



15-01 Use of Force

Status: Amended

Issued: 2021.02.12

Replaces: 2020.03.06

Rationale

The Toronto Police Service (Service) places the highest value on the protection of life and the safety of its members and the public, with a greater regard for human life than the protection of property. Members of the Service have a responsibility to only use that force which is reasonably necessary to bring an incident under control effectively and safely.

The Ontario Use of Force Model (Model) is an aid to promote continuous critical assessment and evaluation of every situation, and can assist members to understand and make use of a variety of force options to respond to potentially violent situations. It is not intended to serve as a justification for a member's use of force, nor does it prescribe specific response options appropriate to any given situation. However, the Model does provide a valuable framework for understanding and articulating the events associated with an incident involving a member's use of force.

Supervision

- Supervisory Officer attendance mandatory when firearm is discharged
- Supervisory Officer notification mandatory when
 - firearm is discharged
 - conducted energy weapon has been used
- Officer in Charge of Division of occurrence notification mandatory when firearm is discharged

Procedure

The *Criminal Code* (CC) empowers every person who is required or authorized to do anything in the administration or enforcement of the law, when acting on reasonable grounds, to use as much force as necessary for that purpose. Every person is liable, both criminally and civilly, for any unjustified or excessive force used.

Training

Ontario Regulation 926/90 (O.Reg. 926/90) made under the *Police Services Act* (PSA) prohibits a member of a police service from using force on another person, unless the member has successfully completed the prescribed training course on the use of force, and that 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. When a use of force option is employed, its application shall be in keeping with the training received.

Approved Use of Force Options

Ontario Regulation 3/99 provides that, at minimum, police officers are

- issued a handgun
- issued oleoresin capsicum (OC) aerosol spray
- issued a baton, and
- trained in officer safety, communication and physical control techniques

Members shall not use a weapon other than a firearm 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
- the weapon is used in accordance with standards established by the Solicitor General
- the weapon, in the course of a training exercise, is used on another member in compliance with Service Governance

Intermediate Force Options

Members may use an intermediate weapon such as their issued baton, OC spray or conducted energy weapon (CEW) as a force option

- to prevent themselves from being overpowered when violently attacked
- to prevent a prisoner being taken from police custody
- to disarm an apparently dangerous person armed with an offensive weapon
- to control a potentially violent situation when other force options are not viable
- for any other lawful and justifiable purpose

Weapons of Opportunity

Despite the foregoing, nothing in *O.Reg. 926/90* or this Procedure prohibits a member from the reasonable use of weapons of opportunity when none of the approved options are available or appropriate to defend themselves or members of the public.

Authorized Restraining Devices

Handcuffs, leg irons, spit shields and other restraints authorized by the Chief of Police (e.g. plastic flexi-cuffs) may be used

- to control the violent activities of a person in custody
- when prisoners are being transferred from one place to another
- to prevent a prisoner from escaping

Fleeing Suspect

A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if

- a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;
- b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant;
- c) the person to be arrested takes flight to avoid arrest;
- d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; and
- e) the flight cannot be prevented by reasonable means in a less violent manner.

[Authority: CC, ss. 25(4)]

Motor Vehicles

Discharging a firearm at a motor vehicle is an ineffective method of disabling the vehicle. Discharging a firearm at a motor vehicle may present a hazard to both the officer and to the public. Police officers are prohibited from discharging a firearm at a motor vehicle for the sole purpose of disabling the vehicle.

Police officers shall not discharge a firearm at the operator or occupants of a motor vehicle unless there exists an immediate threat of death or grievous bodily harm to officers and/or members of the public by a means other than the vehicle.

Police officers shall be cognizant that disabling the operator of the motor vehicle thereby disabling the control over the motor vehicle may also present a hazard to both the officer and the public.

Except while in a motor vehicle, officers shall not place themselves in the path of an occupied motor vehicle with the intention of preventing its escape. Additionally, officers should not attempt to disable an occupied vehicle by reaching into it.

Pursuant to Procedure 13–03 and 13–05, any apparent breach of this Procedure will be carefully considered on its merits having regard to all the circumstances before discipline is commenced.

Excessive Force

Everyone who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess. (Authority: CC, s. 26)

Reporting Use of Force

Ontario Regulation 926/90 compels members to submit a Use of Force Report to the Chief of Police when a member

- uses physical force on another person that results in an injury that requires medical attention
- draws a handgun in the presence of a member of the public, excluding a member of the police force while on duty
- discharges a firearm
- points a firearm regardless if the firearm is a handgun or a long gun
- uses a weapon other than a firearm on another person

➔ *For the purpose of reporting a use of force incident, the definition of a weapon includes a police dog or police horse that comes into direct physical contact with a person.*

Additionally, officers are required to submit a Use of Force Report and a TPS 584 to the Chief of Police when the officer uses a CEW

- as a “demonstrated force presence”
- in drive stun mode or full deployment, whether intentionally or otherwise.

Use of force reports are collected and used to identify individual and group training requirements, or Service use of force governance requirements.

Race and Identity-Based Data Collection

Ontario Regulation 267/18, made under the *Anti-Racism Act*, 2017, requires the Ministry of the Solicitor General to collect police service member’s perception regarding the race of individuals about whom a Use of Force Report is completed. As outlined in Procedure 16–07, the Toronto Police Services Board Policy entitled “Race-Based Data Collection, Analysis and Public Reporting” requires the Toronto Police Service (Service) to collect, analyze and publicly report on data related to the race of those individuals with whom Service members interact. When officers are required to complete a Use of Force Report, in accordance with this Procedure, they shall record their perceived race of the individual(s) about whom the report is completed in the designated section of the report.

Team Reports

Specialized Emergency Response – Emergency Task Force (ETF) and Emergency Management & Public Order – Public Safety (Public Safety), when operating/responding as a team, shall submit a Team Report UFR Form 1 in situations where force, meeting the reporting requirements, is merely displayed. An incident in which force was actually used, including the Demonstrated Force Presence of a CEW, requires a separate Use of Force Report from each individual officer involved.

Exemptions to the Reporting Criteria

A Use of Force Report is not required when

- a firearm, other than an issued handgun, is merely carried or displayed by an officer
- a handgun is drawn or a firearm pointed at a person or is discharged in the course of a training exercise, target practice or ordinary firearm maintenance in accordance with Service Governance
- a weapon other than a firearm is used on another member of the Service in the course of a training exercise
- physical force is used on another member of the Service in the course of a training exercise

Use of Force Reports – Prohibited Uses

Under no circumstances shall the Use of Force Report, or the personal identifiers associated with Part B be retained beyond the limitations dictated by *O.Reg. 926/90*, and in accordance with Board Policy.

The Use of Force Report shall not be admitted in evidence at any hearing under Part V of the *PSA*, other than a hearing to determine whether the police officer has contravened ss. 14.5 of *O.Reg. 926/90* and Service Governance on use of force reporting.

The information from the Use of Force Report shall not be contained in an officer’s personnel file.

The Use of Force Report shall 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.

Duplication/Disclosure/Retention

Members shall not make or retain a copy of the Use of Force Report for any purpose, except as required to conduct a proper analysis for training purposes and Service Governance review.

Where a court order, subpoena, or prosecutor's request for disclosure of the Use of Force Report is received, such request shall be directed to Legal Services. Where the request is made under the *Municipal Freedom of Information & Protection of Privacy Act* and not by a court order, subpoena, or prosecutor's request for disclosure, such request shall be directed to the Coordinator – Records Management Services – Access and Privacy Section.

Additional Training

The Unit Commander of a member who has been identified with a training issue shall submit a TPS 649 to the Unit Commander – Toronto Police College (TPC) detailing the issue. The TPC shall be responsible for liaising with a Unit Commander recommending individual training for a member, and shall schedule the required training in accordance with unit specific guidelines. Final determination on individual training will be made by the Unit Commander – TPC.

Additional Investigative Requirements – Firearm Discharge

When a Service firearm has been discharged, the Senior Duty Officer shall be notified forthwith.

The Firearm Discharge Investigator (FDI) shall be responsible for all administrative investigations pertaining to firearm discharges. The discharging officer's supervisory officer is required to complete a Firearm Discharge Report. A supervisory officer from the involved officer's unit may be assigned to support and assist the FDI in the investigation.

Exemption to the Additional Investigative Requirements

A FDI is not required when investigating the discharge of an impact projectile launcher or a tear gas launching device, where the projectile expelled by the firearm is designed or intended as a less-lethal mechanism.

The investigation and report on the incident shall be the responsibility of the Unit Commander, in conjunction with the training staff, of the unit responsible for the discharge.

Court Officers and Auxiliary Members

Court officers and auxiliary members are not issued firearms.

With the exception of firearms, the provisions of this Procedure regarding training, use of force options and the reporting of force used shall also govern court officers and auxiliary members.

Member

1. Members shall not use force on another person unless they have successfully completed the prescribed training course on the use of force.
2. Members who may be required to use force on other persons shall complete a training course on the use of force at least once every 12 months.
3. Members
 - unless otherwise authorized, shall only use the use of force options identified in the Approved Use of Force Options and Intermediate Force Options sections in this Procedure
 - may use weapons of opportunity when none of the approved options are available or appropriate to defend themselves or members of the public
4. Unless otherwise authorized, members shall
 - only use their Service issued baton
 - not use impact devices commonly known as ‘saps’ or ‘blackjacks’
 - ➔ *Batons are the only impact weapon permitted for use when dealing directly with the public.*
5. When authorized to use OC aerosol spray shall
 - only use it when other options reasonably present a risk of injury to a subject or themselves
 - make all reasonable efforts to decontaminate sprayed individuals at the earliest safe or practicable opportunity, including the consideration of aerosol water mist decontamination devices
6. Police officers issued with and/or authorized to carry firearms or ammunition shall
 - not draw a handgun, point a firearm at a person, or discharge a firearm unless
 - there are reasonable grounds to believe that to do so is necessary to protect against loss of life or serious bodily harm (Authority: *O. Reg. 926/90, s. 9*)
 - engaged in a training exercise, target practice or ordinary weapon maintenance (Authority: *O. Reg. 926/90, ss. 9.1*)
 - the discharge of a handgun or other firearm is to call for assistance in a critical situation, if there is no reasonable alternative [Authority: *O. Reg. 926/90, ss. 10(a)*]
 - 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 [Authority: *O. Reg. 926/90, ss. 10(b)*]
 - not discharge a firearm
 - at a motor vehicle for the sole purpose of disabling the vehicle
 - at the operator or occupants of a motor vehicle unless there exists an immediate threat of death or grievous bodily harm to the officers and/or members of the public by a means other than the vehicle
 - as a warning shot
 - ➔ *Warning shots present an unacceptable hazard to both the public and the police.*
7. When it is necessary to discharge a Service issued firearm for the purpose of dispatching an animal shall comply with Procedure 15–03.
8. In critical situations shall, when tactically appropriate
 - avoid confrontation by disengaging to a place of safety
 - take all reasonable measures to contain the scene
 - notify the communications operator and request the attendance of
 - a supervisory officer

- Toronto Paramedic Services (Paramedics), if required
9. When the use of force results in an injury to a person shall
- comply with Procedure 10–06
 - ensure the person receives proper medical attention, making all reasonable efforts to relieve their discomfort
 - notify the communications operator and request the attendance of
 - a supervisory officer
 - Paramedics, if required
10. Members unless engaged in an approved training exercise shall submit a Use of Force Report to their supervisor prior to the completion of the tour of duty when they
- use physical force on another person that results in an injury that requires medical attention
 - draw a handgun in the presence of a member of the public, excluding a member of the police force while on duty
 - discharge a firearm
 - point a firearm regardless if the firearm is a handgun or a long gun
 - use a weapon other than a firearm on another person
 - use a CEW as Demonstrated Force Presence, Drive Stun Mode, Full Deployment or when an unintentional discharge occurs
11. When a CEW is used as a Demonstrated Force Presence, in Full Deployment, Drive Stun Mode, or when an unintentional discharge occurs shall comply with Procedure 15–09.
12. When discharging any firearm other than at an authorized range or under the exemption provisions shall immediately notify
- their supervisory officer
 - the Officer in Charge of the division in which the discharge occurred.
- ➔ *As per the Firearm Discharge definition, this includes discharges that occur at an authorized range or under the exemption provisions **that result in injury or death.***
13. After the at–scene portion of the event has concluded shall
- complete a
 - Use of Force Report when force has been used
 - TPS 105 when injury or illness has occurred
 - TPS 584 when a CEW is used as Demonstrated Force Presence, Drive Stun Mode, Full Deployment or unintentional discharges
- ➔ *Members shall **not** make, retain or release a copy of the Use of Force Report for any purpose except as required in this Procedure.*
- attach the TPS 105 and TPS 584 , as applicable, to the Use of Force Report and submit to their supervisor prior to the completion of the tour of duty
 - when approved by a supervisor, submit the completed Use of Force Report electronically via internal e-mail to the Training Analyst at the TPC
 - where critical incident stress may have occurred, comply with 08–04
14. When additional use of force training has been recommended by the Unit Commander shall attend as directed.
15. When becoming aware of a firearm discharge by a law enforcement officer from another law enforcement agency shall immediately notify their supervisor.

16. When making recommendations regarding training, equipment or policy issues related to the use of force shall submit details of the recommendations on a TPS 649 to the Unit Commander.

Supervisory Officer

17. When notified of a firearm discharge incident shall
 - attend the scene immediately
 - ensure the scene and all evidence are protected and collected in compliance with Procedure 04–21
 - exercise all due caution to ensure the evidence is not contaminated, overlooked or destroyed
 - advise the Officer in Charge at the first available opportunity and provide regular updates
 - ensure the Officer in Charge of the division in which the firearm discharge occurred has been notified, if the discharge did not occur in the members home unit
 - support and assist the FDI and investigate as required
 - submit a TPS 586 to the Officer in Charge prior to the completion of the tour of duty

Supervisor

18. Upon receipt of a Use of Force Report shall
 - where critical incident stress may have occurred, comply with 08–04
 - ensure the report is accurate and completed in accordance with this Procedure
 - direct the submitting officer to email the electronic version of the report to the Training Analyst, as required
 - ensure the TPS 105, TPS 584 and TPS 586, as applicable, are attached to the Use of Force Report
 - submit the completed Use of Force Report and TPS forms to the Officer in Charge prior to the completion of the tour of duty
 - where a member is incapable of completing the Use of Force Report, as the immediate supervisor, complete the member's portion
 - if recommending additional training, complete the applicable section of the Use of Force Report
 - comply with Procedure 15–03, if applicable

Officer in Charge

19. Upon being notified of a firearm discharge shall
 - ensure a supervisory officer is assigned to support and assist the FDI during the course of the firearm discharge investigation in accordance with the 'Additional Investigative Requirements – Firearm Discharge' section of this Procedure
 - where the firearm discharge results in injury or death to a person, notify the Unit Commander and comply with Procedures 04–02 and 13–16, as applicable
 - notify the Officer in Charge – Toronto Police Operations Centre forthwith
 - ensure a description of the event is detailed in the Unit Commander's Morning Report (UCMR)
20. Upon receipt of a Use of Force Report shall
 - where critical incident stress may have occurred, comply with 08–04
 - ensure the TPS 105, TPS 584 and TPS 586, as applicable, are attached to the Use of Force Report
 - ensure the reports are accurate and complete

- if recommending additional training, complete the applicable section of the Use of Force Report
- submit the completed reports to the Unit Commander prior to the completion of the tour of duty
- comply with Procedure 15–03, if applicable

Unit Commander/Senior Officer

21. When in command of members who, in the course of their duties, may be required to use force on other persons shall ensure
 - the members have successfully completed a training course on the use of force
 - at least once every 12 months, the members receive a training course on the use of force
22. When notified that a firearm discharge has occurred shall ensure the incident is investigated in accordance with this Procedure.
23. Upon being notified of a firearm discharge shall ensure a supervisory officer is assigned to support and assist the PRS, as requested.
24. Upon receipt of a Use of Force Report and the TPS 105, TPS 584 and TPS 586, as applicable, shall
 - where critical incident stress may have occurred, ensure compliance with Procedure 08–04
 - ensure the forms are accurate and complete
 - if recommending additional training, complete the applicable section of the Use of Force Report
 - ensure the completed forms are distributed appropriately

➔ *The original TPS 586 shall be forwarded to PRS by the next business day.*

The applicable forms shall be forwarded to the Training Analyst – TPC within 72 hours of receipt.

 - comply with the provisions of Procedure 15–03 if applicable
 - except for information pertaining to additional training, as outlined in item 26, ensure the information from a Use of Force Report is not contained in a member's personnel file
25. In addition to the duties described above, where a use of force results in serious injury or death, shall comply with Procedure 13–16.
26. When additional training is recommended for a member shall ensure
 - a TPS 649 is forwarded to the Unit Commander – TPC, and a copy is forwarded to the respective Staff Superintendent/Director
 - the member attends training as directed
 - all information pertaining to additional training is included in the member's personnel file, except the Use of Force Report
27. When receiving or making recommendations regarding training, equipment or policy issues about the use of force shall forward a TPS 649 to the Training Analyst – TPC.

Officer in Charge – Toronto Police Operations Centre

28. Upon being notified of a firearm discharge by an officer from another law enforcement agency shall notify the Senior Duty Officer and on-call FDI forthwith.

Senior Duty Officer – Toronto Police Operations Centre

29. Upon being notified of a firearm discharge shall ensure the
 - incident is investigated in compliance with this Procedure
 - on-call FDI has been notified
30. In addition to the duties described above, where a use of force results in serious injury or death, shall comply with Procedure 13–16.
31. When becoming aware of a firearm discharge within the City of Toronto by a law enforcement officer from another law enforcement agency shall liaise with the agency and ensure all appropriate action is taken.

Firearm Discharge Investigator – Professional Standards

32. When advised that a firearm discharge incident has occurred shall
 - take charge of the investigation
 - direct all required resources to ensure compliance with the additional investigative requirements
 - conduct a thorough investigation and submit the appropriate report

Unit Commander – Toronto Police College

33. In addition to unit specific guidelines, shall designate a member as the Training Analyst to
 - schedule and co-ordinate additional use of force training
 - review all Use of Force Report, TPS 105, TPS 584 and TPS 586 reports, as applicable, to identify individual and group training requirements
 - submit all mandatory information from completed Use of Force Reports electronically to the Ministry of the Solicitor General, as required
 - if individual training requirements are identified, conduct a further review of the use of force incident and direct appropriate remedial training through the applicable Unit Commander
 - if group training requirements are identified, conduct a further review of required training and make changes as appropriate
 - conduct ongoing review and evaluation of all use of force procedures, training and reporting
 - ensure that written records of Use of Force training taken by Service members are to be maintained by the TPC
 - submit an annual CEW report

Unit Commander – Professional Standards Support

34. The Unit Commander – Professional Standards Support shall ensure
 - a database of use of force data from Part A of all Use of Force Reports is maintained
 - at least once every calendar year, a study, including an analysis of use of force trends for the entire Service, which does not contain data that identifies reporting police officers, is produced

Staff Superintendent – Corporate Risk Management

35. Upon receipt of an administrative report for a firearm discharge, in addition to unit specific guidelines, shall

- ensure a thorough investigation has been conducted and appropriate reports submitted
- ensure recommendations concerning policy or training are forwarded to the Incident Review Committee (IRC)
- have final sign-off authority on the conduct portion of the investigation

Appendices

Appendix A – Provincial Use of Force Model

Appendix B – Provincial Use of Force Model Background Information

Supplementary Information

Governing Authorities

Federal: Criminal Code.

Provincial: Anti-Racism Act, 2017; Police Services Act; Police Services Act, O. Reg 3/99, Adequacy & Effectiveness of Police Services; Police Services Act, O. Reg. 926/90, Equipment and Use of Force.

Other: Ontario Use of Force Model; Policing Standards Manual.

Associated Governance

TPSB Policies: TPSB Policy Race-Based Data Collection, Analysis and Public Reporting; TPSB Policy Use of Force.

TPS Procedures:

- 04–02 Death Investigations
- 04–21 Gathering/Preserving Evidence
- 08–04 Members Involved in a Traumatic Critical Incident
- 10–06 Medical Emergencies
- 13–16 Special Investigations Unit
- 13–17 Notes and Reports
- 14–20 Auxiliary Members
- 15–02 Injury/Illness Reporting
- 15–03 Service Firearms
- 15–04 C-8 Rifle
- 15–05 Shotgun
- 15–06 Less Lethal Shotguns
- 15–08 MP5 Submachine Gun
- 15–09 Conducted Energy Weapon
- 15–10 Suspect Apprehension Pursuits
- 15–16 Uniform, Equipment and Appearance Standards
- 16–07 Collection, Analysis and Reporting of Race and Identity-Based Data
- 17–03 Requests Made for Information Under the Municipal Freedom of Information and Protection of Privacy Act

Forms: TPS 105 Injury/Illness Report; TPS 584 Conducted Energy Weapon Use Report; TPS 586 Firearm Discharged Report; TPS 649 Internal Correspondence; Use of Force Report Use of Force Report.

Definitions

For the purposes of this Procedure, the following definitions will apply:

Authorized Range means a range

- operated by the Service, or;
- operated by another Ontario police service, or;
- that is a privately owned and provincially approved shooting range, or;
- operated by the Department of National Defence (DND).

Conducted Energy Weapon (CEW) means a weapon that primarily uses propelled wires to conduct energy that affects the sensory and/or motor functions of the central nervous system.

Dispatching of an Animal means the discharge of a firearm for the purpose of ending the life of an animal that is potentially dangerous, or is so badly injured that humanity dictates that its suffering be ended.

Firearm for the purposes of use of force, means a Service issued or authorized firearm.

Firearm Discharge means when a Service member, other than at an authorized range or under the exemption provisions, discharges a firearm in the performance of their duty, or discharges an issued firearm at any time, intentionally or unintentionally.

For the purposes of use of force, Firearm Discharge also includes discharges that occur at an authorized range or under the exemption provisions **that result in injury or death**.

Firearm Discharge Investigator (FDI) means a detective or detective sergeant assigned to Professional Standards who has completed the accredited Firearm Discharge Investigators Course.

Handgun means a firearm that is designed, altered or intended to be aimed and fired by the action of one hand.

[Source: *Police Services Act*, O.Reg. 926/90, S.2].

Service Members' Perception Data means information derived from a member making a determination with respect to the race of an individual by observation, solely on the basis of that member's own perception.

Incident Review Committee (IRC) means a panel consisting of, but not limited to the:

- Unit Commander or designate – Specialized Emergency Response – Emergency Task Force
- Unit Commander or designate – Corporate Risk Management
- Section Head – Toronto Police College (TPC) – Armament Section
- Section Head – TPC – In-Service Training Section
- Training Analyst – TPC – Armament Section
- Representative – East Field
- Representative – West Field
- Representative – Emergency Management & Public Order – Public Safety

whose mandate it is to

- review incidents other than those listed in the exempted areas, where force was used by members of the Service

Chapter 15 – Use of Force & Equipment

- assess the effectiveness of the Service's training, practices and associated Service Governance, and
- report its findings to the Senior Management Team (SMT).

We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.

Learn more about our **Service Core Values and Competencies** [here](#)

