

Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

COMMUNITY SAFETY AND POLICING ACT, 2019

RESPONSES TO ACTIVE ATTACKER INCIDENTS

INTERPRETATION

Definition

1. In this Regulation,

“active attacker” means an individual who appears to be engaged in, attempting to engage in, or about to engage in an attack where there is reason to suspect that,

- (a) the attack will be sustained,
- (b) the attacker will cause serious bodily harm or death to other individuals, and
- (c) the attacker will continue to attack more individuals if the attacker is not stopped.

STANDARD IN RESPONDING TO INCIDENTS INVOLVING AN ACTIVE ATTACKER

Standard

2. For the purposes of subsection 11 (1) of the Act, sections 3 and 4 establish the standard for adequate and effective policing that apply in responding to an incident involving an active attacker.

Immediate deployment

3. (1) Police officers shall be deployed immediately to an incident involving an active attacker.

(2) The response priorities in an incident involving an active attacker are to do the following in the following order:

1. To stop the active attacker.
2. To preserve life.
3. To restore order.

Assistance to victims

4. Assistance shall be immediately provided to victims of an active attacker and their families, including the provision of referrals that are appropriate in the circumstances to emergency services, health care professionals, victim support agencies, social service agencies and other appropriate governmental, non-governmental or community organizations.

Equipment

5. (1) Every police officer who performs patrol functions shall be issued at least one tourniquet and at least one pressure bandage or trauma dressing.

(2) Every police officer who performs patrol functions and who may be required to respond to an incident involving an active attacker shall have ready access to a battering ram and bolt cutters.

(3) The following must be stored in every motor vehicle that is being used by police officers performing patrol functions:

1. A Halligan tool.
2. Hard body armour, for each officer performing patrol functions using the vehicle while it is in use, that the National Institute of Justice of the United States Department of Justice has classified as Type III or Type IV using its methodology for assessing ballistic performance.

DUTIES OF CHIEFS OF POLICE

Arrangements to ensure coordinated responses

6. (1) Every chief of police shall take reasonable steps to conclude arrangements with external service providers to facilitate the provision of assistance to victims following an incident involving an active attacker, including arrangements to facilitate the provision of appropriate referrals to emergency services, health care professionals, victim support agencies, social service agencies and other appropriate governmental, non-governmental or community organizations.

(2) Every chief of police shall ensure that arrangements are in place to ensure a coordinated response with emergency medical services and fire departments to incidents involving an active attacker.

Public alerts

7. Every chief of police shall ensure that the police service has the ability to issue public alerts using,

- (a) an emergency alert system that delivers alerts through television, radio and wireless devices; and
- (b) social media notifications.

Response procedures

8. Every chief of police shall establish procedures for responding to incidents involving an active attacker, which must address the following:

1. Communications in relation to incidents involving an active attacker, including procedures regarding the following:

- i. Notifying appropriate communications supervisory personnel.
 - ii. Dispatching patrol officers and patrol supervisory personnel.
 - iii. Issuing a broadcast to members of the police service.
 - iv. Requesting specialized personnel, as necessary, including tactical units, canine teams, containment teams and explosive disposal technicians.
 - v. Notifying emergency medical services and fire departments, as necessary.
 - vi. Notifying appropriate duty and senior command staff.
 - vii. Notifying other police services, as required.
 - viii. Notifying the public using the emergency alert system and social media.
2. Responses by the police officers who initially respond to the incident, including procedures regarding the following:
 - i. Assessing the scene and confirming whether there is an active attacker.
 - ii. Relaying relevant information about the incident to communications personnel, including information regarding the active attacker, the attacker's last known location and direction of travel, whether the attacker has weapons, recommended entry point for the contact team and required resources.
 - iii. Attempting to stop the active attacker.
3. Responsibilities for exercising command in response to the incident, including procedures regarding the following:
 - i. Identifying an interim commander and transferring command to another officer assigned to assume command, if necessary.

- ii. Setting up containment of the scene.
 - iii. Establishing areas of staging and command, casualty collection points, zones of operation and perimeters.
 - iv. Deploying necessary resources.
 - v. Gathering and communicating ongoing intelligence.
 - vi. Transitioning from responding to an active attacker to responding to another type of situation, such as a hostage taking, and making required changes in tactics.
4. Responses by police officers who are acting as a team to make contact with the active attacker, including procedures regarding the following:
- i. Entering the area where the active attacker is believed to be located.
 - ii. Attempting to locate and isolate the active attacker.
 - iii. Attempting to stop the active attacker.
 - iv. Communicating officers' actions and any other relevant information to communications personnel.
 - v. Advising communications personnel when a threat is no longer present.
5. Rescue efforts, including procedures regarding the following:
- i. Rescuing and recovering casualties once the active attacker has been stopped or when sufficient resources exist.

- ii. Co-ordinating actions with other responding police officers and emergency medical services and fire department personnel.
 - iii. Making a determination as to whether to move casualties to a location where first aid or medical treatment can be safely provided until the active attacker has been stopped or the situation has been stabilized.
 - iv. Communicating with medical personnel and providing first aid.
 - v. Requesting additional support for rescue activities, if necessary.
 - vi. Escorting emergency medical and fire department personnel to known casualty locations to provide on-scene triage of casualties and emergency medical treatment.
6. Responding to incidents involving an active attacker at schools, including procedures regarding the following:
- i. How emergency protocols and resources of local schools should be accounted for in the response to the active attacker.
 - ii. Liaising with school authorities at the scene of the incident.

Report following incident

9. (1) If the members of a police service respond to an incident involving an active attacker, the police service's chief of police shall prepare a report reviewing and evaluating the police service's response to the incident, which must include the following:

1. General information regarding the incident, including the nature of the incident, the date, time and location of the incident, and the environment in which the incident occurred.
2. Specific information regarding the active attacker and the incident, including information regarding any weapons used by the attacker.

3. The type of personnel from the police service and other agencies involved in responding to the incident and their role in the response.
 4. Details on the response to the incident, including the use of communication, intelligence, tactics, and equipment.
 5. An analysis of the outcome of the incident, including elements of the response that were effective and elements that were not effective.
 6. Recommendations for improvement, including matters to be addressed through changes to procedures or training.
- (2) The chief of police shall prepare the report within 60 days after,
- (a) the day of the incident, if there is no Special Investigations Unit investigation into the incident; or
 - (b) if there is a Special Investigations Unit investigation into the incident, the day on which public notice in respect of the incident is given under section 33 of the *Special Investigations Unit Act, 2019* or a report is published in respect of the incident under section 34 of that Act, as the case may be.

Commencement

10. (1) [Commencement]