene, physically if necessary, when observing excessive use of force by other officers, in order to stop the excessive use of force and prevent harm.
- Officers must report incidents of excessive use of force or other acts of misconduct
- The TPS must ensure no retaliation against officers who intervened or reported on use of excessive force



Role of Supervisors

- Supervisors must review all use of force incidents (including reviewing body-worn camera footage) to identify inappropriate or biased use of force, or missed opportunities for de-escalation, and address them appropriately
- Supervisors must review a sample of their officers' body-worn camera footage. Unreported incidents of use of force must be addressed appropriately



Transparency and Reporting

- The TPS's procedure on Incident Response will be posted on the TPS website
- Officers must report use of force incidents as required by the Provincial regulations
- Use of force incidents that don't meet the threshold set by the Province for reporting will be reported on using a simplified process
- The TPS will report publicly, in a detailed manner, on both threshold and below-threshold incidents of use of force
- Use of Force data will be provided in an anonymized, open format on the TPS website



Definitions



Legal threshold for reporting

- When an officer:
 - draws a handgun in the presence of a member of the public;
 - points a firearm at a person;
 - discharges a firearm (including less lethal firearms);
 - uses a weapon on another person, regardless of whether any injury requiring medical attention results;
 - draws and displays a conducted energy weapon (CEW) to a person with the intention of achieving compliance;
 - points a CEW at a person;
 - discharges a CEW, either directly (Stun Drive Mode), or by firing the probes at the subject (Full Deployment); or
 - uses force on another person, including through the use of a horse or a dog, that results in an injury requiring the services of a physician, nurse or paramedic and the member is aware that the injury required such services before the member goes off-duty.

Below-threshold use of force

- Physical contact is defined as routine or procedural contact with an individual necessary to effectively accomplish a legitimate law enforcement objective, which are unlikely to cause injury. Examples include guiding an individual into a police vehicle, holding the individual's arm while transporting, routinely handcuffing a non-resisting individual, and maneuvering or securing an individual for a frisk. Physical contact alone does not constitute force;
- Physical force is defined as techniques intended to control or stop a subject's behaviour, which exceed mere physical contact (e.g., handcuffing a resisting individual, punches, armlocks, tackles, oleoresin capsicum (OC) aerosol spray, baton, firearms). Physical force includes drawing a firearm or displaying a Conducted Energy Weapon (C.E.W.), whether or not the firearm or C.E.W. were discharged at the subject;
- incidents of use of physical force are defined as:
 - Incidents where a member of the public was detained or taken into custody using physical force and which do not fall within the definition in section 36; or
 - Where the member of the public is or, if their age is not known, perceived to be under the age of 18, including non-resistant handcuffing.



QUESTIONS?

For more information and to make a submission, visit:
<https://tpsb.ca/consultations-and-publications/dauf>