

**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

**POLICE SERVICES ACT**

Amending Reg. 926 of R.R.O. 1990

(EQUIPMENT AND USE OF FORCE)

**1. Section 2 of Regulation 926 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:**

“less lethal projectile” means a projectile designed to be discharged from a firearm that is less likely to cause death or serious injury than conventional ammunition and includes projectiles that contain a gas; (“projectile à effet moins létal”)

**2. Section 14.5 of the Regulation is revoked and the following substituted:**

**USE OF FORCE REPORTING**

**14.5** (1) Subject to section 14.6, a member of a police force shall submit a report to the chief of police whenever the member,

- (a) draws a handgun in the presence of a member of the public;
- (b) points a firearm at a person;
- (c) discharges a firearm;
- (d) uses a weapon on another person;
- (e) discharges a conducted energy weapon; or

- (f) 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.

(2) Despite clause (1) (a), a report is not required to be submitted if the handgun is drawn,

- (a) while loading, unloading or storing the handgun;
- (b) while surrendering the handgun or removing the handgun when entering a place where it must be removed;
- (c) during training, practice, a competition or a demonstration; or
- (d) for the purposes of repair, maintenance, testing or inspection of the handgun.

(3) For greater certainty, clause (1) (a) does not apply if the handgun is drawn only in the presence of members of the police force who are on duty.

(4) Despite clause (1) (b), a report is not required to be submitted if the firearm is pointed at a person during training or practice.

(5) Despite clause (1) (c), a report is not required to be submitted if the firearm is discharged,

- (a) while loading, unloading or storing the firearm;
- (b) while surrendering the firearm or removing the firearm when entering a place where it must be removed;
- (c) during training, practice, a competition or a demonstration; or
- (d) for the purposes of repair, maintenance, testing or inspection of the firearm.

(6) Despite clause (1) (d), a report is not required to be submitted if the weapon,

- (a) is used during training, practice, a competition or a demonstration;
- (b) is used for the purposes of testing the weapon; or
- (c) is a horse or a dog used as a weapon.

(7) Despite clause (1) (e), a report is not required to be submitted if the conducted energy weapon is discharged,

- (a) while loading, unloading or storing the weapon;
- (b) while surrendering the weapon or removing the weapon when entering a place where it must be removed;
- (c) during training, practice, a competition or a demonstration; or
- (d) for the purposes of repair, maintenance, testing or inspection of the weapon.

(8) Despite clause (1) (f), a report is not required to be submitted if the force is used during training, practice, a competition or a demonstration.

(9) The report shall be in the form entitled “Use of Force Report”, dated [...], that is available on the website of the Government of Ontario Central Forms Repository.

#### TEAM REPORTING

**14.6** (1) The supervisor of a containment team, tactical unit or hostage rescue team, or an officer designated by the supervisor, may submit a report under subsection 14.5 (1) on behalf of the unit or team members if, during an operational deployment of the unit’s or team’s emergency response functions, and acting under the command of the supervisor, one or more members do any of the following and no other action described in subsection 14.5 (1) is taken by any of the members:

1. A member draws a handgun in the presence of a member of the public.
2. A member points a firearm at a person.

(2) For greater certainty, a member of a containment team, tactical unit or hostage rescue team must personally complete a report under subsection 14.5 (1), and a supervisor or officer designated by the supervisor shall not complete the report on behalf of the unit or team except in the circumstances set out in subsection (1) of this section.

(3) A supervisor of a public order unit, or an officer designated by the supervisor, may submit a report under subsection 14.5 (1) on behalf of the unit members, or members of a sub-unit within the public order unit, if, during an operational deployment of the unit’s or sub-unit’s public order maintenance functions, and acting under the command of the supervisor, one or more members do any of the following and no other action described in subsection 14.5 (1) is taken by any of the members:

1. A member applies force resulting in injury requiring the services of a physician, nurse or paramedic while the unit or sub-unit members are acting as a unit or sub-unit, as the case may be.

2. A member points a firearm deployed with less lethal projectiles at a person.

3. A member discharges a firearm deployed with less lethal projectiles at a person.

(4) For greater certainty, a member of a public order unit must personally complete a report under subsection 14.5 (1), and a supervisor or officer designated by the supervisor shall not complete the report on behalf of the unit members, or members of a sub-unit within the public order unit, except in the circumstances set out in subsection (3) of this section.

#### REPORT COMPLETION REQUIREMENTS

**14.7** (1) The chief of police shall ensure that no part of a report submitted under subsection 14.5 (1) is destroyed for at least two years.

(2) A report submitted under subsection 14.5 (1) shall not be admitted in evidence at any hearing under Part V of the Act, other than a hearing to determine whether a police officer has contravened section 14.5 or 14.6 of this Regulation or this section.

(3) A chief of police shall review their procedures on use of force and on the training courses provided under section 14.3 annually, having regard to an analysis of the data from the reports submitted under subsection 14.5 (1).

(4) The chief of police shall submit an annual report to the police services board, or to the Solicitor General in the case of the Commissioner, analyzing the data from the reports submitted under subsection 14.5 (1) regarding use of force by members of the police force and identifying any trends.

(5) The police services board or the Solicitor General shall publish the annual report submitted under subsection (4) on the Internet.

(6) The Solicitor General may require a chief of police to deliver or make available to the Solicitor General information from a report submitted under subsection 14.5 (1) within the time specified by the Solicitor General.

#### Commencement

#### 3. [Commencement]