

**Peterborough Police Service Board**  
**Public Meeting Agenda: August 13, 2024 - 3:00 PM**  
(Held in the Hugh Waddell Boardroom and Via Teams)

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1. Welcome

The Chair will call the meeting to order.

2. Land Acknowledgement

We respectfully acknowledge that we are on the treaty and traditional territory of the Mississauga Anishinaabeg. We offer our gratitude to the First Peoples for their care for, and teachings about, our earth and our relations. May we honour those teachings.

3. Approval of the Agenda

Moved by  
Seconded by

That the agenda of the Peterborough Police Service Board's public meeting of August 13, 2024 be approved as **circulated/amended**. –

4. Declaration of Conflict of Interest

A declaration of conflict of interest **was/was not** noted.

5. Approval of the Minutes

Moved by  
Seconded by

That the Minutes of the July 9, 2024 Peterborough Police Service Board public meeting be approved as **circulated/amended**.

Delegations and Presentations

Nil

Regular Portion of the Meeting

6. Chief's Remarks

Moved by  
Seconded by

That the Board receive the Chief's verbal remarks. –

7. Chair's Remarks

Moved by  
Seconded by

That the Board receive the Chair's verbal remarks. –

8. Policing Advisor/Liaison Remarks – Cavan Monaghan & Lakefield

Moved by  
Seconded by

a) That the Board receive the Cavan Monaghan Policing Advisor/Liaison's verbal remarks. –

Moved by  
Seconded by

b) That the Board receive the Lakefield Policing Advisor/Liaison's verbal remarks. –

9. Correspondence

Moved by  
Seconded by

That the following correspondence be received as one omnibus motion:

a) Ministry of the Solicitor General

i) Memo dated July 9, 2024 re: Amended Set Fine Order s. 7 (1)(a) and (c) of the *Highway Traffic Act*;

- ii) Memo dated July 12, 2024 re: Transfer of Criminal offences of a Sexual Nature from the Military Justice System to the Civilian Justice System;
- iii) Memo dated July 17, 2024 re: Amendments to R.R.O. 1990, Reg. 619 under the *Highway Traffic Act*;
- iv) Memo dated July 31, 2024 re: Office of the Chief Coroner and Ontario Forensic Pathology Service Management of Found Skeletal Remains Procedure.
- v) Memo dated August 2, 2024 re: 2023 Police Use of Force and Race Data Technical Report and Open Data.

b) Inspectorate of Policing

Memo dated August 1, 2024 re: Inspector General Memo #1: Authorities, Policing Agreements, Requests, Notifications and Disclosures with the following attachments:

- i) Advisory Bulletin 1.1: How Policing is Delivered in Ontario and Associated Compliance Requirements;
- ii) Advisory Bulletin 1.2: Right to Disclose Misconduct to the Inspector General (IG);
- iii) Advisory Bulletin 1.3: Conflicts of Interest Regulation 401/23 – Notification of Inspector General;
- iv) Advisory Bulletin 1.4: Police Service Board Member Code of Conduct – Disclosures to the Inspector General (IG) Regarding Misconduct and Conflict of Interest;
- v) Advisory Bulletin 1.5: Forwarding Complaints to the Inspector General (IG) under section 108 of the CSPA;
- vi) Solicitor General approved forms.

Reports to be Received for Information

10. Administrative Police Facility Update (Standing Item)

Moved by  
Seconded by

That the Board receive the verbal update regarding the new administrative police facility at 1421 Lansdowne Street from Chief Betts. –

11. Section 32 Review Report

Moved by  
Seconded by

That the Board receive the report regarding a Section 32 Review of SIU Incident 24-OOD-047 from Chief Betts. –

Reports Requiring Discussion and/or Decision

12. Donation of Mobile Traffic Radars & Radar Parts

Moved by  
Seconded by

That the Board receive the report regarding the proposed donation of Mobile Traffic Radars and Radar Parts from Durham Regional Police Service from Deputy Chief Hartnett.

Further, that the Board approve that the donation be received. –

Committee Reports

Nil

Unfinished Business

Nil

New Business

Nil

13. Approval To Go In-Camera

Moved by  
Seconded by

That the Peterborough Police Service Board move into closed session for consideration of confidential matters pursuant to Section 44(a) through (l) of the *Community Safety and Policing Act*, including, but not limited to, for subject matter related to potential litigation, human resources matters and legal matters that are subject to solicitor-client privilege. –

14. Ratification and Adjournment

Moved by  
Seconded by

That the Board ratify all actions of today's date and the public meeting be adjourned. –

**Peterborough Police Service Board****July 9, 2024 – Public Minutes**

Minutes of the public meeting of the Peterborough Police Service Board held in the Hugh Waddell Boardroom and via Teams.

<b>Members Present:</b> (In the Boardroom)	Mary ten Doeschate, Chair Councillor Gary Baldwin, Vice-Chair Mayor Jeff Leal Steve Girardi Drew Merrett
<b>Also Present:</b> (In the Boardroom)	Stuart Betts, Chief of Police Jamie Hartnett, Deputy Chief of Police Lisa Wilson, Executive Assistant to the Board
<b>Guests Present:</b> (In the boardroom)	Councillor John Boyko, Lakefield Policing Liaison Duane Sprague, Policing Advisor, SOLGEN
<b>Regrets:</b>	Mayor Matthew Graham, Cavan Monaghan Policing Liaison

1. Welcome

The Chair called the meeting to order at 4:00 pm.

2. Land Acknowledgement

We respectfully acknowledge that we are on the treaty and traditional territory of the Mississauga Anishinaabeg. We offer our gratitude to the First Peoples for their care for, and teachings about, our earth and our relations. May we honour those teachings.

3. Approval of the Agenda

Moved by Jeff Leal  
Seconded by Drew Merrett

That the agenda of the Peterborough Police Service Board's public meeting of July 9, 2024 be approved as circulated. –

CARRIED

4. Declaration of Conflict of Interest

A declaration of conflict of interest was not noted.

5. Approval of the Minutes

Moved by Gary Baldwin  
Seconded by Steve Girardi

That the Minutes of the June 11, 2024 Peterborough Police Service Board public meeting be approved as circulated. –

CARRIED

6. Introductions and Welcome

- Duane Sprague, Policing Advisor, Ministry of the Solicitor General
- Lisa Smith, Manager of People Services

7. Board Commendation

The Board awarded a Commendation to Police Constable Alicia McGriskin for her excellence in policing.

8. Chief's Remarks

Moved by Gary Baldwin  
Seconded by Drew Merrett

That the Board receive the Chief's verbal remarks. –

CARRIED

9. Chair's Remarks

Nil

10. Policing Advisor/Liaison Remarks – Cavan Monaghan & Lakefield

Moved by Gary Baldwin  
Seconded by Jeff Leal

a) That the Board receive the Cavan Monaghan Policing Advisor/Liaison's verbal remarks. –

Note: Mayor Graham sends his regrets but remarks given through the Executive Assistant.

CARRIED

Moved by Jeff Leal  
Seconded by Steve Girardi

b) That the Board receive the Lakefield Policing Advisor/Liaison's verbal remarks. –

CARRIED

11. Correspondence

Moved by Drew Merrett  
Seconded by Steve Girardi

That the following correspondence be received as one omnibus motion:

a) Ministry of the Solicitor General

- i) Memo dated June 20, 2024 re: Ministry of the Attorney General and Justice Canada Prosecution Pilot for First Nation Laws 2024-2025;
- ii) Memo dated June 24, 2024 re: Regional Intelligence Coordinator Secondment Opportunities at Criminal Intelligence Service Ontario District 3 East Region; District 4 West Region; and District 6 Central West Region;
- iii) Memo dated June 25, 2024 re: Towing and Storage Safety and Enforcement Act Education and Awareness Period Update and Amendment to O. Reg. 162/23;

- iv) Memo dated June 25, 2024 re: Next Generation 9-1-1 (MG9-1-1) Transition Funding Supports – 2024-25 Call For Applications;
- v) Memo dated June 26, 2024 re: Provincial Bail Compliance Dashboard – Security Access Requirements;
- vi) Memo dated June 26, 2024 re: Automatic Vehicle Permit (Licence Plate) Validation.
- vii) Memo dated June 28, 2024 re: New Educational Hate Crime Training for Police Services Across Ontario. -

CARRIED

12. Administrative Police Facility Update (Standing Item)

Moved by Gary Baldwin  
Seconded by Jeff Leal

That the Board receive the verbal update regarding the new administrative police facility at 1421 Lansdowne Street from Chief Betts. –

CARRIED

13. First Quarter Complaints Report

Moved by Steve Girardi  
Seconded by Drew Merrett

That the Board receive the 2024 First Quarter Complaints Report from Inspector Rogers and Chief Betts. –

CARRIED

14. First Quarter Occurrence Statistics (All Violations) Report

Moved by Gary Baldwin  
Seconded by Jeff Leal

That the Board receive the 2024 First Quarter Occurrence Statistics (All Violations) Report from Deputy Chief Hartnett and Chief Betts. –

CARRIED

15. First Quarter Contract Policing Reports: Cavan Monaghan and Lakefield

a) Cavan Monaghan

Moved by Drew Merrett  
Seconded by Steve Girardi

That the Board receive the 2024 First Quarter Policing Report for Cavan Monaghan Township from Deputy Chief Hartnett and Chief Betts. –

CARRIED



b) Lakefield

Moved by Steve Girardi  
Seconded by Drew Merrett

That the Board receive the 2024 First Quarter Policing Report for the Ward of Lakefield from Deputy Chief Hartnett and Chief Betts. –

CARRIED

16. First Quarter Crime Statistics Report

Moved by Drew Merrett  
Seconded by Jeff Leal

That the Board receive the 2024 First Quarter Crime Statistics Report from Inspector Elliott and Chief Betts. –

CARRIED

17. Audit of the Seized Property and Evidence Management Unit Report

Moved by Drew Merrett  
Seconded by Jeff Leal

That the Board receive the Audit of the Seized Property and Evidence Management Unit Report from Niquel Pritchard-Pataki, Manager of Strategic Risk Management Services, and Chief Betts. –

CARRIED

18. Section 32 Review Report

Moved by Gary Baldwin  
Seconded by Steve Girardi

That the Board receive the report regarding a Section 32 Review of SIU Incident 23-OCD-532 from Chief Betts. –

CARRIED

19. Finance & Budget Committee

2025 Board Operating Budget

Moved by Drew Merrett  
Seconded by Steve Girardi

That the Board receive the report regarding the 2025 Board-approved Board Operating Budget from the Finance/Budget Committee and the Executive Assistant. –

CARRIED

20. Finance & Budget Committee

2024 First Quarter Financial Report for the Service

Moved by Jeff Leal  
Seconded by Steve Girardi

That the Board receive the First Quarter Financial Report for the Service from Tia Nguyen, Manager of Financial Services, and Chief Betts. –

CARRIED

21. Approval To Go In-Camera

Moved by Gary Baldwin  
Seconded by Drew Merrett

That the Peterborough Police Service Board move into closed session for consideration of confidential matters pursuant to Section 44(a) through (l) of the *Community Safety and Policing Act*, including, but not limited to, for subject matter related to potential litigation, human resources matters and legal matters that are subject to solicitor-client privilege. –

CARRIED

The Chair recessed the public meeting at 4:56 pm.

The Chair reconvened the public meeting at 8:00 pm.

22. Ratification and Adjournment

Moved by Steve Girardi  
Seconded by Jeff Leal

That the Board ratify all actions of today's date and the public meeting be adjourned at 8:01 pm. –

CARRIED

Read and approved this 13<sup>th</sup> day of August, 2024.

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Lisa Wilson, Executive Assistant

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Mary ten Doeschate, Chair

Ministry of the Solicitor General

Ministère du Solliciteur général



Public Safety Division

Division de la sécurité publique

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**MEMORANDUM TO:** All Chiefs of Police and  
Commissioner Thomas Carrique  
Chairs, Police Service Boards

**FROM:** Ken Weatherill  
Assistant Deputy Minister  
Public Safety Division

**SUBJECT:** **Amended Set Fine Order s. 7 (1) (a) and (c) of the  
*Highway Traffic Act***

<b>DATE OF ISSUE:</b>	<b>July 9, 2024</b>
<b>CLASSIFICATION:</b>	<b>General Information</b>
<b>RETENTION:</b>	<b>Indefinite</b>
<b>INDEX NO.:</b>	<b>24-0048</b>
<b>PRIORITY:</b>	<b>Normal</b>

At the request of the Ministry of Transportation, I am sharing an update on recent amendments under the [Highway Traffic Act](#) (HTA) which came into force on July 1, 2024.

Amendments have been made to the HTA to the set fine structure under section 7 (1) (a) for driving a motor vehicle without a valid permit and 7 (1) (c) for driving a motor vehicle with no validation on the plate or the validation is improperly affixed.

For further information on these changes, please review the attached memo from Marcelle Crouse, Associate Deputy Minister, Transportation Safety Division, Ministry of Transportation. If you have any questions, please contact Frank Iannuzzi, Manager, Vehicle Program Development Office at [Frank.Iannuzzi@ontario.ca](mailto:Frank.Iannuzzi@ontario.ca).

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Weatherill".

Ken Weatherill  
Assistant Deputy Minister  
Public Safety Division

Attachments

c: Mario Di Tommaso, O.O.M.  
Deputy Solicitor General, Community Safety

**Ministry of Transportation**

Transportation Safety Division

87 Sir William Hearst Avenue  
Room 191  
Toronto ON M3M 0B4  
Tel.: (416) 420-0717

**Ministère des Transports**

Division de la sécurité en matière de transport

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bureau 191  
Toronto ON M3M 0B4  
Tél. (416) 420-0717



**MEMORANDUM TO:** Kenneth Weatherill  
Assistant Deputy Minister  
Public Safety Division  
Ministry of the Solicitor General

**FROM:** Marcelle Crouse  
Associate Deputy Minister  
Transportation Safety Division  
Ministry of Transportation

**DATE:** July 09, 2024

**SUBJECT:** **Amended Set Fine Order s. 7 (1) (a) and (c) of the Highway Traffic Act**

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I am sharing a communication on behalf of the Ministry of Transportation regarding the set fine increase for section 7 (1) (a) and (c) of the Highway Traffic Act (HTA) where no person shall drive a motor vehicle on a highway unless, there exists a currently validated permit for the vehicle, there is no validation on the plate or validation is improperly affixed.

Effective July 1, 2024, section 7 of the HTA has been amended to change that section's fine structure.

Clause 7 (1) (a) of the HTA is no longer a general penalty offence because subsections 7 (3.1) and (3.2) have been added to section 7 of the Act. The new penalty provisions state:

(3.1) Every person who contravenes clause (1) (a) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000.

(3.2) Despite subsection (3.1), every person who contravenes clause (1) (a) is guilty of an offence and, if the offence was committed by means of a commercial motor vehicle, on conviction is liable to a fine of not less than \$250 and not more than \$2,500.

In 2022, clause 7 (1) (c) of the HTA was amended and revoked subclauses (i) and (ii). Subclauses (i) and (ii) no longer exist.

New short form wordings have recently been made for some parts of section 7, and these are reflected in the set fine order. Attached is an order for the new set fines in effect as of July 1, 2024.

*The Highway Traffic Act*

Item	Offence	Section	Set Fine
1.	Drive motor vehicle, no permit	7(1)(a)	\$125.00
1.1	Drive motor vehicle, no permit — commercial motor vehicle	7(1)(a)	\$400.00
2.	Drive motor vehicle, no currently validated permit	7(1)(a)	\$125.00
2.1	Drive motor vehicle, no currently validated permit — commercial motor vehicle	7(1)(a)	\$400.00
6.	Drive motor vehicle, no validation on plate	7(1)(c)	\$85.00
7.	Drive motor vehicle, validation improperly affixed	7(1)(c)	\$85.00

Please contact **Frank Iannuzzi, Manager, Vehicle Program Development Office** at [Frank.Iannuzzi@ontario.ca](mailto:Frank.Iannuzzi@ontario.ca) with any further questions you may have.

Thank you for your assistance.



Marcelle Crouse  
Associate Deputy Minister, Transportation Safety Division  
Ministry of Transportation

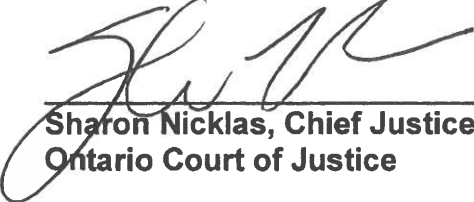
**ONTARIO COURT OF JUSTICE**

***PROVINCIAL OFFENCES ACT***

**IT IS ORDERED**, pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the attached Items of Schedule 43 under the Provincial Statutes and Regulations thereunder is the Set Fine.

This Order comes into effect on July 1, 2024.

**DATED at the City of Toronto, Ontario, on June 24, 2024**



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**Sharon Nicklas, Chief Justice  
Ontario Court of Justice**

SN

Ontario Court of Justice

Last Updated: July 1, 2024

**Schedule 43**

*The Highway Traffic Act*

<b>Item</b>	<b>Offence</b>	<b>Section</b>	<b>Set Fine</b>
1.	Drive motor vehicle, no permit	7(1)(a)	\$125.00
1.1	Drive motor vehicle, no permit — commercial motor vehicle	7(1)(a)	\$400.00
2.	Drive motor vehicle, no currently validated permit	7(1)(a)	\$125.00
2.1	Drive motor vehicle, no currently validated permit — commercial motor vehicle	7(1)(a)	\$400.00
6.	Drive motor vehicle, no validation on plate	7(1)(c)	\$85.00
7.	Drive motor vehicle, validation improperly affixed	7(1)(c)	\$85.00

*JN*



Ministry of the Solicitor General

Ministère du Solliciteur général



Public Safety Division

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**MEMORANDUM TO:** All Chiefs of Police and  
Commissioner Thomas Carrique  
Chairs, Police Service Boards

**FROM:** Ken Weatherill  
Assistant Deputy Minister  
Public Safety Division

**SUBJECT:** **Transfer of Criminal Offences of a Sexual Nature from  
the Military Justice System to the Civilian Justice  
System**

<b>DATE OF ISSUE:</b>	<b>July 12, 2024</b>
<b>CLASSIFICATION:</b>	<b>General Information</b>
<b>RETENTION:</b>	<b>Indefinite</b>
<b>INDEX NO.:</b>	<b>24-0049</b>
<b>PRIORITY:</b>	<b>Normal</b>

I am sharing the attached communication at the request of the Ministry of the Solicitor General's Strategic Policy Division regarding the transfer of military sexual offence cases to civilian jurisdiction.

Please review the attached memo from Sarah Caldwell, Assistant Deputy Minister, Strategic Policy Division, Ministry of the Solicitor General for further details. If you have any questions regarding the transfer of cases, please contact Sheela Subramanian, Director, Community Safety and Intergovernmental Policy Branch, at 416-710-9401 or [Sheela.Subramanian@ontario.ca](mailto:Sheela.Subramanian@ontario.ca).

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Weatherill".

Ken Weatherill  
Assistant Deputy Minister  
Public Safety Division

Attachment

c: Mario Di Tommaso, O.O.M.  
Deputy Solicitor General, Community Safety

**MEMORANDUM TO:** Kenneth Weatherill  
Assistant Deputy Minister  
Public Safety Division

**FROM:** Sarah Caldwell  
Assistant Deputy Minister  
Strategic Policy Division

**SUBJECT:** **Memorandum of Understanding between the Department of National Defence, the Ontario Ministry of the Attorney General and the Ontario Ministry of the Solicitor General relating to the transfer of military investigations of alleged sexual offenses to civilian authorities**

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I am writing to inform you that effective May 17, 2024 a Memorandum of Understanding (MOU) came into effect between the Ministries of the Solicitor General and Attorney General and the Department of National Defence on the interim transfer of jurisdiction over *Criminal Code* sexual offenses from the military justice system to the civilian justice system.

#### Notification of MOU

In April 2021, the Department of National Defence announced that former Supreme Court Justice Louise Arbour would conduct an Independent External Comprehensive Review (IECR) of policies, procedures, programs and culture within the Department of National Defence (DND) and the Canadian Armed Forces (CAF).

In her May 2022 Final Report, Justice Arbour recommended the complete removal of *Criminal Code* sexual offenses from the jurisdiction of the CAF. In Ontario, the interim transfer of cases began in October 2021, following Canada's adoption of Justice Arbour's interim recommendation.

The MOU sets out a framework for continued cooperation and coordination, including with CAF, to support the implementation of the IECR interim recommendation to remove *Criminal Code* sexual offenses from the jurisdiction of the CAF. It outlines principles related to ongoing, transparent, and timely coordination, as well as information sharing related to the manner in which transfers occur, investigations and prosecutions are

conducted, and victim support is provided. The MOU was informed by input received from both municipal police services and the Ontario Provincial Police.

### Information on Bill C-66

On March 21, 2024, Canada introduced [Bill C-66, the \*Military Justice System Modernization Act\*](#). The bill proposes to permanently remove CAF jurisdiction to investigate and prosecute *Criminal Code* sexual offences that were committed in Canada. Once in force, civilian police services will not be able to decline any transfer of cases and investigations. The proposed legislation would provide exclusive jurisdiction to civilian authorities to investigate and try sexual offences committed in Canada, while allowing for military police to retain authority to secure and preserve evidence and perform certain necessary investigative measures (e.g., make an arrest, conduct a search incident to arrest) prior to the arrival of civilian authorities.

### Next Steps regarding the MOU and Bill C-66

Currently, the ministry's focus is on the operational protocols under the MOU to ensure the efficient and effective transfer of cases to civilian authorities, in response to both the interim recommendations and Bill C-66. The Ministry of the Solicitor General will continue to work with the Ontario Association of Chiefs of Police Working Group and the Ontario Provincial Police to finalize the details and operational needs associated with the case transfer process, both for the interim period and going forward.

If you have any questions regarding the transfer of cases, please contact Sheela Subramanian, Director, Community Safety and Intergovernmental Policy Branch at (416) 710-9401 or [Sheela.Subramanian@ontario.ca](mailto:Sheela.Subramanian@ontario.ca).

Thank you for your assistance in communicating this.

Sincerely,



Sarah Caldwell  
Assistant Deputy Minister  
Strategic Policy Division

Ministry of the Solicitor General

Ministère du Solliciteur général



Public Safety Division

Division de la sécurité publique

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**MEMORANDUM TO:** All Chiefs of Police and  
Commissioner Thomas Carrique  
Chairs, Police Service Boards

**FROM:** Ken Weatherill  
Assistant Deputy Minister  
Public Safety Division

**SUBJECT:** Amendments to R.R.O. 1990, Reg. 619 under the  
*Highway Traffic Act*

<b>DATE OF ISSUE:</b>	<b>July 17, 2024</b>
<b>CLASSIFICATION:</b>	<b>General Information</b>
<b>RETENTION:</b>	<b>Indefinite</b>
<b>INDEX NO.:</b>	<b>24-0050</b>
<b>PRIORITY:</b>	<b>Normal</b>

At the request of the Ministry of Transportation, I am sharing an update on recent amendments to [R.R.O. 1990, Reg. 619](#) under the [Highway Traffic Act](#). The amendments came into force on July 12, 2024 and establish a speed limit of 110 km/h on nine sections of provincial freeways in southern Ontario and one section in Northern Ontario.

For further information on these changes, please review the attached memo from Jasan Boparai, Assistant Deputy Minister, Operations Division, Ministry of Transportation. If you have any questions, please contact Justin White, Head of the Safety Information Management Section, Provincial Traffic Office by phone at (905) 321-5103 or email at [Justin.White@ontario.ca](mailto:Justin.White@ontario.ca).

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Weatherill".

Ken Weatherill  
Assistant Deputy Minister  
Public Safety Division

Attachment

c: Mario Di Tommaso, O.O.M.  
Deputy Solicitor General, Community Safety

**Ministry of Transportation**

Assistant Deputy Minister's Office  
Operations Division

777 Bay Street  
7th Floor, Suite 700  
Toronto ON M7A 1Z8  
Tel: 416 327-9044

**Ministère des Transports**

Bureau du sous-ministre adjoint  
Division des opérations

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7e étage, bureau 700  
Toronto ON M7A 1Z8  
Tél. : 416 327-9044



July 12, 2024

**Memorandum to:** Kenneth Weatherill  
Assistant Deputy Minister, Public Safety Division  
Ministry of the Solicitor General

**From:** Jasan Boparai  
Assistant Deputy Minister, Operations Division  
Ministry of Transportation

**Re:** Speed Limit Initiative – Phase 2

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This memorandum is to advise the policing community of recent amendments to O. Reg. 619: SPEED LIMITS under the Highway Traffic Act (HTA), that come into effect on July 12, 2024.

The amendments to R.R.O. 1990, Reg. 619 establish a speed limit of 110 km/h on nine sections of provincial freeways in southern Ontario and one section in Northern Ontario. This will add to the previously approved permanent speed limit increase to 110 km/h at six sections of provincial freeways in Southern Ontario and at two trial sections in Northern Ontario implemented in April 2022. The two trial sections in Northern Ontario are to remain at 110 km/h and no regulatory work is required to make these permanent.

The locations are listed below and are highlighted on the map at Appendix A:

- Existing 110 km/h speed limit sections implemented in April 2022:
  - QEW from Hamilton to St. Catharines
  - Hwy 402 from London to Sarnia
  - Hwy 417 from Ottawa to the Ontario / Quebec Border
  - Hwy 401 from Windsor to Tilbury
  - Hwy 404 from Newmarket to Woodbine
  - Hwy 417 from Kanata to Arnprior
  - Hwy 400 from MacTier to Nobel – 2 year trial now permanent
  - Hwy 11 from Emsdale to South River – 2 year trial now permanent
  
- July 2024 110 km/h speed limit sections:
  - Hwy 401 from Essex Rd 42 in Tilbury to Merlin Dr
  - Hwy 401 from Hwy 35/115 to Burnham St/County Rd 18 (Cobourg)
  - Hwy 401 from County Rd 25 (Colborne) to Sidney Street (Belleville)

- Hwy 401 from east of Hwy 37 (Belleville) to west of County Rd 38 (Kingston)
- Hwy 401 from Hwy 16 to Quebec boundary
- Hwy 403 from Middletown Line (Woodstock) to Oak Park Rd (Brantford)
- Hwy 403 from Garden Ave (Brantford) to Highway 52 (west boundary limit) (Hamilton)
- Hwy 406 from south of St. David's Rd (Thorold) to Niagara Regional Rd 27 (Welland)
- Hwy 416 from north of Hwy 401 to north of Fallowfield Rd/County Rd 12 (Ottawa)
- Hwy 69 from north of Hwy 537 (Sudbury) to south of Pickerel River Rd (French River/Killarney)

Consistent with all speed limits on provincial highways that differ from statutory speed limits, the start of each 110 km/h section will have a 110 km/h Begins sign and the leaving end will have the appropriate speed limit Begins sign.

I ask you to kindly bring this memorandum to the attention of police services. Please direct any questions regarding these amendments to Justin White, Head, Safety Information Management Section, Provincial Traffic Office at (905) 321-5103 or via email at [Justin.White@ontario.ca](mailto:Justin.White@ontario.ca).

Thank you for your assistance in communicating these changes.

Sincerely,

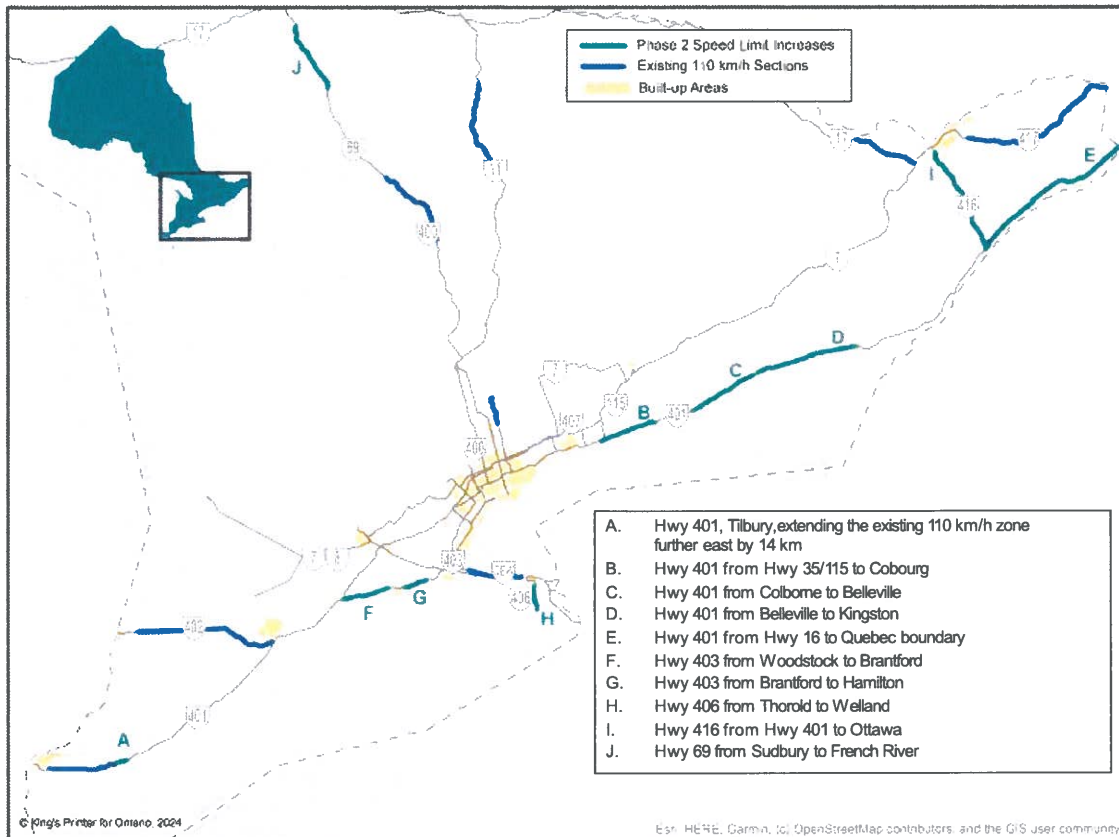


Jasan Boparai, P.Eng.  
Assistant Deputy Minister

Attachment. Appendix A – Map Showing 110 km/h Speed Limit Sections

# APPENDIX A

## Map Showing 110 km/h Speed Limit Sections



Ministry of the Solicitor General

Ministère du Solliciteur général



Public Safety Division

Division de la sécurité publique

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**MEMORANDUM TO:** All Chiefs of Police and  
Commissioner Thomas Carrique  
Chairs, Police Service Boards

**FROM:** Ken Weatherill  
Assistant Deputy Minister  
Public Safety Division

**SUBJECT:** **Office of the Chief Coroner and Ontario Forensic  
Pathology Service Management of Found Skeletal  
Remains Procedure**

<b>DATE OF ISSUE:</b>	<b>July 31, 2024</b>
<b>CLASSIFICATION:</b>	<b>General Information</b>
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<b>PRIORITY:</b>	<b>Normal</b>

At the request of Dr. Dirk Huyer, Chief Coroner for Ontario, and Dr. Michael Pollanen, Chief Forensic Pathologist for Ontario, I am sharing a communication regarding the Office of the Chief Coroner's and Ontario Forensic Pathology Service's new procedure, which provides guidance on the management of found skeletal remains in Ontario that are apparently not of recent origin. The procedure applies to all members of the death investigation service who may be involved when such skeletal remains are discovered.

Please review the attached memo and procedure document from Dr. Huyer and Dr. Pollanen for further details. If you have questions, please contact the Office of the Chief Coroner at [occ.inquiries@ontario.ca](mailto:occ.inquiries@ontario.ca) by email or 416-314-4000 by phone.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Weatherill".

Ken Weatherill  
Assistant Deputy Minister  
Public Safety Division

Attachments

c: Mario Di Tommaso, O.O.M.  
Deputy Solicitor General, Community Safety



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C24-107

**MEMORANDUM TO:** Ken Weatherill, Assistant Deputy Minister  
Public Safety Division, Ministry of the Solicitor General

**FROM:** Dr. Dirk Huyer  
Chief Coroner for Ontario

Dr. Michael Pollanen  
Chief Forensic Pathologist for Ontario

**DATE:** July 31, 2024

**RE:** **Management of Found Skeletal Remains Procedure**

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We are writing to request an All-Chiefs Memorandum to share a new procedure guiding management of found skeletal remains in Ontario that are apparently not of recent origin. The procedure has been finalized and is now operational.

The Management of Found Skeletal Remains (Apparently not recent) procedure outlines a stepwise approach when the Office of the Chief Coroner/Ontario Forensic Pathology Service (OCC/OFPS) is notified about the discovery of skeletal remains that considers overlapping interests and jurisdictions. Some key highlights of the procedure include:

- Process flows when police services are initially notified of the discovery of skeletal remains of unknown origin
  - Police will contact the **Provincial Dispatch Unit** in Toronto (**416-314-4100** or 1-855-299-4100) to report the discovery of skeletal remains. Provincial Dispatch will engage the forensic anthropologist on-call
- Responsibilities at the scene if there is no concern of foul play requiring further investigation by the OCC/OFPS
- OCC/OFPS step-by-step process for early notification of Indigenous communities

Found human skeletal remains have a profound impact on Indigenous communities. The OCC/OFPS will engage in early notification of Indigenous communities to ensure timely

involvement with discovery of their Ancestors. The Indigenous representatives will provide input into consideration/involvement of cultural traditions, practices and ceremony. Collaborative and respectful discussion between the OCC/OFPS and communities will inform the approach followed when human skeletal remains, potentially of Indigenous ancestry, are discovered.

The procedure document is attached for your information. If you have any questions, please contact the Office of the Chief Coroner at [occ.inquiries@ontario.ca](mailto:occ.inquiries@ontario.ca) or 416-314-4000.

Sincerely,



Dirk Huyer  
Chief Coroner for Ontario



Michael S. Pollanen  
Chief Forensic Pathologist for Ontario

c: Mario Di Tommaso, O.O.M.  
Deputy Solicitor General, Community Safety

OCC	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

## Management of Found Skeletal Remains

### (Apparently not recent)

## PROCEDURE

### 4804.1 PURPOSE

The purpose of this document is to outline the approach to be followed when the Office of the Chief Coroner/Ontario Forensic Pathology Service (OCC/OFPS) is notified about the discovery of skeletal remains that are apparently not recent.

#### **NOTE: Approach to Recent Deaths**

If the information reported suggests that the discovered remains represent a recent death and/or a criminally suspicious death, routine death investigation approaches must be followed, including, but not limited to:

- Coroner notification
- Police involvement (if not already involved)
- Coroner and police scene attendance

The approach to scene management, including involvement of forensic anthropology expertise will be informed through discussion with the Regional Supervising Coroner (RSC) and the OFPS forensic pathologist (FP) on-call. Circumstances that should be investigated as recent deaths include, but are not limited to:

- Potential discovery of remains of a missing person
- Potential for identification arising from investigation information or scene findings (e.g., personal identifiers present with the remains)
- Findings of potential foul play, including apparent clandestine burials
- Surface scattered remains

### 4804.2 INTRODUCTION

The authority for the coroner to take possession of and examine human skeletal remains is found in the *Coroners Act* s.10 (1), s.15 (1) and s.28 (1). Forensic anthropologists (FAs) are experts in the study of bones in the medicolegal context. FAs make an important contribution to the OCC/OFPS in death investigations involving skeletonized, burned, mutilated or otherwise unrecognizable remains. In Ontario, FAs act as consultants to FPs, who are ultimately accountable for the postmortem examination of remains. Early involvement of FPs is expected when remains appear recent and/or when criminally suspicious.

This document summarizes best practices that consider the overlapping interests and jurisdictions of ministries, agencies, police services, Indigenous communities and other government bodies

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<b>OCC</b>	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

that are involved when skeletal remains are found. The practices outlined here are applicable to the discovery of skeletal remains across Ontario.

Early notification of Indigenous communities is important to ensure appropriate consideration/involvement of cultural traditions, practices and ceremony. Collaborative and respectful discussion will inform the approach followed when human skeletal remains, potentially of Indigenous ancestry, are discovered.

### **4804.3 SCOPE**

This procedure applies to all members of the death investigation service who may be involved when skeletal remains that are apparently not recent are discovered.

### **4804.4 REFERENCES**

- Coroners Act*
- Funeral, Burial and Cremation Services Act*
- How to Use Ontario Portal for Indigenous Consultation to Identify First Nations Contacts: Training Manual (QID 4812)
- Human Vs Non-Human Anthropology Consultation – Notification and Case Management at the PFPU (QID 2941)
- Management of Found Skeletal Remains - Email Templates (QID 4856)
- Form for Case Information as Part of Official Referral of the Burial Site from the Forensic Anthropologist to the Registrar (QID 4857)

### **DEFINITIONS**

**Archaeological:** Where there are no concerns of recent foul play which require further investigation by the OCC/OFPS, human skeletal remains may be considered “archaeological” in nature

**Burial Site:** Land containing human remains that is not a cemetery

**Cemetery:** Land that has been established as a cemetery under the *Funeral, Burial and Cremation Services Act, 2002*, a private Act or a predecessor of one of them that related to cemeteries, or land that was recognized by the Registrar as a cemetery under a predecessor of this Act that related to cemeteries. It includes land that:

- Is known to contain human remains
- Was set aside to be used for the interment of human remains
- Was and continues to be set aside for the interment of human remains and
- Was and remains readily identifiable as land containing human remains

**PRINTED VERSIONS OF THIS DOCUMENT ARE CONSIDERED UNCONTROLLED**

<b>OCC</b>	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

**Forensic Interest<sup>1</sup>:** Demonstrated when the medicolegal death investigation system is engaged by others regarding the discovery of human skeletal remains (i.e., for assessment and investigation for potential foul play)

**Foul Play:** When information from the investigation following discovery of human skeletal remains raises concerns that the death may have resulted from the actions of others. These investigations are also characterized as criminally suspicious

**Recent:** Often described by investigators as less than 50 years, within the context of the criminal justice system. A decision about further investigation by the OCC/OFPS must be based upon the findings of individual investigations as opposed to a strictly applied time interval

**Registrar, Funeral, Burial and Cremation Services Act (FBCSA):** Public servant within the Consumer Services Operations Division, Ontario Ministry of Public and Business Service Delivery (MPBSD) with statutory authority for burial sites under the *Funeral, Burial and Cremation Services Act, 2002*

#### 4804.5 ABBREVIATIONS

<b>BAO</b>	Bereavement Authority of Ontario
<b>BSI</b>	Burial Site Investigation
<b>FA(s)</b>	Forensic Anthropologist(s)
<b>FBCSA</b>	Funeral, Burial and Cremation Services Act
<b>FP(s)</b>	Forensic Pathologist(s)
<b>FPU(s)</b>	Forensic Pathology Unit(s)
<b>HPC</b>	High-Profile Case
<b>ID</b>	Identification
<b>MPBSD</b>	Ontario Ministry of Public and Business Service Delivery
<b>OCC</b>	Office of the Chief Coroner
<b>OFPS</b>	Ontario Forensic Pathology Service
<b>OPIC</b>	Ontario Portal for Indigenous Consultation
<b>PFPU</b>	Provincial Forensic Pathology Unit
<b>RA</b>	Regional Advisor
<b>RSC</b>	Regional Supervising Coroner

#### 4804.6 INVESTIGATIVE PROCESSES

The discovery of skeletal remains can occur in many contexts. Upon discovery of skeletal remains, the first issue is to determine if the bones are human. The decision for notification of the OCC/OFPS demonstrates that the discovery is of forensic significance (i.e., requesting a medicolegal opinion) to the person or organization who made the report.

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<sup>1</sup> NOTE: The term “not of forensic interest” may be considered inaccurate and potentially offensive by some Indigenous peoples.

<b>OCC</b>	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

If the skeletal remains are determined to be human, the next step is to determine if there are concerns of foul play requiring further investigation by the OCC/OFPS.

#### **4804.6.1 Notification to OCC/OFPS**

The discovery of skeletal remains is most often reported to the local police service. The OCC/OFPS may also be notified directly of the discovery of skeletal remains by the person who discovered the remains, or any person having knowledge of the remains (e.g., a Chief of a First Nation or a member of that First Nation, a site monitor or archaeologist). The OCC/OFPS will then notify the local police, if required for investigative purposes (e.g., when criminally suspicious).

When police are notified of the discovery of skeletal remains of unknown origin:

1. The police service will contact the Provincial Dispatch Unit in Toronto to request examination by a FA to determine if the remains are human or non-human
2. Police, or another agency, will email Provincial Dispatch via [OCCDispatchers@ontario.ca](mailto:OCCDispatchers@ontario.ca) about the discovery. The email should include:
  - a. Photographs of found remains
  - b. Police occurrence number
  - c. Information as to whether the scene is being held pending FA review

Following the procedure Human Vs Non-Human Anthropology Consultation – Notification and Case Management at the PFPU (QID 2941), Provincial Dispatch will create an F-Path (OFPS case management system) accession and forward the photographs to the FA on-call, copying the Identification (ID) team, for determination.

**NOTE:** When representatives from Indigenous communities express concerns with, or object to, photographs being taken of found skeletal remains, the coroner and FA, supported by the RSC and Chief Coroner, are expected to discuss these concerns with Indigenous representatives and consider them on a case-by-case basis (e.g., discovery during an archaeological assessment with involvement of site monitors).

##### **4804.6.1.1 Outcome: Non-human**

If the FA determines that the remains are not human, the FA reports this to the police agency, Provincial Dispatch and the OCC/OFPS ID team by replying all to the original email. The ID team will upload any related documents to F-Path and formally close the accession (as per Human Vs Non-Human Anthropology Consultation – Notification and Case Management at the PFPU (QID 2941)). The email from the FA serves as the final FA report.

##### **4804.6.1.2 Outcome: Human**

If the FA determines that the remains are human, the FA will reply all and request Provincial Dispatch assign a coroner to the investigation, if a coroner is not already involved, and Dispatch will create a case in QuinC. Forensic pathologist involvement is expected when the remains are transferred to a forensic pathology unit (FPU) for further examination.

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<b>OCC</b>	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

The Provincial Dispatch Unit can be reached 24/7 by calling **416-314-4100** or **1-855-299-4100**.

The assigned coroner and FA (and FP when required) will discuss the available case-specific information and plan next steps, including necessary notifications, scene attendance and management.

The coroner will follow the **High-Profile Case (HPC) notification** (Type: Skel/Decomp/Fragmented and/or in Uncontrolled Environment) process and contact the RSC on-call.

*4804.6.1.2.1 Notification of Indigenous communities*

When the FA determines found skeletal remains are human, it is important that Indigenous communities are notified early to open the possibility of attending the scene and participating in discussions about managing the scene and the human remains.

Steps for notification of Indigenous communities:

1. After contact by the coroner through the HPC notification process, the RSC notifies the appropriate OCC Regional Advisor (RA) by providing information about the scene (i.e., municipal address)
2. The assigned coroner, supported as necessary by the RSC and RA, in consultation with the FA, determines whether any representatives from Indigenous communities have been involved in the undertaking that resulted in the discovery of human remains (e.g., Indigenous field representatives present during an archaeological assessment). If yes:
  - a. The coroner will request contact information from these representatives. If the representatives indicate that a different person or organization in their community should be contacted instead, the coroner will provide this person's contact information.
3. The RA accesses the Ministry of Indigenous Affairs' Ontario Portal for Indigenous Consultation (OPIC) to identify the contact information for First Nations that are potentially associated with the location of discovery based on treaty territories, traditional territories, and/or nearby reserves (see How to Use Ontario Portal for Indigenous Consultation Portal to Identify First Nations Contacts: Training Manual (QID 4812) for step-by-step instructions).
  - a. Search municipal address in portal
  - b. List representative Indigenous community/ies based on treaty territories, traditional territories, and/or nearby reserves
  - c. Search contact information for each identified representative Indigenous community/ies identified (use contact information for staff with archaeological experience and/or responsibilities, if available)
  - d. Email the list of contact information to the RSC, including the name, title, phone number and email address for individuals from representative First Nation(s)

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OCC	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

4. **Initial Notification:** The RSC notifies the First Nations contacts via email, informing them of the discovery and opening the opportunity of participating in next step discussions (e.g., attending the scene) (see [Appendix A in Management of Found Skeletal Remains: Email templates \(QID 4856\)](#)). The notification should include the following information, if known at the time of notification:

- Municipal address or legal description of the property on which the remains were found
- Additional addresses if multiple scenes
- Relevant circumstances of discovery (e.g., discovered by workers while preparing a site for a new home development, if found on surface of soil or in water, etc.)
- Parties to the discovery (e.g., local police service member on scene, landowner, archaeologist (if involved), Indigenous representative(s), etc.)
- Contact information for the police investigator, coroner, and FA, if involved
- Date and time the coroner and/or FA attended the scene
- Any actions taken to preserve, secure or protect the scene
- Information on whether the remains are believed to be of Indigenous ancestry and/or the date of death, based on the initial determination by the FA, if any
- Information about the nature of the site (e.g., cultural origin or religious affiliation, manner of interment, minimum number of individuals), if known
- Investigative activities (e.g., if further examination by FA is required to understand potential time period of death; if the remains must be removed from the site and transferred to another location for more detailed examination)

5. **Update/Next Steps Communication:** If further investigation occurred, the RSC emails an update to all individuals included on the initial notification email, once the investigation is completed (see [Appendix B in Management of Found Skeletal Remains: Email templates \(QID 4856\)](#)).

- If there are concerns of foul play that require additional investigation by the OCC/OFPS and police, the email will inform First Nations contacts that the investigation is ongoing with police involvement, and no further information will be provided at this time
- If there are no concerns of foul play requiring additional investigation by the OCC/OFPS, the email will inform First Nations contacts that the case is being referred to the MPBSD Registrar under the *Funeral, Burial and Cremation Services Act (FBCSA)*, and [FBCSARegistrar@ontario.ca](mailto:FBCSARegistrar@ontario.ca) will also be copied on the email
- If the remains were found within a licensed cemetery, and there are no concerns of foul play requiring additional investigation by the OCC/OFPS, the email will inform First Nations contacts that the case is being referred to the Bereavement Authority of Ontario's (BAO) Registrar under the *Funeral, Burial and Cremation Services Act*, and [Registrar@TheBAO.ca](mailto:Registrar@TheBAO.ca) will also be copied on the email

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<b>OCC</b>	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

Further investigation by the death investigation service may be required to determine the following:

- a) Concerns of foul play requiring further investigation by the OCC/OFPS with police involvement
- b) Whether the skeletal remains are of potential Indigenous ancestry
- c) Where the skeletal remains originated from (see [section 1.7.2](#) for most common scenarios for discovery)

If the human remains are believed to be recent and/or require assessment or examination by a FA and/or FP (e.g., concerns of foul play), routine investigation processes for found human remains should be followed, including police involvement.

If the investigation does not raise concerns of foul play requiring further examination by a FA and/or a FP, follow [1.7.3 Notification of the Registrar, Funeral, Burial and Cremation Services Act](#).

**If there is reason to believe that the skeletal remains may be associated with a death of a child at an Indian Residential School or other government or church-run facility<sup>2</sup>, even if the remains are not recent, then the matter should be investigated by the OCC/OFPS to rule out foul play, prior to referral to the Registrar.**

#### **4804.6.2 Most Common Scenarios for Discovery**

##### **4804.6.2.1 Accidental discovery**

Police services are generally contacted initially when a member of the public discovers skeletal remains. The OCC/OFPS may also be notified directly of the discovery of skeletal remains by the person who discovered the remains, or any person having knowledge of the remains (e.g., a Chief of a First Nation or a member of that First Nation, a site monitor or archaeologist). In such cases, the OCC/OFPS will notify the police, if required for investigative purposes (e.g., when criminally suspicious).

The police will attend, photograph the scene and the remains and contact Provincial Dispatch by phone to report the discovery. Provincial Dispatch will direct the police to email the photographs to [OCCDispatchers@ontario.ca](mailto:OCCDispatchers@ontario.ca).

**NOTE:** When representatives from Indigenous communities express concerns with, or object to, photographs being taken of found skeletal remains, the coroner and FA, supported by the RSC and Chief Coroner, are expected to discuss these concerns with Indigenous representatives and consider them on a case-by-case basis, (e.g., discovery during an archaeological assessment with involvement of site monitors).

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<sup>2</sup> May include Federal Hostels, recognized, or not recognized, under the Indian Residential School Settlement Agreement (IRSSA), and other associated institutions, such as hospitals (including psychiatric hospitals and sanatoria), Indian hospitals, reformatories, and industrial schools.

OCC	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

Provincial Dispatch will send the photographs to the FA on-call (copying the ID team at [Identification@ontario.ca](mailto:Identification@ontario.ca)) to make a determination, whether the person contacting Provincial Dispatch believes the remains are human or not (see [Human Vs Non-Human Anthropology Consultation – Notification and Case Management at the PFPU \(QID 2941\)](#)).

If the remains are determined to be human, early notification of Indigenous communities is expected (see [1.7.1.1 Outcomes](#) for notification of Indigenous communities).

If the remains are determined to be human, the FA must determine the nature/context of the remains. The FA may be able to make this determination from submitted photographs, though the FA will often need to attend the scene and, in some situations, transfer the remains for further examination. Scene attendance should be planned together with the FA, coroner and police services, with RSC support, as well as discussion with Indigenous communities.

**NOTE:** The coroner is expected to notify the FP on-call if the remains are transferred to a FPU for further examination.

In some cases, the FA may need to conduct minimal excavation of the remains at the scene to determine whether foul play may be suspected. Efforts should be made to minimize site disturbance. **All bone and associated grave-related materials still embedded in the ground should not be disturbed unless removal is essential for investigative purposes or unless leaving them in place may cause them to be harmed, damaged, or destroyed.**

If further examination of skeletal remains by the FA and/or FP is required to determine the potential of foul play concerns, discussion with Indigenous representatives regarding next steps is expected, particularly prior to undertaking destructive testing to inform the potential for foul play requiring further investigation by the OCC/OFPS (e.g., DNA testing or carbon dating).

The presence of concerns of foul play requiring further investigation by the OCC/OFPS will be determined through discussion involving the FA, FP, coroner and police services, with RSC support. When concerns remain, investigation by the death investigation team, including police services, will continue.

#### 4804.6.2.2 Archaeological assessment

If potential human remains are discovered during an archaeological assessment, any person on site who has knowledge of the presence of human remains must contact the local police or the OCC/OFPS by calling Provincial Dispatch to report the discovery.

**NOTE:** Indigenous Peoples express that discovery of a tooth represents an Ancestor. In circumstances where the found remains are teeth, or a tooth (i.e., no bones), the Registrar (see [1.7.3 Notification of the Registrar, Funeral, Burial and Cremation Services Act](#)) should be informed directly that under the authority of the *Coroners Act*, a tooth does not constitute a 'body', and the OCC does not have jurisdiction; therefore there are no concerns of foul play that require investigation by the OCC/OFPS.

<b>OCC</b>	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

**The archaeological assessment must be paused pending review by the death investigation service and additional direction by the Registrar** (see [1.7.3 Notification of the Registrar, Funeral, Burial and Cremation Services Act](#)).

Dispatch will engage the FA on-call to initiate the process outlined in [1.7.2.1 Accidental Discovery](#).

The FA will contact the assigned coroner and contact the archaeologist for contextual information about the site, including the possible age of the burial and possible cultural affiliation, to assist in determining if there may be concerns of foul play requiring further investigation by the OCC/OFPS.

Early notification of Indigenous communities is expected (see [1.7.1.1 Outcomes](#) for notification of Indigenous communities).

**NOTE:** Skeletal remains determined to be archaeological should not be transported to a FPU unless secure storage is otherwise unavailable, or the archaeologist and/or Indigenous representatives feel that the skeletal remains are at risk of destruction or disturbance. Once formal referral has occurred (see [1.7.3 Notification of the Registrar, Funeral, Burial and Cremation Services Act](#)), the Registrar, in discussion with the archaeologist and Indigenous communities, will manage the burial site. If the remains are transported to a FPU for secure storage, the coroner and RSC will work together to arrange for the remains to be returned to the landowner or archaeologist for appropriate repatriation. The FPU will support repatriation as needed.

4804.6.2.3 Cemetery discovery

When unanticipated or unmarked skeletal remains are discovered in a licensed cemetery (active or inactive), the police will usually be contacted. The OCC/OFPS may also be notified directly of the discovery of skeletal remains by the person who discovered the remains, or any person having knowledge of the remains (e.g., a Chief of a First Nation or a member of that First Nation, a site monitor or archaeologist). In such cases, the OCC/OFPS will notify the police, if required for investigative purposes (e.g., when criminally suspicious).

Police will contact Provincial Dispatch to engage the FA on-call, copying the ID team. If the FA determines the remains are human, the FA will determine if the remains originated in the cemetery or not (follow process in [1.7.1 Notification to OCC/OFPS > Outcomes](#)). The FA may be able to make this determination from submitted photographs, though the FA will often need to attend the cemetery and, in some situations, transfer the remains for further examination.

If the remains are determined to have originated from the cemetery, the BAO must be notified by the attending coroner, in discussion with the FA and supported by the RSC, as required, via [Registrar@TheBAO.ca](mailto:Registrar@TheBAO.ca) or 647-483-2645. The BAO will assume responsibility for the investigation. The remains will be secured by cemetery staff and should not be transported to a FPU (see [Appendix C in Management of Found Skeletal Remains: Email templates \(QID 4856\)](#) & [Appendix D in Management of Found Skeletal Remains: Email templates \(QID 4856\)](#); send to [Registrar@TheBAO.ca](mailto:Registrar@TheBAO.ca)).

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<b>OCC</b>	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

If the remains cannot be determined to have originated from the cemetery, they should be treated as an accidental discovery (see section [1.7.2.1 Accidental discovery](#)).

#### **4804.6.3 Notification of the Registrar, *Funeral, Burial and Cremation Services Act* & documentation**

Under Regulation 30/11 of the *FBCSA*, a coroner must ensure the Registrar is notified when a burial site is discovered, and a coroner must declare that foul play is not suspected in relation to the human remains at the site, to allow next steps to occur under the *FBCSA*.

The FA and the coroner, supported by the RSC and police services, will make the determination as to whether foul play requiring further investigation by the OCC/OFPS is suspected. Together, they will discuss next steps, including the plan for release of the site from the authority of the OCC/OFPS and referral to the Registrar, *FBCSA*:

- **The FA, copying the coroner, RSC, Chief Coroner and ID team, will email the Registrar at [FBCSARegistrar@ontario.ca](mailto:FBCSARegistrar@ontario.ca) with as much case information as possible, outlining the nature and context of the discovery, including (see [Appendix C](#) in Management of Found Skeletal Remains: Email templates (QID 4856)):**
  - Landowner's contact information (phone number and email address)
  - Municipal address or legal description of the property on which the remains were found
    - Location to be as specific as possible (e.g., providing GPS co-ordinates or text descriptions of where on the property the burial site is located)
  - Additional addresses if multiple scenes
  - Date and time the coroner and/or FA attended the scene
  - Parties to the discovery (e.g., local police service member on scene, landowner, archaeologist (if involved), Indigenous representative(s), etc.)
    - Include contact information of the archaeologist (phone number and email address) if involved
    - Include contact information for any Indigenous representatives contacted by the coroner and/or RSC (see [1.7.1.2.1 Notification of Indigenous communities](#))
  - Investigative activities
  - Any actions taken to preserve or secure/protect the site
  - Information about the nature of the site (e.g., cultural origin or religious affiliation, manner of interment, minimum number of individuals), if known
  - Site sign-off
  - Rationale for the determination of no concerns of foul play requiring further investigation by the OCC/OFPS

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<b>OCC</b>	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

- An inventory of the remains and any associated items (e.g., artifacts) discovered, and information about their current location (e.g., at a FPU, temporarily reburied at site, in a secure location on the property, etc.)
- Inclusion of any photographs or other documents prepared that record the discovery
- File number / case number / unique identifier for the site or remains (i.e., QuinC number)

Discovery information should be populated in the referral email (see [Appendix C in Management of Found Skeletal Remains: Email templates \(QID 4856\)](#)) for email template for Registrar referral). A fillable form is also available to complete and attach to the email for Registrar referral (see [Form for case information as part of official Referral of the burial site from the Forensic Anthropologist to the Registrar \(QID 4857\)](#)).

- **Only a coroner has the statutory authority to determine if the remains have been the subject of foul play. The RSC will ensure a reply all to this email is sent by the coroner or RSC to officially refer the burial site to the Registrar (see [Appendix D in Management of Found Skeletal Remains: Email templates \(QID 4856\)](#))**
  - The email will include the statement that the origin of the remains is not suspected to be through foul play that requires additional investigation by the OCC/OFPS and that this is therefore a burial site within the meaning of the FBCSA.
  - The Registrar can be reached via [FBCSARegistrar@ontario.ca](mailto:FBCSARegistrar@ontario.ca) or at **416-212-7499**. Notification of the Registrar should occur promptly after determination of no concerns of foul play requiring further investigation by the OCC/OFPS; completion of a formal report (beyond the information listed above) is not required.
  - The Registrar will assume control of the site and the human remains with a confirmatory email citing the assigned Burial Site Investigation (BSI) number.

Where there are no concerns of foul play requiring further investigation by the OCC/OFPS, police must secure the scene until the landowner is advised of the statutory requirement that the landowner preserve the burial site until the disposition is decided by the Registrar. **It is essential that the FA, together with the attending coroner, and with RSC support, or in the absence of a coroner on scene, the attending police officer, communicates to the landowner that the landowner must take immediate steps to preserve and protect the site, skeletal remains and any artifacts until a disposition is made under the FBCSA, if they have not already done so.**

#### 4804.6.3.1 Closing the case

Completion of the case in QuinC upon referral to the Registrar includes:

- Uploading documentation of the referral to the Registrar (i.e., email thread ending in Registrar confirming assumed control over the referred burial site) in QuinC > Documents
- Recording Manner of Death as **Skel/Arch/Animal Remains**

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<b>OCC</b>	Management of Found Skeletal Remains	Document ID: 4804
	Effective: Thursday June 27, 2024	Revision: 2

- Entering a narrative outlining the circumstances of discovery, investigation steps and discussions and findings and outcome
- Closing the case in QuinC

Once the official referral of the burial site is made to the Registrar, the Registrar has statutory authority over the site and the responsibility to direct next steps. Any additional work done by the FA and/or the coroner or meetings between the FA and coroner with external parties should be at the Registrar's direction and include the Registrar for case continuity.

**NOTE:** When a burial site is found on federal reserve lands or other federal lands, the Registrar may be notified by the police, coroner or an Indigenous community directly. If notified, the Registrar will determine next steps, including whether to apply the FBCSA.

#### **4804.7      IMPORTANT CONTACTS**

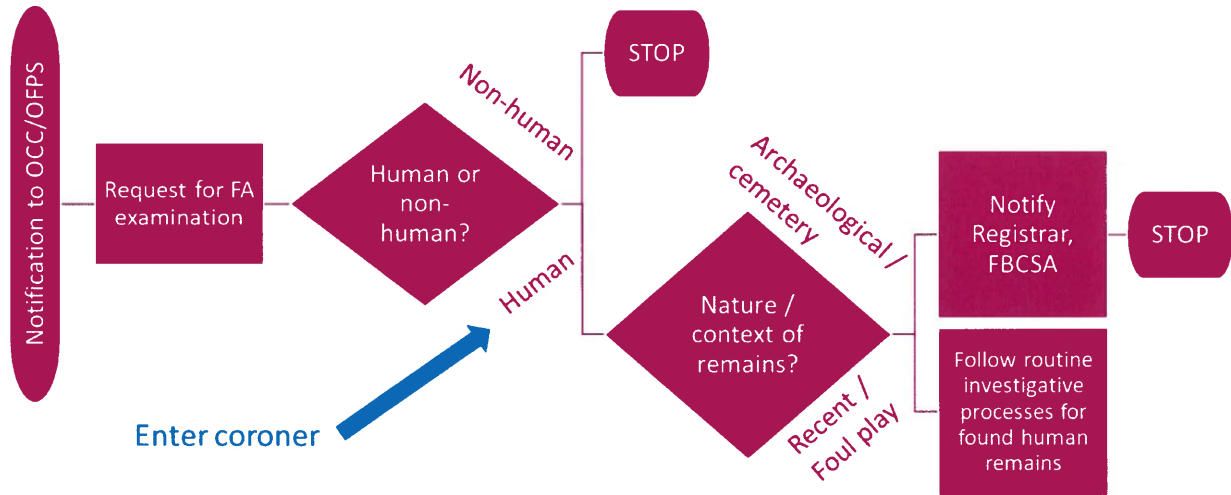
<b>Provincial Dispatch Unit</b> Toronto, ON	416-314-4100 1-855-299-4100
<b>Registrar</b> <i>Funeral, Burial and Cremation Services Act</i>	<a href="mailto:FBCSARegistrar@ontario.ca">FBCSARegistrar@ontario.ca</a> 416-212-7499
<b>Registrar</b> Bereavement Authority of Ontario	<a href="mailto:Registrar@TheBAO.ca">Registrar@TheBAO.ca</a> 647-483-2645

#### **4804.8      ORIGINAL AUTHORIZATION**

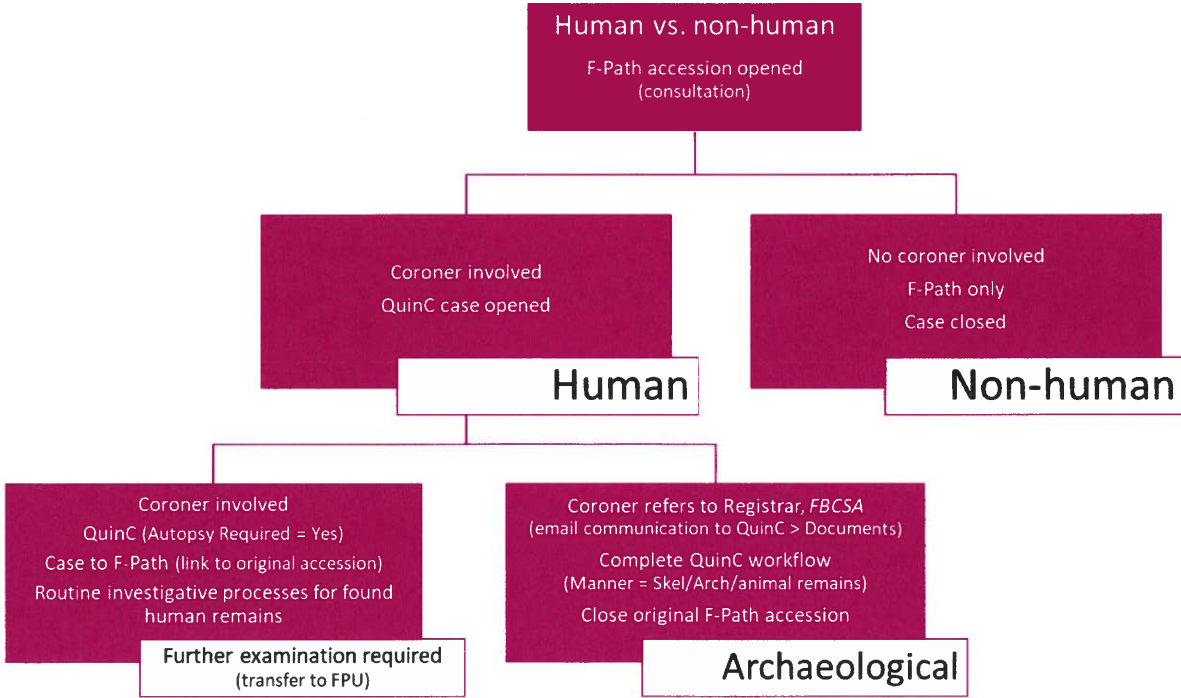
Prepared by:	Gillian Currie René Hepburn	Executive Advisor/Registrar Manager, Repatriation
Reviewed by:	Ian Hember	Manager/Registrar, Consumer Services Operations Division, MPBSD
Reviewed by:	Michael Pickup	Deputy Chief Forensic Pathologist
Authorized by:	Dirk Huyer & Michael Pollanen	Chief Coroner & Chief Forensic Pathologist

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**Appendix A: Workflow for found skeletal remains (apparently not recent)**



**Appendix B: Workflow**



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**MEMORANDUM TO:** All Chiefs of Police and  
Commissioner Thomas Carrique  
Chairs, Police Service Boards

**FROM:** Ken Weatherill  
Assistant Deputy Minister  
Public Safety Division

**SUBJECT:** **2023 Police Use of Force Race-Based Data  
Technical Report and Open Data**

<b>DATE OF ISSUE:</b>	<b>August 2, 2024</b>
<b>CLASSIFICATION:</b>	<b>General Information</b>
<b>RETENTION:</b>	<b>Indefinite</b>
<b>INDEX NO.:</b>	<b>24-0052</b>
<b>PRIORITY:</b>	<b>Normal</b>

I am writing to advise that the Ministry of the Solicitor General will be releasing its 2023 Police Use of Force Race-Based Data Technical Report this afternoon along with the corresponding datasets. This public report will include police service level data.

The data and report are published to satisfy requirements set out in the *Anti-Racism Act, 2017* and the Data Standards for the Identification and Monitoring of Systemic Racism. The report will be published on the Ontario Data Catalogue in English and French. Data used in the report will also be made available in machine-readable format on the data catalogue.

An embargoed copy of the technical report is attached. The embargo is in force until August 2, 2024, and materials cannot be shared until the embargo has ended. Data analysts or leads in your respective services will continue to be engaged as this and other data analytics work advances.

Please contact Chris Johns, Assistant Deputy Minister, Data Insights and Strategic Initiatives Division, at [Christopher.Johns@ontario.ca](mailto:Christopher.Johns@ontario.ca) with any questions you may have regarding the release of the data and technical report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Weatherill', written in a cursive style.

Ken Weatherill  
Assistant Deputy Minister  
Public Safety Division

Attachment

c: Mario Di Tommaso, O.O.M.  
Deputy Solicitor General, Community Safety

# **Police Use of Force Race- Based Data Technical Report, 2023**

*Ministry of the Solicitor General*

# Police Use of Force Race-Based Data Technical Report, 2023

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Under the Anti-Racism Act, 2017 (ARA), and its associated regulation and guidance, the Ministry of the Solicitor General is required to collect and analyze race-based data on instances of police use of force.

This report provides a background on the data collection and reporting; a description of the data collection tool (Use of Force Report); an overview of the data cleaning, and analytic methods; a review of the scope and limitations of the data collected; and descriptive analyses.

Analyses were done using the data extracted from the provincially mandated Use of Force Reports for incidents that occurred between January 1 and December 31, 2023.

According to Statistics Canada, police in Ontario receive approximately four million calls for services a year. Based on these figures, over 99 per cent of these calls are resolved without the use of force.

The data for 2023 are available in the [Ontario Data Catalogue](#).

# Contents

- Section 1: Overview of Use of Force in Ontario ..... 6
  - 1.1 Legislative Background..... 7
    - 1.1.1 Ontario’s *Anti-Racism Act, 2017* ..... 7
    - 1.1.2 Ontario’s Anti-Racism Data Standards (ARDS) ..... 7
    - 1.1.3 Use of Force Data Collection ..... 8
  - 1.2 Use of Force Background ..... 9
    - 1.2.1 Ontario’s Use of Force Framework ..... 10
    - 1.2.2 Officer Training and Certification ..... 11
  - 1.3 The 2023 Use of Force Report ..... 12
    - 1.3.1 When Force Must be Reported ..... 12
    - 1.3.2 Addition of Race-Based Data Collection ..... 13
    - 1.3.3 Team Reports ..... 14
    - 1.3.4 Reporting Police Services ..... 16
- Section 2: Data Limitations..... 17
  - 2.1. Use of Administrative Data for Research ..... 18
  - 2.2 Lack of Standardization ..... 19
  - 2.3 Data Not Collected in the Use of Force Report..... 19
    - 2.3.1 Officer Experience and Demographics..... 19
    - 2.3.2 Information About an Individual..... 19
    - 2.3.3 Personally Identifiable Information ..... 20
    - 2.3.4 Number of Subject Individuals Involved in the Incident ..... 20
  - 2.4 Report Design Impacts on Data Quality..... 21
    - 2.4.1 Incident Number and Police Service Division..... 21
    - 2.4.2 Incident Type..... 21
    - 2.4.3 Location..... 22
    - 2.4.4 Rank Category ..... 22
    - 2.4.5 Injuries to Individuals or Officers from the Use of Physical Force ..... 22
  - 2.5 Limited Analysis Options without an Appropriate Benchmark Population ..... 23
- Section 3: Use of Force Datasets..... 27

3.1 Overview.....	28
3.1.1 Out of Scope Reports.....	29
3.2 Datasets .....	30
3.2.1 Structure of Questions in the Use of Force Report.....	31
3.2.2 Main Records Dataset.....	32
3.2.3 Individual Records Dataset .....	32
3.2.4 Weapon Records Dataset .....	33
3.2.5 Cartridge/Probe Cycle Records Dataset .....	33
Section 4: Analysis and Results .....	35
4.1 Key Concepts for Analysis .....	36
4.1.1 Participant-Observer Information .....	36
4.1.2 Unit of Analysis: Report, Incident, and Observation.....	37
4.1.3 Scope of Technical Report.....	39
4.2 Perceptions of the Individuals upon Whom Force was Used.....	39
4.2.1 Race and Difficulty Perceiving Race .....	40
4.2.2 Age.....	43
4.2.3 Gender .....	44
4.3 The Police Services .....	44
4.4 The Officers .....	46
4.4.1 Number of Officers Applying Force .....	47
4.4.2 Officer Rank Category .....	49
4.4.3 Officer Length of Service.....	49
4.4.4 Assignment Type .....	50
4.4.5 Attire.....	51
4.4.6 Attempts to Gain Compliance.....	51
4.5 The Force Used .....	54
4.5.1 Distance from Individuals When Deciding to Use Force .....	54
4.5.2 Type of Force Category .....	55
4.6 Outcomes of Force .....	67
4.6.1 Injuries to Individuals upon Whom Force was Used.....	68
4.6.2 Injuries to Officers .....	71

Section 5: Conclusions..... 72

Section 6: Appendices..... 75

    6.1 Appendix A: Ontario Use of Force Report 2023..... 76

    6.2 Appendix B: Summary of the Principles Governing the Use of Force by Police .. 76

    6.3 Appendix C: Disproportionality & Disparity Equations ..... 79

    6.4 Appendix D: Glossary of Terms ..... 79

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# **Section 1: Overview of Use of Force in Ontario**



## 1.1 Legislative Background

### 1.1.1 Ontario's *Anti-Racism Act, 2017*

The Government of Ontario continually strives to address racial inequities in its policies, decisions, programs, and services. An important aspect of identifying and addressing racial inequity is the collection and analysis of robust, standardized, and comprehensive data that can be used to inform actions and monitor progress on this topic.

The *Anti-Racism Act, 2017* (ARA) provides a statutory framework that includes the legislative authority to mandate the collection of race and identity-based data, regulatory requirements relating to collection of race-based data, and the rules and standards to follow when collecting, analyzing, and reporting on this data.

Ontario Regulation 267/18<sup>1</sup> under the ARA (referred to as the ARA Regulation for the remainder of this technical report), sets out the information that various Public Sector Organizations (PSOs) are required or authorized to collect, as well as the date on which they may or must begin collecting the information.

### 1.1.2 Ontario's Anti-Racism Data Standards (ARDS)

Section 6 of the ARA requires the minister responsible for Anti-Racism to establish data standards for the collection, use, and management of information. Any PSO regulated under the ARA must follow the *Data Standards for the Identification and Monitoring of Systemic Racism*. This document is also referred to as Ontario's Anti-Racism Data Standards (ARDS)<sup>2</sup> and sets out standards for PSOs in identifying and monitoring racial disparities and disproportionalities. The ARDS are intended to ensure that PSOs generate reliable information to support evidence-based decision-making and promote accountability.

The ARDS include 43 standards that govern how PSOs manage the information, including the personal information, that they are required or authorized to collect under the ARA.<sup>3</sup> The ARDS speak to the collection and use of personal information; de-identification and disclosure of information; the retention, security, and secure disposal of personal information; the analysis of the data collected; and the publication and reporting of a) the data collected, and b) the results of the analyses conducted.

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<sup>1</sup> [Link to O. Reg. 267/18: GENERAL](#)

<sup>2</sup> [Link to the Data Standards for the Identification and Monitoring of Systemic Racism](#)

<sup>3</sup> Not all 43 ARDS apply to every regulated collection data, for example, there are six ARDS on the collection of Participant Observer Information (POI) that only apply if the PSO is collecting POI.

ARDS 36 (Public Reporting of Results) requires PSOs to produce regular and timely reporting on the results of analyses, descriptions of benchmarks and/or reference groups used in the analyses, thresholds to identify notable differences between groups, and information about how the data were collected and the data quality (the accuracy, validity, and completeness of the data collected).

This technical report is presented for the purpose of complying with ARDS 36 to the greatest extent possible given the data available to the Ministry of the Solicitor General. The technical report includes descriptive analyses of data from police Use of Force Reports received by the Ministry and an assessment of the quality and limits of the existing data, including limitations on the use of benchmarks, reference groups, and thresholds.

### **1.1.3 Use of Force Data Collection**

Item 6 of the table in the ARA Regulation 267/18 requires the Ministry of the Solicitor General to collect and analyze, “as provided by police forces, the race of individuals as perceived by members of the police forces in respect of whom a use of force report is prepared by a member of the police force and any other information set out in the report, other than the name of the individual, that the police force is legally required to provide to the Ministry of the Solicitor General.”<sup>4</sup>

The Ministry has used three versions of the Use of Force Report since 2020, described below. The numbering of the versions in this technical report are for clarity and do not correspond to what may be printed on the report itself.

To collect the data required by Item 6, in 2019 the Ministry updated the original Use of Force Report<sup>5</sup> (Version 0) that had been in place since 1992. This updated report (Version 1.0) included a new data field to capture a police service member’s perception of the race of the person(s) upon whom the member used force and a report was required to be completed. Ontario police services began using Version 1.0 on January 1, 2020. Training was also provided to police service members via a guidebook and online materials. Version 1.0 was used by police services until December 31, 2022.

Version 2.0 was implemented on January 1, 2023. Version 2.0 was designed to improve the utility of the report as a data collection tool and address many of the data limitations of Version 1.0, while not adding undue burden to reporting officers. A technical update – Version 2.1 – was implemented in April 2023 to fix an issue that resulted in some information on conducted energy weapon (CEW) cycles not being saved. The data used

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<sup>4</sup> See the table in s. 2 of the Regulation: [O. Reg. 267/18: GENERAL \(ontario.ca\)](https://www.ontario.ca/laws/regulation/180267)

<sup>5</sup> See Appendix A.

in this technical report were all derived from Version 2.0 and 2.1 of the Use of Force Report. Because of the changes between Version 1.0 and Version 2.0 (summarized below) and regulatory changes, many findings cannot be compared between the 2020-2022 data and 2023 data.

Version Number	Dates	Details
0	1992 – 2019	Original Use of Force Report. Race-based data was not included and there was no requirement for Ontario to report publicly on use of force.
1.0	Jan 1 2020 – Dec 31 2022	Data fields were added to Version 0 of the report to collect perceived race of up to three individuals upon whom force was used. Ontario became required by law to analyze and publicly report on the data.
2.0	Jan 1 2023 – Mar 31 2023	Significant redesign of the Use of Force Report, including: <ul style="list-style-type: none"> <li>• collecting location, perception of age and gender, and other variables;</li> <li>• improvements in automated data validations; and</li> <li>• ability to collect perceived race for up to 99 individuals per report.</li> </ul>
2.1	Apr 1 2023 – present	Technical update to Version 2.0 to a) correctly transfer select data fields on CEW discharge cycles, and b) add front-end validation to the date field.

## 1.2 Use of Force Background

On a daily basis, police officers may face situations where they use force to ensure their own safety or that of the communities they serve.

The parameters governing the use of force by police officers are contained in the *Criminal Code*, other federal and provincial legislation and regulations, the common law, and the *Charter of Rights and Freedoms*. The broad principles governing the use of force by police are summarized in Appendix B. In Ontario, the provincial statute that governed police use of force in 2023 was the Ontario *Police Services Act*<sup>6</sup> (PSA) and its

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<sup>6</sup> [Link to Police Services Act, R.S.O. 1990, c. P.15](#)

Equipment and Use of Force Regulation (R.R.O. 1990, Regulation 926).<sup>7, 8</sup> Throughout, this may be referred to as the Use of Force Regulation.

In November 2022, the Ministry amended the Use of Force Regulation to clarify and enhance reporting requirements for use of force incidents. These amendments were intended to perform a number of functions. This includes clarifying areas that had been subject to differing interpretation (e.g., “an injury requiring medical attention”) as well as bring requirements in line with current best practices (e.g., reporting on display of a CEW to achieve compliance). Amendments also address reporting on the use of police dogs and horses, confirm exceptions to reporting (e.g., when a handgun is drawn for an administrative purpose or surrendered for an investigation) and establish clear requirements for reporting by teams (e.g., when a common type of force is used by multiple members). Lastly, the changes prescribe annual reviews of use of force trends within each police service and require each Police Services Board or the Solicitor General (in the case of the Ontario Provincial Police) to publish its annual report online.

The Ministry had also maintained a Use of Force Guideline for all police services governed by the *Police Services Act* (PSA) to provide additional guidance regarding police use of force training, the use of firearms and other weapons, and the reporting of officers’ use of force. This guideline was in use for all of 2023.

### **1.2.1 Ontario’s Use of Force Framework**

Ontario’s 2004 Use of Force Model showed response options that may be appropriate based on the situation in question. The model was based on the National Use of Force Framework.

On July 7, 2023, Ontario’s Use of Force Model was replaced with the Ontario Public-Police Interactions Training Aid (OPPITA). Like the model, the training aid outlines the general principles that govern police interactions with the public, including the use of force on those occasions when an application of force may be necessary. As interactions are fluid, officers continuously assess the situation to choose the most reasonable option according to the situation and the behaviour of the persons involved. Officers consider whether the individual is being cooperative; passively or actively resistant; assaultive; or behaving in a way that poses a risk of serious bodily harm or death to the officers or members of the public. The model is not prescriptive, does not dictate decisions or actions of a police officer, and does not change the applicable law.

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<sup>7</sup> [Link to R.R.O. 1990, Reg. 926: EQUIPMENT AND USE OF FORCE](#)

<sup>8</sup> For further clarity, on April 1, 2024, the *Community Safety and Policing Act, 2019* (CSPA) replaced the PSA. The relevant regulation under the CSPA is the Use of Force and Weapons Regulation. However, all the use of force incidents included in this technical report occurred while the PSA was in force.

An officer assesses a situation, a person's behaviour, and other factors to decide if force is necessary and, if so, which force option to use from a range of options. At the lowest risk/threat level, the presence of an officer or officers may serve to adequately control a situation and change the behaviour of the person(s) involved without using force. At the highest risk/threat level, an officer may choose to use lethal force when there is risk of serious bodily harm or death for members of the public, officers, or individuals involved that cannot be resolved with any other non-force or force option. There is a range of other force options, including physical control and intermediate weapons, between the lowest risk/threat and highest risk/threat levels.

De-escalation may lead to a lower amount of force being used. It may even prevent the need for force. Increased force may be appropriate when the situation becomes more serious and the threat increases to members of the public, officers, or the persons involved. Employing de-escalation strategies to achieve peaceful resolutions is a fundamental goal during police interactions with the public.

### **1.2.2 Officer Training and Certification**

In Ontario, use of force and firearms training for officers is mandated in legislation. In 2023, this was the Equipment and Use of Force Regulation (R.R.O. 1990, Regulation 926) under the PSA.

All new Ontario police recruits complete foundational training through the Basic Constable Training (BCT) program, that includes training on de-escalation and the use of force. A member of a police service must not use force on another person unless the member has successfully completed training on use of force (s. 14.2(1)). There were two notable changes to the training in 2023: the addition of an online mental health crisis response module and a communication-based virtual reality session. These additions extended the BCT program by six days.

In addition, police officers are required to take annual use of force training, which is provided by their police service by qualified instructors who are accredited through the Ontario Police College. This training must include legal requirements, the exercise of judgement, safety, theories relating to the use of force, and practical proficiency. This content is typically delivered via classroom presentation, online courses, and scenario-based training activities.

Officers must complete a firearms training course before they are allowed to carry a firearm. Officers must complete training every twelve months to continue to carry a firearm (s.14.2(2)).<sup>9</sup>

Additionally, the Ministry's Use of Force Guideline, which was in use throughout 2023, recommended specific training on communication, physical control, impact weapons (e.g., baton), aerosol weapons (e.g., pepper spray), conducted energy weapons (CEWs), and firearms. This ongoing training is to ensure that an officer can assess a situation quickly and effectively to determine the appropriate response, and to evaluate whether a physical method is required to subdue an individual to bring them into custody, or to prevent injury to the individual, the officer, or a member of the public.

### **1.3 The 2023 Use of Force Report**

The Ontario Use of Force Report is an administrative form first implemented in 1992 (Version 0) through the Equipment and Use of Force Regulation (R.R.O. 1990, Regulation 926) under the *Police Services Act*. The Use of Force Report captures information about police use of force incidents. This includes the type of force used, whether an individual was perceived to be carrying a weapon, and the reason force was applied.<sup>10</sup> The purpose of Version 0 was to collect data on use of force incidents to inform police policy and training.

The perceived race of individuals upon whom force was used was added to the Use of Force Report on January 1, 2020, as required by the ARA Regulation.

This was to allow race-based analysis to identify potential instances of disproportionalities and disparities in police use of force. The data generated from this version had several limitations. These limitations significantly affected what analyses could be performed and what conclusions could be supported by the data.

The Use of Force Report was further updated and Version 2.0 rolled out on January 1, 2023. These updates improved available data quality and analytical capabilities.

#### **1.3.1 When Force Must be Reported**

The Ministry of the Solicitor General analyzed data from police Use of Force Reports collected under the Equipment and Use of Force Regulation (R.R.O. 1990, Regulation 26) for incidents between January 1 and December 31, 2023.

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<sup>9</sup> Chiefs of Police can grant limited extensions to complete the mandatory training (s.14.3(2) and 14.3(3)).

<sup>10</sup> A copy of the Use of Force Report (Version 2.1) used for data collection is available in the Ontario Data Catalogue with the data used to prepare this report.

The Equipment and Use of Force Regulation (R.R.O. 1990, Regulation 926) was revised as of January 1, 2023. The circumstances under which force must be reported were changed, including requiring officers to report additional types of CEW use and including a checkbox for CEWs, rather than entering it as an “Other” type of force. As a result of this change, incidents that were not previously provincially reportable became reportable in 2023. This enhanced reporting was expected to result in a higher number of reports being submitted in 2023, relative to previous years. Such an increase in the total number of reports should not be interpreted as necessarily indicating an increase in these type of force incidents.

In 2023, members of police services were required under s. 14.5(1) to complete a Use of Force Report whenever a police service member drew a handgun in the presence of a member of the public; pointed a firearm at a person; discharged a firearm; or used a weapon on another person. It was also reportable if an officer drew and displayed a conducted energy weapon (CEW; i.e., TASER) to a person with the intention of achieving compliance, pointed a CEW at a person, or discharged a CEW. Force was also reportable if the force was used on another person, including through the use of a horse or a dog, that resulted in an injury requiring the services of a physician, nurse or paramedic, and the member was aware that the injury required such services before the member went off duty.<sup>11</sup> Full details about when force must be reported and exceptions to reporting requirements are available in the Use of Force Regulation.

### **1.3.2 Addition of Race-Based Data Collection**

To meet the requirements of Item 6 of ARA Regulation 267/18, the Use of Force Report includes the following question to capture the police service member’s perception of the race of the individual upon whom force was applied and a report was required to be completed.

*What race category best describes the subject(s)? (select only one per subject)<sup>12</sup>*

1. *Black*
2. *East/Southeast Asian*
3. *Indigenous (First Nations, Métis, Inuit)*
4. *Latino*

---

<sup>11</sup> When a Use of Force Report is required to be submitted under this regulation, these are referred to as “provincially reportable” uses of force.

<sup>12</sup> The language of the question on the Use of Force Report deviates slightly from the language in ARDS 40, which is “What race category best describes this individual” (select only one).” This small change was made to use language consistent with the Use of Force Report (subject vs individual) and because respondents can report perceived race for up to three individuals, however, only one race category can be chosen per individual as per the ARDS.

5. *Middle Eastern*
6. *South Asian*
7. *White*

In accordance with ARDS 40, police service members are required to select which of the seven racial categories best describes the individual. Collection of race-based data in this manner, collecting one person's perception of the race of another person, is an example of Participant Observer Information (POI).<sup>13</sup>

This question is mandatory and reporting officers can only select one of the race categories provided. Under the ARDS, it is not permitted to include on the report a "don't know," "prefer not to answer," or open text response option. If an individual is perceived to be of mixed race, the officer must choose the race category that, in their view, the individual most resembles. Officers are instructed not to ask the individual to provide their self-identified race.

### **1.3.3 Team Reports**

In some circumstances, an officer was permitted to submit a Use of Force Report on behalf of a team. In the 2020-2022 technical report, team reports were primarily received from tactical/hostage rescue or emergency response teams.<sup>14, 15</sup>

A regulatory change that came into force on January 1, 2023, updated the reporting requirements related to team reports.

Under s. 14.6(1), the supervisor of a containment team, tactical unit or hostage rescue team, or an officer designated by the supervisor, could submit a report on behalf of the team, if, during an operational deployment of the team's emergency response functions and while acting under the command of the supervisor:

1. A member drew a handgun in the presence of a member of the public.
2. A member pointed a firearm at a person.
3. A member drew and displayed a conducted energy weapon to a person with the intention of achieving compliance.

---

<sup>13</sup> See Standards 38 to 43 of ARDS for more information on POI.

<sup>14</sup> For a description of police public order units and emergency response services, see section 18 "Public Order Maintenance" and section 21 "Emergency Response Services under the Reg. 3/99: ADEQUACY AND EFFECTIVENESS OF POLICE SERVICES of the Police Services Act [Link to O. Reg. 3/99: ADEQUACY AND EFFECTIVENESS OF POLICE SERVICES](#)

<sup>15</sup> Police Services may refer to their tactical-or emergency response teams by different names. The teams captured in this category include teams referred to as: Tactical, Tactical Rescue Unit, Tactical Containment Team, Emergency Task Unit, Emergency Services Unit, Emergency Response Team, Tactical and Rescue, Tactical Services Unit, Tactical Support Unit, Emergency Task Force, Emergency Response Unit, or Tactical Emergency Services Unit.



4. A member pointed a conducted energy weapon at a person.

If any member of the team used a force response that required a report to be submitted, other than the ones listed above, they were required to submit an Individual Report (s. 14.6(2)).

The requirements for team reporting for a public order unit were slightly different. Under s. 14.6(4), a supervisor of a public order unit, or an officer designated by the supervisor, could submit a Team Report if, during an operational deployment of the unit for public order maintenance and while acting under the command of the supervisor, one or more members did any of the following:

1. A member applied force resulting in injury requiring the services of a physician, nurse or paramedic.
2. A member pointed a firearm deployed with less lethal projectiles at a person.
3. A member discharged a firearm deployed with less lethal projectiles at a person.
4. A member drew and displayed a conducted energy weapon to a person with the intention of achieving compliance.
5. A member pointed a conducted energy weapon at a person.

Similar to the other team types, if any member of the team used a force response that required a report to be submitted, other than the ones listed above, they were required to submit an Individual Report (s. 14.6(5)).

Finally, s. 14.7 allowed officers to complete a Team Report if two or more officers were acting in co-ordination in response to a single event under specific circumstances, even if the officers did not belong to a dedicated, specialized team. This was an option under s. 14.7 of the regulation if:

1. An officer drew a handgun in the presence of a member of the public.
2. An officer pointed a firearm at a person.
3. An officer drew and displayed a conducted energy weapon to a person with the intention of achieving compliance.
4. An officer pointed a conducted energy weapon at a person.

However, s. 14.7(2) required that if an officer used a type of force other than the four listed above, they must complete an Individual Report.

This section (s. 14.7) allowed team reporting in many situations that would not necessarily have resulted in a Team Report previously. As such, direct comparisons with data collected using older versions of the Use of Force Report cannot be made.

Under the updated regulation from January 1, 2023, team reports could be submitted by specialized teams, who were acting in coordination in response to a single event. In all cases, if any team member used reportable force other than the types of force noted in sections 14.6(1), 14.6(4), or 14.7(2), that officer was required to submit an Individual Report.

### **1.3.4 Reporting Police Services**

As of January 1, 2020, all municipal police services and the Ontario Provincial Police were required to submit Use of Force Reports to the Ministry pursuant to the Equipment and Use of Force Regulation (s. 14.5 (4)). Race-based data are collected pursuant to Item 6 in the ARA Regulation 267/18 table.

First Nation police services were not required to complete or submit Use of Force Reports to the Ministry under the PSA.

In 2023, Ontario had 53 police services (43 municipal police services, nine First Nation police services, and one provincial police service).

# Section 2: Data Limitations

## 2.1. Use of Administrative Data for Research

The data analyzed in this technical report are derived from Use of Force Reports that were designed and implemented for administrative purposes. Although there was a full redesign to improve data collection, the Use of Force Report remains an administrative form. Administrative data is data that organizations use to conduct their regular operations.

Administrative data is frequently used for research, but there are often unique challenges related to the design, structure, and content of the information in datasets derived from administrative systems.<sup>16</sup> Unlike data specifically collected for research purposes, administrative datasets may not include all the information needed to answer research questions of interest or to develop or test theory. In addition, administrative datasets often require substantially more data management for cleaning, organizing, restructuring, and recoding to prepare the data for use in research compared to research datasets. A great deal of time and effort may be required to ensure that analysts understand how the information was generated and determine the appropriate uses for the data and its applicability for answering research questions of interest.

When using administrative data for research purposes, it is often necessary to link different administrative datasets together to create a comprehensive research dataset. This adds to the complexity and opens new opportunities for more fulsome and meaningful analysis. For police use of force analysis, individual police services can link data from Use of Force Reports to information in their Records Management Systems (RMS). The Ministry of the Solicitor General does not have access to information in police services' RMS, meaning that some research questions cannot be explored by the Ministry.

One benefit of administrative data is that it can be an efficient data collection method that often provides data about all – or nearly all – relevant individuals or events. In contrast, social science research typically involves collecting data from a sample of people and then generalizing the results from the sample to a larger population. This generalization involves the use of inferential statistics to assess whether findings in the sample data are generalizable to the population of interest (e.g., whether results of an opinion poll conducted with 1,500 Ontarians can be used to make inferences about the opinions of all Ontarians). This inferential step is typically not necessary with administrative data because it usually includes information about the whole population. This is the case with the Use of Force Report data. Analysis was conducted on all Use

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<sup>16</sup> These challenges are discussed in greater detail by Connelly, Playford, Gayle, and Dibben (2016): [The role of administrative data in the big data revolution in social science research - ScienceDirect](#)

of Force Reports received by the Ministry, not a sampling, therefore, inferential analysis is not required for this technical report's analyses.

## **2.2 Lack of Standardization**

One challenge with using data collected from an administrative form, such as the Use of Force Report, is that individuals completing the form may have different understandings of what the question is asking and how to respond.

There is a provincial guide on how to complete the Use of Force Report, which was updated when the revised report was released. However, the guide does not necessarily provide explanations for all response options contained in the report. Individual police services may provide complementary guides and supports to reporting officers, but this is not standardized across Ontario at this time.

The result of this lack of provincial standardization for areas such as police calls for service codes, definitions<sup>17</sup> and response options can cause data quality challenges and additional time requirements when analyzing data collected from multiple police services. This does not affect individual police services' ability to analyze their own data.

## **2.3 Data Not Collected in the Use of Force Report**

Use of force incidents can be complex, with many factors contributing to the decisions made by everyone involved. The validity of the conclusions is heavily influenced by the completeness of the available data. If key information is not included, only tentative conclusions can be supported. A few key variables that were not collected on the current version of the Use of Force Report would significantly improve understanding of use of force incidents. Examples of these are outlined in this section.

### **2.3.1 Officer Experience and Demographics**

In the 2023 dataset, there is little information about the officers who used force. Rank category (i.e., constable, non-commissioned officer, commissioned officer) and years of service were collected, but other information could be useful.

### **2.3.2 Information About an Individual**

One significant improvement compared to previous years is that the Use of Force Reports used in 2023 included structured questions where officers can indicate what factors influenced their response to an individual. This includes the individual's

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<sup>17</sup> For example, the impact of a lack of standardization for call type data on ability to understand counts or trends or conduct comparisons across services or regions.

behaviour, the nature of the call, past history with the individual, as well as their physical size, strength, and abilities.

One key factor not included is whether the individual appeared to be experiencing mental health distress and/or intoxication from drugs or alcohol. Collecting additional incident contextual information would permit a better understanding of how officers respond to varying situations.

### **2.3.3 Personally Identifiable Information**

The Use of Force Reports do not include any information that could be used to identify any individuals upon whom force was used. As a result, it is not possible to determine if any individual is described on more than one report related to a single incident, or in multiple incidents in a year. There are two key drawbacks.

First, it is not possible with these data to determine the number of unique individuals upon whom police used force in 2023. An incident that included two reports, each describing force used on two individuals, could have involved two, three, or four unique individuals. Regardless, the dataset includes four observations of individuals. As well, if an individual has multiple encounters with police that involve force that person will be described at least once for each incident. Because of this, the count of observations of individuals will necessarily overcount the number of actual individuals upon whom force was used.

Second, without the ability to identify when multiple observations of the same individual are provided, any individual-level analysis comes with major caveats. Any results of analysis based on the observation of an individual (rather than the report or the incident) could be directly related to perceived race. Alternately, it could be due to individuals of some perceived race categories being more likely to be involved in incidents with a greater number of officers, leading to those individuals being perceived more frequently in the dataset. This factor could also lead to inflated use of force incidents with the same individual being represented multiple times.

### **2.3.4 Number of Subject Individuals Involved in the Incident**

On each Use of Force Report, officers are required to indicate the number of individuals upon whom reportable force was used. Any other individuals present would not be counted anywhere on the report. For example, if officers arrived on scene to find a group of nine individuals and only used force on one, any reports would only provide information about the one individual. The other eight individuals who were present would not necessarily be noted on the report. Including a total number of individuals involved in the incident would provide necessary additional context to the officer's report.

## **2.4 Report Design Impacts on Data Quality**

Based on analysis of the data as well as feedback from police services, there are some variables that could be changed to enhance the quality and usefulness of the data.

### **2.4.1 Incident Number and Police Service Division**

The Ministry began receiving incident numbers on Version 2.0 of the Use of Force Report on January 1, 2023. These incident numbers are generated by the police services' Records Management System (RMS) to link all occurrence or other reports related to the call for service. Each service has its own format for incident numbers.

On the Use of Force Report, officers are to enter the incident number in an open-text field. This field has no restrictions on the types of characters that can be included or guidance on the structure of the data to be entered. This led to discrepancies in the formatting of incident numbers within police services, which hampers the ability to link reports for the same use of force incident. For example, if the RMS generates 2023-57209 as an incident number, officers may enter 23-57209, 2023/57209, 202357209, or other variations. Although best efforts were made to resolve discrepancies in incident numbers, it is possible that some links were missed or unable to be confirmed.

### **2.4.2 Incident Type**

For 2023, officers were instructed to select one incident type from a drop-down list of 22 options that best described the final disposition of the incident. There was no option to provide a response other than the ones on the list. This is an update the previous form, where officers could select multiple incident types for any given encounter as well as provide a written description.

Officers were instructed to use their best judgment for the type of incident. There are no province-wide standardized instructions on how to select an option when multiple options could be accurate. This makes it difficult to know how many of a particular incident type resulted in a use of force incident.

An additional challenge is the type of incident at disposition may not be the type of incident that officers were called to and may have influenced their response options. An incident could begin as a traffic stop or disturbance and end as an active attacker or violent crime incident. Conversely, the initial call for service could be reported to officers as a weapons call, causing them to arrive on scene with handguns drawn; however, after arriving officers determined the "weapon" was a spray paint can for graffiti and the final disposition may be coded as "property crime."

A possible enhancement could be to collect data on what type of incident officers believed they were entering and what type of incident it turned out to be in the end.

### **2.4.3 Location**

Location data were not analyzed in this technical report due to the variety of response options that require standardizing to enable use in analysis. Officers have five open-text options for entering location data: GPS coordinates, address, postal code, closest intersection, and other. Only the postal code field includes data validations. Some locations, particularly in urban centres, could be identified in multiple ways. For example, the Eaton Centre Mall in downtown Toronto could be entered as: 220 Yonge St.; M5B 2H1; Yonge and Dundas, Yonge and Shuter, or Yonge and Queen; or 43.654434, -79.380852.

As well, incidents may take place in more than one location, even though the report currently can only capture one location. In these incidents, it is not clear how officers decided which location to report.

### **2.4.4 Rank Category**

Results from the previous report showed the vast majority of Use of Force Reports were submitted by Constables and Special Constables. Constables also made up a substantial proportion of officers in Ontario. Currently, it is not possible to compare different classes of Constable (i.e., 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>) or to look separately at Special Constables, whose duties and equipment are different than other Constables.

### **2.4.5 Injuries to Individuals or Officers from the Use of Physical Force**

#### **2.4.5.1 Treatment of Injuries**

The questions on the Use of Force Report related to treatment of injuries sustained during physical force could be improved by clarifying who provided the treatment. Under the Use of Force Regulation, physical force is only provincially reportable if it resulted in injuries requiring the services of a physician, nurse, or paramedic.

Currently the treatment response options included: No; First Aid; Medical Attention by Personnel at Scene; Admission to Medical Facility; Medical Attention at Facility; Don't Know; and Other. Any report that included admission or attention at a medical facility was clearly a reportable incident under the Use of Force Regulation. However, for the other response options, the incident was only reportable if services were provided by a physician, nurse, or paramedic. First aid or medical attention provided by officers would not require a report to the Ministry. The current version of the report does not allow officers to indicate who provided attention or treatment.



The result is that it may not be possible for the Ministry to exclude reports from non-provincially reportable incidents. Police services may require officers to complete reports for non-provincially reportable incidents to inform their own decisions about service-level operations and training.

#### **2.4.5.2 Lack of Clarity on when Injuries to Individuals Should be Reported**

A second challenge with the data on injuries is that there may be confusion on when injuries should and should not be reported. Officers should only include physical injuries that were caused by their own use of force, not injuries caused anyone else. This does not mean that the injury was inconsequential or unimportant, however the intention of the report is to capture injuries caused specifically by the reporting officer's use of force.

Based on data available, it appears that some reports noted injuries caused either by other officers or by the individuals themselves.

As well, many of the "Don't Know" responses for subject individual injuries were related to incidents where officers were attempting to capture a driver who was impaired or driving a stolen vehicle.

#### **2.4.5.3 Lack of Clarity on when Injuries to Officers Should be Reported**

The instructions guide does clarify that officers should only report injuries that they themselves sustained as a result of using force. They are not meant to include injuries to other officers. However, the wording on the report itself about officer injuries does not make this clear. The section is called "Officer Involved Injuries" and the question on whether there were injuries was "Were physical injuries sustained because of the force applied?" Officers may be also recording injuries to their colleagues, based on the wording on the Use of Force Report even though they are not meant to do so.

#### **2.4.5.4 Injuries to Officers Caused by the Force Applied on Team Reports**

On Individual Reports, officers are required to indicate whether they were injured as a result of using force and what kind of medical attention was required, if any. These questions were not included on Team Reports. Consequently, any figures on officer injuries are likely to be an undercount. Including these details on Team Reports could be explored.

### **2.5 Limited Analysis Options without an Appropriate Benchmark Population**

ARDS 29 requires organizations to compute racial disproportionality and/or disparity indices. Whenever possible, the Ministry calculated the indices that are required by the

ARDS. However, it is not always possible to do so, primarily because an appropriate benchmark population is not available. Most notably, the Ministry still cannot calculate racial disproportionality for police use of force that accounts for how often members of different racial groups come into contact with police.

Measuring disproportionality requires a benchmark population to compare observed data against. ARDS 30 requires PSOs to choose the benchmark<sup>18</sup> population appropriate to their sector and research context for disproportionality analyses. The benchmark must be the most relevant population for the outcome of interest from the best available datasets and must be useful for interpreting year-over-year trends.

In research, a “population” is the group *that is of interest* or about which the research intends to draw conclusions. This is different from the colloquial meaning of “population,” which usually refers to the people living in a geographical region. For example, the appropriate population for a study on the experiences of Canadian cancer patients would be people in Canada diagnosed with cancer, rather than everyone living in Canada.

The appropriate research benchmark population is determined by the questions the research is intending to answer. For this technical report, the principal research question is whether there are differences in police use of force depending on the perceived race of the individual upon whom force was used. Consequently, the most relevant benchmark population would be individuals who interacted with police.

Selecting the most appropriate benchmark population is crucial. The benchmark population chosen will affect whether disproportionality is detected at all, and the size and direction of any racial disproportionality identified.

For example, if analysis indicates that 10 per cent of use of force incidents involved people perceived as Indigenous, the interpretation of the finding will be different depending on whether Indigenous people are five per cent of the benchmark population (indicating overrepresentation) or 25 per cent of the benchmark population (indicating underrepresentation).

It is relatively common for researchers to use resident population data from the Census as a benchmark population for calculating disproportionalities, including in policing research. Although this approach is frequently used and provides valuable insights there are considerable drawbacks that make this resident benchmark population less suitable for measuring disproportionality in the specific event of police use of force.

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<sup>18</sup> ARDS provides the following definition of a benchmark: “A benchmark is a point of reference, or standard, against which things can be compared, assessed, or measured.”

Using resident population to calculate disproportionality in police use of force requires that all residents in an area be equally likely to encounter police. There is literature from Ontario and other jurisdictions showing that members of some racial groups come into contact with police more often than members of other racial groups. This applies to self-identified and perceived race. The result of these drawbacks is a substantial concern with the ability of resident population to provide an accurate and reliable measure of disproportionality in police use of force.

Using resident population as the benchmark to measure disproportionality does not distinguish between racial disproportionality in police use of force specifically and racial disproportionality resulting from high frequency-policing generally. This distinction is important if the intent is to understand if any disproportionalities seen in police use of force are related to the incidents themselves, rather than broader factors related to high-frequency policing. As a result, using resident population as a benchmark, can overcount disproportionality in use of force for some racial groups (e.g., high-police contact groups) and undercount or erroneously indicate no disproportionality for other racial groups (e.g., low-police contact groups).

A hypothetical scenario illustrates this challenge. The residents of the community in question are 50% “race A” and 20% “race B.” Encounters with police there are not evenly distributed across the two racial categories; 30% of police encounters occur with members of “race A” and 40% of encounters occur with members of “race B.” In the instances where officers use reportable force, 30% of the incidents involve members of “race A” and 40% involve members of “race B.” A comparison between use of force and resident population indicates disproportionalities of 0.6 (underrepresentation) for “race A” and 2.0 (overrepresentation) for “race B.” However, when use of force is compared to the rates of police encounters, the disproportionality for each group is 1.0 (no disproportionality). If comparing to resident population, it appears there are disproportionalities in police use of force for the two racial groups. However, when accounting for rates of police encounters, the use of reportable force is not more frequent for one group than the other.

As the example above illustrates, the most relevant benchmark for exploring disproportionality that is attributable specifically to police use of force is the population of people who have experienced police contact or enforcement.<sup>19</sup> An “encounters” dataset with race-based information would enable the use of multiple benchmarks in analysis. This would allow analysis to understand potential disproportionalities in police contact generally and use of force specifically, rather than confounding

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<sup>19</sup> Conceptually, this is similar to an analysis of a service or program using those who are eligible as the benchmark population, rather than all individuals in the catchment area.

disproportionality in use of force and contact with police. At this time, the Ministry does not have access to data that could be used to construct a police enforcement benchmark population.

Another significant challenge with using resident population as a benchmark is that it is not known whether the event involved residents of the community. Using resident population cannot account for individuals who live in one community but spend time in other areas. For example, individuals may commute from one area to another for work; may stay in or pass through areas on vacation;<sup>20</sup> may be apprehended along provincial highway corridors;<sup>21</sup> or may be engaging in criminal activity or hiding in a location far away from their primary residence. Comparing use of force on non-residents to a resident benchmark population to measure disproportionalities can result in both false positives (saying there is disproportionality when there is not) and false negatives (saying there is no disproportionality when in fact there is disproportionality).<sup>22</sup>

As a result of the lack of a proper relevant benchmark population, this technical report does not include calculations of disproportionality indices of police use of force relative to police contact.

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<sup>20</sup> There are rural Ontario towns that experience a large influx of non-residents during the summer season. In that case, the Census population of the town's year-round residents does not represent the people present during the summer. If most use of force events occurred during the summer season and involved non-residents, using the Census population of year-round residents as the benchmark population would lead to an inaccurate measure of disproportionality.

<sup>21</sup> This is particularly relevant for investigations of drug and human trafficking, vehicle theft rings, and organized crime. The police interaction along highways that included use of force may take place hundreds or even thousands of kilometres away from where individuals live or work.

<sup>22</sup> In some use of force-related research, the research question may be best examined using resident population as the benchmark and comparing a non-resident's race to the racial makeup of the surrounding community. Research focused on exploring race-out-of-place theory would require both benchmarks. Comparisons between the individuals involved in use of force events – residents and non-residents – to the racial breakdown of the community in which the event took place can be used to test for race-out-of-place theories of systemic discrimination. Again, it is vital to select the most appropriate benchmark population to answer the specific research questions of interest.

# Section 3: Use of Force Datasets

### 3.1 Overview

The 2023 provincial dataset was created from data extracted from Use of Force Reports for incidents that occurred between January 1, 2023, and December 31, 2023, and were received by the Ministry of the Solicitor General by July 26, 2024.<sup>23</sup>

The Use of Force Report was an Adobe Acrobat Portable Document Format (PDF) fillable form used by most police services<sup>24</sup> to record information related to provincially reportable use of force incidents.<sup>25</sup> These forms were then emailed to the Ministry through a secure file transfer process. The data extracted from these forms were cleaned, reorganized, restructured, and recoded as required to create datasets usable for analyses. Any reports that did not meet the provincially reportable criteria were not included in this technical report.<sup>26</sup>

A revised Use of Force Report was implemented on January 1, 2023 (Version 2.0).<sup>27</sup> This Version 2.0 Report is a substantial change in data and structure from the previous version.<sup>28</sup>

Between January 1 and March 31, 2023, the responses to one sub-question in the Version 2.0 Report were not being stored and thus were not retrievable for analysis due to a technical issue. If an officer indicated discharging a conducted energy weapon (CEW) in Cartridge/Probe mode, their response to the question on the number of CEW

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<sup>23</sup> Police services are required under the ARA Regulation to submit their Use of Force Reports to the Ministry. An All Chiefs Memo (23-0086) was sent on December 19, 2023 to ensure all police services were aware of this obligation and inform them that all reports were due to the Ministry by February 29, 2024. A reminder was sent in late January 2024. The Ministry followed up in March 2024 and April 2024 with all police services to confirm that the number of reports received matched the number of reports the services were required to transmit. From March to mid-July, all police services had the opportunity to correct any submitted reports and/or add reports that had not been provided.

<sup>24</sup> Some police services have developed applications that their members use to enter the use of force incident information. This data is sent to the Ministry in XML format. The data collected in these applications are meant to be identical to the data collected on the PDF form.

<sup>25</sup> Some police services instruct their members to also use the provincial Use of Force Report to record information on use of force incidents required by their local police service but not required under the PSA. If these reports were sent to the Ministry, they were deleted from the dataset. As a result, numbers reported by the Ministry may not match numbers reported by police services.

<sup>26</sup> On the Use of Force Report, there is no way to specify what type of force caused any injuries. For example, if a report described use of a baton, which caused an injury, and the use of physical control, which did not cause a physical injury, only the baton use would be reportable under the Regulation. Where it is clear that physical control did not cause an injury, or caused an injury that did not require medical treatment, that force type category was removed from analysis.

<sup>27</sup> As noted previously, the numbering of the versions in this technical report are for clarity and do not correspond to what may be printed on the report itself.

<sup>28</sup> Due to technical issues, a small number of 2023 reports (three reports) were submitted using the outdated Version 1.0 form. Police services were asked to resubmit reports using the Version 2.0 or 2.1 form whenever possible, though it cannot be determined if they did so. These three reports using the Version 1.0 form were excluded from analysis because the data were not comparable.

cycles was not saved. Version 2.1 of the Use of Force Report was released to resolve this issue, effective April 1, 2023.<sup>29</sup>

Due to substantial changes between Version 1.0 and 2.0 of the Use of Force Report, changes in the data collected by the Ministry, as well as changes to the Use of Force Regulation, it is not possible to directly compare provincial data from 2023 to provincial data from previous years.

Additional details on the data variables can be found in the data dictionary in the Ontario Data Catalogue.

### **3.1.1 Out of Scope Reports**

In total, 10,935 provincially-reportable Use of Force Reports were submitted to the Ministry for the 2023 dataset from across all 44 in-scope police services. There were 1,603 reports not used in the race-based analyses as these did not involve force on people. The final 2023 dataset used for these analyses is composed of data from 9,332 reports required under the provincial Use of Force Regulation.

#### **3.1.1.1 Reports Involving Only Animals or Accidental Firearm Discharges**

The focus of the ARA analysis is on identifying racial disparities and inequalities between people. Officers are required to submit all provincially mandated reports to the Ministry. Some of these reports are not relevant to analysis on racial differences in use of force. Use of Force Reports involving only animals (e.g., humanely destroying an injured animal)<sup>30</sup> or the accidental discharge of firearms were excluded from this analysis. These incidents do not meaningfully add to analyses focused on racial disparity or disproportionality.

For 2023, the Ministry received 1,258 reports involving only animals. These were excluded from analysis; however, they are available in the Ontario Data Catalogue.

The Ministry did not receive any reports of unintentional firearm discharges in operational settings. The Ministry received one report of an unintentional CEW discharge. This report was not relevant to race-based data analysis, so it was excluded from analyses; however, data from the report is available in the Ontario Data Catalogue.

#### **3.1.1.2 Reports that Did Not Involve Interaction with Individuals**

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<sup>29</sup> Between April and approximately July 2023, some reports were submitted using Version 2.0, in error.

<sup>30</sup> This applies whether the officer was responding to a call for an animal or to another type of call that turned out to only involve an animal.

Officers are required to submit a Use of Force Report any time they draw a handgun in the presence of a member of the public, even if the subject individual(s) fled without the officer being able to observe, identify, or interact with them. For example, officers receive a call that armed individuals are present inside a residence. Prior to entering the residence, the officers draw their handguns in the presence of members of the public standing outside the residence. In this case, a Use of Force Report is required. If the armed individuals fled before police arrived, there would have been no interaction between the armed individuals and the officers; however, a Use of Force Report would still be required as the officers' handguns were out in the presence of members of the public. In this scenario, the officer would choose "No interaction with the subject" on the Use of Force Report.

Although it is important to track these types of force incidents for policy and training purposes, as the risk for the use of lethal force is heightened whenever firearms are used, these reports are excluded from these analyses. This is a change from the methods in the 2020-2022 Technical Report that used data from Version 1.0 of the Use of Force Report. On the Use of Force Report Version 2.0 and 2.1, if an officer selects the checkbox indicating no interaction with subject, they will not provide any data on individuals upon whom force was used. On the Version 1.0 Report (used between 2020-2022), officers were instructed to make their best guess about the likely race of the individual based on cues available to them at the time.

Although not included in the analyses of this technical report, the data from these 345 reports are available in the Ontario Data Catalogue.

## 3.2 Datasets

The data collected by the Ministry were organized into four connected normalized<sup>31</sup> datasets, which were used for analysis in this technical report.<sup>32</sup> This structure is for organizing the data and eliminating redundancy. The Main Records dataset includes the data elements that apply to the event as a whole (e.g., date and time, location). Each Use of Force Report is included in this dataset as one row. The other three datasets include data about more specific data elements, which may or may not apply to each record in the Main Records dataset. These three specific datasets correspond to data

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<sup>31</sup> Database normalization is a design principle for organizing data in a consistent way, avoiding redundancy and complexity, eliminating duplicates, and maintaining the integrity of the database. In a normalized database, the data are divided into several data tables that are linked together, typically using primary keys, foreign keys, and composite keys. In contrast, a denormalized dataset exists in a single flat table, which may include substantial redundancy.

<sup>32</sup> Part B of the Report collects personal information of officers who complete or review the form, or who were involved in the incident. These are the only questions on the Use of Force Report that are not collected by the Ministry and are not included in the datasets.



about 1) the individuals upon whom force was used, 2) the weapons these individuals were perceived to have, and 3) probe cycle records for police use of CEWs.

Across all four datasets, there are a total of 207 columns for analysis. These include all the data that was collected by the Ministry, except for 29 columns that were suppressed for privacy.

This section first describes the structure of questions on the Use of Force Report (Version 2.0 and 2.1) and how it shaped the four datasets for analysis. It then describes each dataset in further detail.

### **3.2.1 Structure of Questions in the Use of Force Report**

The Use of Force Report (Version 2.0 and 2.1) is an interactive form. When first opened, it contains 26 questions, and additional questions are shown based on the responses provided. This is to reduce the time required by officers to complete the reports. For example, if an officer checks a box to indicate using physical control techniques, they will be shown additional mandatory questions to capture details about the physical force (e.g., grounding, joint locks, and strikes). If the officer does not check the box for physical control techniques, the additional detailed questions will not be shown. The only question that is never mandatory is the narrative.<sup>33</sup>

The Use of Force Report contains single-response, multiple-response, restricted-input, and open-text questions. These question types are stored as follows in the datasets:

- For single-response questions, officers must choose only one response from a set of response options. These may be choosing one of a set of checkboxes or selecting one option from a drop-down menu. In the datasets, each single-response question is represented in a single column.
- For multiple-response questions, officers can select as many of the available responses as apply.<sup>34</sup> Each possible response to the question is assigned its own column in the dataset, which indicates whether that response was selected. For example, officers can report more than one reason why they used force. Each of the possible responses (e.g., effect arrest, prevent escape, protect self) has its own column in the dataset.

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<sup>33</sup> The instruction guide informs officers that the narrative section must be completed if there is no accompanying occurrence report.

<sup>34</sup> This is the general rule for multiple-response questions, although additional restrictions may apply in the combination of responses accepted based on logical sense. For example, Treatment of Subject Injuries is one multiple-response question but does not allow the officer to specify other treatment response options if they selected that no treatment was required.

- For restricted-input questions, data quality checks were added to the form requiring officers to type their response in a specific format. For example, officers must provide a numeric response (e.g., “7”) for their length of service in years. Non-numeric characters (e.g., “seven”) will be rejected. Any dates must be provided in YYYY/MM/DD format. In the datasets, each restricted-input question is represented in a single column.
- For open-text questions, officers can type a response with no restrictions on the type of information. Many of these are questions where there is an “Other” response option with a text space allowing the officer to provide additional information. In the datasets, each open-text question is represented in a single column.

### **3.2.2 Main Records Dataset**

The Main Records dataset is made up of one entry for each Use of Force Report received by the Ministry. Included are the variables that are relevant to all reports. These include data related to time, date, location, police service, incident type, etc. It also includes a unique identifier (i.e., primary key) for each Use of Force Report.

The Main Records dataset contains 9,332 rows, representing 9,332 reports that were received by the Ministry.

At the end, there were 81 total variables in the Main Records dataset, of which 64 are available in the Ontario Data Catalogue because 17 were suppressed.

### **3.2.3 Individual Records Dataset**

If an officer specifies that the incident involved one or more individuals upon whom force was used,<sup>35</sup> there are up to 53 additional questions that may be shown to capture information about each of those individuals. An officer would only be shown questions that may be relevant to the reporting of the incident. For example, if an officer specified that de-escalation techniques were used on a subject, they will be asked to specify the type of de-escalation technique(s) used. They must also specify whether de-escalation assisted in controlling the behaviour of the subject. However, if no de-escalation techniques were used, the officer must specify the reason(s) why de-escalation was not used. These questions must be answered for each individual upon whom the officer used force.

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<sup>35</sup> Although all the incidents analyzed in this technical report involve at least one individual upon whom force was used, there are other reports (e.g., dispatching an animal) that do not involve force on an individual. These reports are included in the datasets in the Ontario Data Catalogue.

There are two key sets of variables in this dataset. First, the dataset contains officers' perceptions of the individual upon whom they used force. This includes perceptions of race, age, and gender; whether there was any difficulty perceiving the race of the individual; and the distance between the officer and individual.

Second, this dataset includes variables about the use of force on the individual. This includes the type of force used on the individual, the reason(s) force was used; factors that influenced the officer's response, including whether the individual was perceived or believed to have access to weapons. Subsequently the data set includes use of de-escalation, whether officers' responses were effective at gaining compliance with an individual, whether the individual was injured or required treatment and lastly whether the officer issued the Police Challenge, if relevant.

The Individual Records dataset contains 12,805 rows, representing 12,805 officer perceptions of individuals. Note that an individual could be perceived more than once, for example by two or more officers reporting on the same incident. Each row cannot be assumed to reflect a unique individual.

### **3.2.4 Weapon Records Dataset**

The Weapon Records dataset includes information about any weapons that individuals are perceived or believed to have access to. On the report, officers complete information about weapons for each individual upon whom force was used. For each perceived weapon, up to three questions were asked. Each row of the Weapon Records dataset contains information related to a perceived weapon. The dataset includes variables about what type of weapon (e.g., handgun, edged weapon) was perceived or believed to be present and the location of these weapons.

The section on perceived weapons is presented on the report for each individual upon whom force was used. As a result, it is possible that one weapon may be listed several times, once for each relevant individual. For example, if two individuals are standing right next to a firearm on a table, the firearm is within reach for both. An officer may include the firearm as a perceived weapon for both individuals, though they may also include it only once. The instructional guide does not provide direction on this.

If the officer did not perceive any weapons nor believe any weapons were present, there would be no rows in the Weapon Records dataset associated with the information on the Main Records or Individual Records datasets.

The Weapon Records dataset includes 8,711 rows, representing 8,711 weapons that were perceived or were believed by officers to be present.

### **3.2.5 Cartridge/Probe Cycle Records Dataset**

The Cartridge/Probe Cycle Records dataset contains information about the cartridges used by officers for CEWs in cartridge/probe mode. For cartridge/probe mode, the Use of Force Report allows officers to enter information for multiple cartridges. In the other two deployment modes (drive/push stun and three-point contact), officers can only enter information about a single cartridge; details about these other two modes are captured in the Individual Records dataset. Note that officers can report using a CEW in more than one mode.

The Cartridge/Probe Cycle Records dataset includes 1,136 rows, representing 1,136 cartridges used by officers during use of force incidents.

# Section 4: Analysis and Results

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## 4.1 Key Concepts for Analysis

This section outlines select findings from the analysis of the 2023 Use of Force Reports received by the Ministry of the Solicitor General. A few points and concepts to assist in interpreting the results are outlined first.

### 4.1.1 Participant-Observer Information

The Use of Force Report collected the reporting officer's perception of the individual's race, age range, and gender. This is also known as Participant Observer Information (POI), addressed in ARDS 40. The ARDS provides the race categories that must be included on the Use of Force Report. Police were instructed not to ask an individual to provide their self-identified race. Although the ARDS note that age and gender may also be important to collect, there is no prescribed language for those questionnaire items.

For each question, officers could only choose one response option. Instructions to officers specified that this should be the perception they had at the time of the force incident. If the officer later learned that an individual self-identified differently than the officer's perception, they should still report their perception. These perceptions may not match how the person self-identifies. As well, multiple officers involved in the same use of force incident may have perceived the same person as a different race category, age range, or gender.

These questions were mandatory on the Use of Force Report, even if officers experienced challenges in perceiving the individual's race, age range, or gender. For example, an individual may have been wearing a mask or disguise. If the incident location was dark or poorly lit, or if the scene was chaotic or evolving rapidly, it may have been particularly challenging to perceive the individual's race, gender, or age. It may not have been possible for the officer to see well enough to perceive the individual, their clothing or accoutrements, hear their voice, or note any other attributes that may have led the officer to perceive a particular racial group, approximate age, or gender. Other aspects of the incident, such as weapon focus,<sup>36</sup> may also have hampered perception of a person's appearance or attributes. Despite this, officers were required to provide their best guess. There was a question on the report that allowed officers to indicate they had difficulty perceiving the individual's race.

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<sup>36</sup> The Weapon Focus Effect refers to the tendency of individuals to focus their attention on a weapon that is present. The result is less attention focused on the appearance of the person holding the weapon and the individual providing less detail about that person when they are later asked for a description.

## 4.1.2 Unit of Analysis: Report, Incident, and Observation

The ideal unit of analysis depends on the specific research question being analyzed. For the analyses conducted in this technical report, different units of analysis were used depending on the specific analyses conducted. These were primarily the: use of force incident, use of force report, and individual observations. Whenever results are reported, the unit of analysis is noted in that section.

Standard 27 of the ARDS provides guidance on the primary units of analysis for race-based analysis, namely the disaggregated categories of perceived race. In other words, the unit of analysis for perceived race includes each of the race categories, where possible, rather than combining race categories.

### 4.1.2.1 Analysis by Incident

One significant change from previous years' provincial reporting is that it is now possible for the Ministry to link Use of Force Reports associated with the same force incident.<sup>37</sup>

For the purpose of this technical report, a use of force incident is defined as an event, or continuous series of events, known or believed to have involved at least some of the same subject individual(s). This definition may not match how police services define an incident, in general, or a use of force incident specifically.

The Ministry can now report on the number of unique use of force incidents as well as the number of Use of Force Reports connected with each incident.

The capability to analyze at the incident level addresses several gaps from the previous technical report, in particular:

- Generating a count of the total number of provincially reportable use of force incidents that occurred
- Improving data quality by identifying and removing duplicates
- Reducing the risk of overcounts, which may affect results and conclusions. For example, if a police service generated a total of 50 reports for 2023, and 15 were all related to a single use of force incident, analyzing based on report would result in that one incident having a disproportionate influence on results. For example, it could appear that force occurs most frequently at a particular time of

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<sup>37</sup> This is because the Ministry began receiving incident numbers as of January 1, 2023. Each police service has its own format for incident numbers, which are generated by their records management system. Reporting officers included these in an open-text variable on the report. Discrepancies in how the incident number was provided within police services (e.g., 2023-123456, 23-123456, 23/123456) introduced some challenges in linking reports. Although best efforts were made to resolve the discrepancies, it is possible that some links were missed.

day or time of the year, or involve people perceived to be members of a specific race category, because of one large incident.

#### **4.1.2.2 Linking Reports to Identify Incidents**

Linking reports that pertain to the same incident is done primarily through incident or occurrence numbers generated by police services. Other information may also be used, such as matching reports with the same date and approximate time, location, as well as noting when a report from one police service indicates that officers were assisting another police service. As such, the number of incidents reported by police services may not match the number of incidents reported here.

For enforcement actions where more than one police service responds, it may be possible to link the reports as well, even though there will be different incident numbers. This could involve members of several police services responding to one event and using force. It could involve several police services responding to a series of events involving the same individual(s) that make up a single incident.

It is also possible that several police services were responding to an incident, but only members from some of those services used reportable force. One example is an incident where members of one police service are providing coverage for an incident, with handguns drawn (reportable), and members of another police service apprehend the individual without using force (non-reportable). In this case, although one service was assisting another service, there would only be reports from one police service.

In the case of large joint operations among police services, for example simultaneous execution of high-risk warrants across Ontario, each warrant execution where force was used, whether by different teams of the same service or simultaneously by different police services as part of a coordinated operation, were treated as separate incidents because there was no overlap in location, individuals or officers involved.

Finally, if there are multiple force events involving the same individual(s), over time and involving different police services, these would be treated as one incident. For example, the series of events begins in Scarborough and ends in Milton two hours later. Although the different police services involved may not assign the same incident number for these reports, and the call or incident type, location, and time of day may be different for each reportable force, for the purpose of analysis these reports would be considered belonging to single incident that were a continuous series of events known to involve – or believed to have involved – the same subject individual(s).

In the 2023 dataset, there were 6,269 use of force incidents that generated 9,332 reports.



### **4.1.3 Scope of Technical Report**

This technical report focuses on providing a detailed description of how the data were collected and cleaned, an assessment of data quality, and descriptive statistics of key variables in the datasets. The focus of this technical report is to provide an overview of topics of interest and the dynamics that may be involved in use of force incidents.

## **4.2 Perceptions of the Individuals upon Whom Force was Used**

This section presents analysis about the observations officers made about individuals upon whom force was used. In these analyses, officers' observations about individuals involved in the same use of force incident are often aggregated to categorize the incident by perceived race, age, and gender. Examples below describe aggregation for perceived race; the aggregation principles were the same for perceived age and gender.

For incidents with only one officer's Use of Force Report describing force used on one individual, the perceived race for that individual represents the incident. In other words, if the one individual was perceived as "race A," the incident was classified as an incident involving individuals perceived as "race A."

For incidents with multiple reports and/or individuals, if every perceived race response across all reports matched, the incident was aggregated as that race category. For example, if an incident had three reports each involving multiple individuals and every race perception was "race A," the incident was classified as an incident involving individuals perceived as "race A."

For the remaining incidents (approximately 9.5 per cent), where perceived race did not match across Use of Force Reports and/or observations, two approaches to aggregating were applied to these incidents.

In one approach, the incidents that involved perceptions of more than one race category were coded as "Multiple Races." This could be one officer perceiving several individuals as belonging to different racial groups. It could also be multiple officers perceiving the same individual as different race categories. The "Multiple Races" category was created for the purposes of analysis; it was not a checkbox option on the Use of Force Report.

One advantage of creating and using a "Multiple Races" category in analyses is that the total use of force incidents for each racial category adds to 100 per cent. One drawback to this approach is that the "Multiple Races" category is of limited use for analyses about racial differences.

The second aggregation approach addresses this limitation by including all race categories perceived by officers involved in an incident, in the counts for these incident race categories. An incident is aggregated to more than one race category if there is more than one perceived race involved. For example, if one report indicated that an officer perceived one individual as “race A” and a second individual as “race B,” the incident would be aggregated to both “race A” and “race B” categories. This enables reporting of all incidents that involved at least one individual perceived as belonging to a particular racial category; there is no “Multiple Races” category in this method of aggregation.

This second approach is most consistent with the requirements in the ARDS to report results at the disaggregated race categories. As a result, it is the most frequently used aggregation for many of the race-based analysis in this technical report. The “Multiple Races” category is used when appropriate for a particular analysis.

It is important to keep in mind that observations of individuals in these force incidents do not necessarily represent unique individuals. Multiple officers perceiving the same individual will each provide observations. As such, the number of individual observations is higher than the number of actual individuals described in the Use of Force Reports.

One notable caveat for all analyses involving perceived race, gender, or age is that it is not possible to parse out the potential effects of police contact rates on the rate of police use of force due to the current lack of an appropriate benchmark population. Any race, age, or gender use of force disproportionalities derived by comparing proportion of groups within the use of force dataset to their proportions in the general population, could be due to differences in rates of police use of force with members of that group. Alternatively, they could be due to differences in the number of times individuals of different groups come into contact with police.<sup>38</sup> In other words, it cannot be assumed that any differences observed reflect differences in rates of police use of force, rather than differences in rates of interactions with police. Disproportionality calculated using Ontario resident populations may be overcounted for high-contact groups and undercounted for low-contact groups. This limitation does not apply to disparity indices calculated comparing groups within the use of force dataset.

#### **4.2.1 Race and Difficulty Perceiving Race**

On the Use of Force Report, reporting officers selected one of seven race categories to describe the perceived race of each individual upon whom they used force. There was

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<sup>38</sup> Which could itself be due to broader factors driving higher police contact for certain groups compared to other groups, including over policing, poverty, profiling by proxy, etc.

no “I don’t know” option. This reflected the requirements of the ARDS. There was also no option for “Mixed Race” or opportunity for officers to select multiple race categories for an individual. Even if an officer knew the individual identified themselves as two races, they were to select the category that they believed the person most resembled.

As well, officers reported whether they had any difficulties perceiving the race of any individual.

What race category best describes this individual? (select only one)

Black  East / Southeast Asian  Indigenous  Latino  Middle Eastern  South Asian  White

Did you have any difficulties perceiving the race of the subject?  Yes Specify  No

Figure 1; Perceived Race Question

#### 4.2.1.1 Race

Overall, use of force incidents most frequently involved individuals who were perceived as White, Black, or Indigenous, in that order. The proportion of incidents involving at least one individual perceived as being a member of the applicable race category were:

- Black: 1,408 incidents (22.5 per cent)
- East/Southeast Asian: 393 incidents (6.3 per cent)
- Indigenous: 533 incidents (8.5 per cent)
- Latino: 164 incidents (2.6 per cent)
- Middle Eastern: 429 incidents (6.8 per cent)
- South Asian: 220 incidents (3.5 per cent)
- White: 3,792 incidents (60.5 per cent)

The number of incidents for any one race category indicates that at least one officer perceived at least one subject individual to be a member of that race category. For the majority of incidents, 90.5 per cent (5,675), all individuals involved were perceived to be of the same race by all officers involved. In 9.5 per cent (594) of incidents, the individuals involved were perceived as belonging to different race categories. This may have involved unique individuals or the same individual perceived differently by multiple officers. Because these incidents were included in the count of all relevant race categories, the total is over 100 per cent.<sup>39</sup>

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<sup>39</sup> There were no notable differences in the ranking of perceived race categories by incident based on how the incidents were aggregated.

The total number of incidents in the dataset was 6,269. Percentages for race category are derived using the total number of incidents, 6,269, because the correct denominator is the total number of incidents reported.

#### 4.2.1.2 Difficulty Perceiving Race

The Use of Force Report Version 2.0 and Version 2.1 used in 2023 allowed officers to indicate, for each individual, whether they had difficulty perceiving that individual's race. If they selected yes, there was an open-text field to specify the difficulty. Officers were not asked whether they had difficulty perceiving the individual's age or gender.

For most observations of individuals (94.7 per cent, 12,125 of 12,805 individual observations),<sup>40</sup> officers reported no difficulty perceiving the individual's race.

In the small number of observations of individuals (5.3 per cent, 680 of 12,805 individual observations) where officers did report difficulty perceiving an individual's race, officers noted several reasons.

These reasons could be grouped into two main categories: difficulty discerning race and not having a clear view of the individual. Difficulty discerning race could occur with individuals who had a light complexion or who were perceived as racially ambiguous. This would lead to difficulty choosing the best race category of those available on the report. Difficulty seeing the individual involved several factors. These included cars with tinted windows making it difficult to see the individuals inside; the individual wearing clothing, a hat, and/or face coverings; individuals hiding behind an object; the distance between the individual and officer; the individual having their back to the officer; and darkness or poor lighting. Officers were instructed to provide their best estimation of the race of the individual in these types of situations, consistent with the guidance in Standard 40 of the ARDS.

There were differences between the perceived races, with the greatest proportion of difficulty for individuals perceived as Latino (15.3 per cent) and the lowest for individuals perceived as White (2.7 per cent).

- Black: 199 observations (6.9 per cent)
- East/Southeast Asian: 51 observations (6.5 per cent)
- Indigenous: 90 observations (10.5 per cent)
- Latino: 44 observations (15.3 per cent)
- Middle Eastern: 95 observations (10.2 per cent)

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<sup>40</sup> To determine whether officers reported having more or less difficulty in perceiving individuals of different racial categories, data were examined using an officer's observation of each individual they used force on as the unit of analysis. This is the most relevant unit of analysis in this context because difficulty perceiving race was reported for each individual observation and the analytical lens is examining officer difficulty in perceiving race. In other contexts, data may be aggregated to the report or incident as unit of analysis. In this context, aggregating this same data to the incident level, the results are 6.6% (412 incidents) involved at least one person who at least one officer had difficulty perceiving their race.

- South Asian: 20 observations (4.5 per cent)
- White: 181 observations (2.7 per cent)

Caution is warranted when interpreting these results at the observation level. One incident with several subject individuals and several officers making observations will have a disproportionate impact on the results. This is particularly the case with race categories that had a small number of incidents.

#### 4.2.2 Age

Reporting officers selected one of eight age range categories to describe the perceived age of each individual upon whom they used force. They could only select one option for each individual.

What age category best describes this individual? (select only one)

Under 12     12-17     18-24     25-34     35-44     45-54     55-64     65 and older

*Figure 2; Perceived Age Report Question*

The proportion of incidents involving at least one individual perceived as being a member of the applicable age category were:<sup>41</sup>

- Under 12: 22 incidents, 0.4 per cent
- 12-17: 475 incidents, 7.6 per cent
- 18-24: 1,288 incidents, 20.5 per cent
- 25-34: 2,685 incidents, 42.8 per cent
- 35-44: 1,835 incidents, 29.3 per cent
- 45-54: 803 incidents, 12.8 per cent
- 55-64: 420 incidents, 6.7 per cent
- 65 and older: 99 incidents, 1.6 per cent

As with perceived race, officers reporting perceptions of the same individual may provide different responses (e.g., when one officer indicates an individual is 18-24 and another indicates 25-34).

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<sup>41</sup> Totals add to more than 100 per cent as one incident could involve individuals of different age groups.

### 4.2.3 Gender

Officers were required to report their perception of the gender of each individual upon whom they used force. The options were: Male, Female, Trans/non-binary/other.<sup>42</sup> Officers could only select one option per individual.

What gender category best describes this individual? (select only one)  Male  Female  Trans/non-binary/other

Figure 3; Perceived Gender Report Question

Most incidents (92.2 per cent) involved at least one individual perceived as male (5,781). In 80.7 (5,061) per cent of incidents, all individuals were perceived as male. A smaller proportion of incidents involved at least one individual perceived as female (1,181, 18.8 per cent) or at least one individual perceived as trans/non-binary/other (30, 0.5 per cent).<sup>43</sup>

As with perceived race and age, officers reporting perceptions of the same individual may provide different responses. Also, similar to age, the disproportionality compared to the resident population may be due to officers being more likely to use force on individuals perceived as male and/or these individuals being more likely to come into contact with police.

### 4.3 The Police Services

Officers were required to indicate their own police service when completing the report. For officers who selected Municipal Police Service, a drop-down menu of municipal police services in Ontario was provided. For officers who selected Ontario Provincial Police (OPP), a drop-down menu of OPP regions was provided; the options were Central Region, East Region, General Headquarters, Highway Safety Division, North East Region, North West Region, and West Region.

The Use of Force Report included an option for a reporting officer from an “Other Agency,” but the Ministry did not receive any Use of Force Reports from agencies other than the 44 in-scope police services.

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<sup>42</sup> Due to the structure of the response options, it was not possible to explore differences between individuals perceived as trans women, trans men, or non-binary. In addition, the number of reports that included individuals perceived as trans, non-binary, or another gender identity (N=37 subject observation reports) was too small to support any meaningful analysis of this question.

<sup>43</sup> Some incidents (722, 11.5 per cent) included perceptions of different genders; these were counted in each applicable category, (i.e., incidents with at least one person perceived as male, female, or trans/non-binary/other).

Select Police Service\* (select only one)

- Municipal Police Service   ▶ Division/District/Other (Appendix A) \_\_\_\_\_
- Ontario Provincial Police   ▶ Detachment (Appendix B) \_\_\_\_\_
- Other Agency   ▶ Specify \_\_\_\_\_

Figure 4; Select Police Service Report Question

All 44 police services in scope provided at least one Use of Force Report in 2023. All 44 provided at least one report involving individuals (i.e., other than for dispatching an injured animal or for accidental discharge of a firearm).

The number of reports submitted to the Ministry by a particular service, including reports related to injured animals or without interaction with an individual, ranged from two to 2,984. As described in section 3.1.1 of this technical report, some Use of Force Reports were excluded from the race-based data analysis herein. The number of reports per service used in the race-based analysis in this technical report ranged from two for to 2,092. Data from all reports, those included and excluded from analyses in this technical report, are available in the Ontario Data Catalogue.

The proportion of force incidents involving people perceived as a particular race varied greatly across Ontario police services. Many factors likely influenced this variability. One important factor was likely the racial makeup of the population who reside in the police service catchment area, which varies significantly across the province. As previously noted, one limitation of the existing provincial data is the lack of an appropriate police contact benchmark. However, even if police contact benchmark data existed at the provincial level, use of force should still be investigated at the police service level as well, given the high variability in local resident populations and likely high variability in police contact rates across Ontario communities.

Analyzing use of force incidents by police service adheres to the principle of primary units of analysis and disaggregation in the ARDS Standard 27. This also helps protect against Simpson's paradox, a statistical phenomenon where results at one level of analysis reverse or disappear when combined at another level. For example, overrepresentation of a particular racial group at a local level may not be identified when combined with data from other locations in a provincial dataset. This racial group may even appear underrepresented at the provincial level. Conversely, the apparent overrepresentation of a group at the provincial level may originate from a small number of police services with a high number of residents and police contacts with people of that racial category. In that case, the group may appear overrepresented in the provincial dataset but would not in fact be overrepresented in use of force in most police services.

Some key differences across police services in the proportion of incidents involving individuals perceived as particular races were:

- Four smaller, rural police services only reported Use of Force incidents involving people perceived as White.
- Fourteen services only had reports where the individuals were perceived as two of the seven racial categories.
- Most incidents involving individuals perceived as South Asian (69 per cent, 151 incidents) were from Peel (76 incidents, 16 per cent of Peel's total incidents) and Toronto (75 incidents, 6 per cent of Toronto's total incidents). Most police services (66 per cent, 29 services) did not have any use of force incidents involving individuals perceived as South Asian.
- Most incidents involving people perceived as Latino (73 per cent, 120 incidents) were generated by four police services: Toronto, Peel Region, OPP, and Waterloo Region.
- Twelve police services had zero use of force incidents including individuals perceived as Black. In contrast, individuals perceived as Black were involved in 40.4 per cent of incidents reported by Toronto Police Service.
- Eleven police services had no use of force incidents involving individuals perceived as Indigenous. In contrast, individuals perceived as Indigenous were involved in 60.5 per cent of incidents submitted by Thunder Bay Police Service.

As noted above, these findings should be contextualized by considering the appropriate benchmark population for that geographical location. This will typically be a benchmark of police contact, but this is not currently available.

#### **4.4 The Officers**

This section describes data related to the officers involved in use of force who submitted Individual Reports. As noted in Section 1, the analysis conducted for this technical report does not examine specific use of force incidents to determine the appropriateness of the force that was used. The intent of the analyses was to identify and examine any general patterns that may be relevant to identifying systemic issues, which can assist future policy or programming reviews. Areas of research related to police officer characteristics and use of force include officer training and years of experience, as well as the demographic attributes of the officer and police services.



The type, breadth, and amount of training Canadian officers and recruits receive has increased in the previous few decades, including in Ontario.<sup>44</sup> In particular, there has been increased emphasis on de-escalation training. Some research has found a lower risk of use of force, including lethal force, when responding officers have had substantial training in crisis intervention or de-escalation; other research has noted additional data is required to demonstrate empirically the efficacy of this training.<sup>45</sup>

Data from the Use of Force Report Versions 2.0/2.1 can be used, in some limited ways, to investigate some of these theorised use of force correlates. Officer rank category, length of service, assignment type, and attire were captured on Individual Reports. There were no fields to capture officers' race, gender, or extra training. Results in this section are based on the number of Individual Reports submitted; a single officer may be involved in more than one use of force incident and thus submit more than one report. For this reason, results do not represent unique officers.

#### 4.4.1 Number of Officers Applying Force

##### Report Type \*

<input type="checkbox"/> Individual	▶ Total years of service as a police officer	Rank category (select one) (Appendix C)
<input type="checkbox"/> Team	▶ Type of Team (select one) (Appendix D)	How many officers were part of the team response, including yourself?

##### Type of Assignment \*

Attire: <input type="checkbox"/> Non-Uniform	<input type="checkbox"/> Uniform	Assignment Type (select one) (Appendix E)	Type of Incident * (select one) (Appendix F)
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Figure 5; Report Type and Type of Assignment Report Questions

For 2023, there were 7,735 Individual Use of Force Reports received by the Ministry.<sup>46</sup> It is not known how many unique officers submitted reports.

<sup>44</sup> Palermo, T. (2018). Ontario police college: Then and now. *Blue Line*.

Public Safety Canada (2013). Economies of policing: Summary report of the police education and learning summit.

Shiple, P. (2019). The professionalization of police training in Canada. *Blue Line*.

<sup>45</sup> For example:

Engel, R.S., Corsaro, N., Isaza, G.T., & McManus, H.D. (2022). Assessing the impact of de-escalation training on police behavior: Reducing police use of force in the Louisville, KY Metro Police Department. *Criminology & Public Policy*.

Lavoie, J., Alvarez, N., Baker, V., & Kohl, J. (2023). Training police to de-escalate mental health crisis situations: Comparing virtual reality and live-action scenario-based approaches. *Policing: A Journal of Policy and Practice*.

White, M.D., Orosco, C., & Watts, S. (2023). Can police de-escalation training reduce use of force and citizen injury without compromising officer safety? *Journal of Experimental Criminology*.

<sup>46</sup> 9,332 reports were received and included in the analysis for this technical report, 1,597 of those were "Team Report" and 7,735 were "Individual Reports". The data collected about officers involved was different for Individual and Team Reports. This section focuses on the data collected about officers from the 7,735 Individual officer reports.

In Ontario in 2023, there were 28,569 sworn police service members, from Constables to police Chiefs (though this figure includes First Nation Police Services, even though they were not legally required to complete Use of Force Reports). Every officer must complete refresher training on use of force annually, regardless of whether they were involved in a use of force incident.

#### 4.4.1.1 Number of Other Officers

Officers were required to specify the number of other officers engaged with the individual when they applied force. The response had to be an integer between “0” and “99”; a response of “5” would be accepted, whereas a response of “five” would not.

This refers to the number of other officers who physically or verbally engaged with the individual at the time force was applied. Here, “engaged” could indicate, for example, officers attempting to de-escalate the situation, issuing verbal commands, or restraining the individual; indicating that other officers were engaged with the individual does not mean that any of the other officers used force. The count should not include other officers who were present on scene at the time but were not engaged with the individuals. For example, officers who were directing traffic, collecting evidence, taking statements, or assisting victims would not be included in these counts.

The count does not include the reporting officer themselves; if no other officers were involved during the use of force, the reporting officer should indicate “0.” Indicating that other officers were engaged with the individual does not mean that any of the other officers used force.

##### **Persons Present at Time Force Applied \***

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Total number of subjects on whom you used reportable force?  Specify # \_\_\_\_\_

No interaction with subject  None (animal only)

Approximately how many other officers were engaged with the subject at the time you applied force? Specify \_\_\_\_\_

*Figure 6; Persons Present at Time Force Applied Report Question*

Overall, the number of other officers involved when force reported through an Individual Report, ranged from 0 (only the reporting officer) to 29 other officers.

## 4.4.2 Officer Rank Category

For Individual Reports, officers indicated their rank category: Commissioned Officer; Non-Commissioned Officer; and Constable (1<sup>st</sup> to 4<sup>th</sup> class)/Special Constable/Other.<sup>47</sup> Commissioned officers are senior officers such as an Inspector or Chief of Police. Non-commissioned officers have ranks that are higher than Constables, but lower than Commissioned officers, such as Sergeants.<sup>48</sup>

For 2023, the majority of Individual Reports were completed by Constables (7,287, 94.2 per cent). Comparatively fewer were completed by Commissioned (41, 0.5 per cent) or Non-Commissioned (407, 5.3 per cent) officers.

The percentage of reports from Constables is notably higher than the per cent of Ontario officers holding those ranks (approximately 75 per cent). Different ranks of officers work in different environments with different responsibilities. In most cases, constables and/or sergeants have the most interaction with members of the public. Commissioned Officers are likely to have significantly fewer interactions with members of the public that may lead to use of force than do frontline officers.

Because of how the response options are currently structured, there is not sufficient variability in the data to explore any correlations between rank and other variables.

## 4.4.3 Officer Length of Service

Length of service was collected on Individual Reports as an open-text variable and tracked in years of service completed. An individual who had been a police officer for four and a half years should have indicated four years of service completed. Built-in data validation required a response that was a number between “0” and “60.”

If an officer was involved in more than one use of force incident in 2023, their length of service would be counted once for each report submitted.

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<sup>47</sup> The ranks that municipal police services may have were outlined in subsections 8 (1), (2), and (3) of the general regulation under the *Police Services Act* (PSA) (O. Reg. 268/10). OPP ranks are broadly similar; under the PSA, the ranks of police officers in the OPP were established by the Commissioner.

<sup>48</sup> For municipal police services, Commissioned officers include the ranks of Inspector, Staff Inspector, Superintendent, Staff Superintendent, Deputy Chief, and Chief. Non-commissioned officers include the ranks of Sergeant / Detective and Staff Sergeant / Detective Sergeant. In the OPP, Commissioned officers include the ranks of Inspector, Superintendent, Chief Superintendent, Deputy Commissioner, and Commissioner. Non-commissioned officers include the ranks of Sergeant / Detective Sergeant, Staff Sergeant / Detective Staff Sergeant, and Sergeant Major.

Responses in 2023 ranged from 0 (for less than one year service) to 38 years of service. Approximately half (49.7 per cent) of Individual Use of Force Reports were reported by officers with fewer than five years of service.

Care is needed when interpreting how length of service may be related to use of force. A more complete analysis would compare these results with the distribution of service lengths for all police officers in Ontario; however, the Ministry does not currently have access to the data required to conduct this comparison. A complete analysis would also include data on how years of service may correlate with contact with the public or propensity to be in situations that are the most likely to result in force being required. This would include, for example, performing frontline general patrol duties, the likelihood of working certain shift schedules or to be assigned to certain neighbourhoods or given particular assignment types.

#### 4.4.4 Assignment Type

Individual officers reported the type of assignment they were on during the use of force incident. They chose one response from a drop-down list. There was an option to select “Other” and provide a written response. Very few “Other” responses were received, so these were not recoded into existing or new response option categories.

##### E. Assignment Type

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- Administrative (e.g., station duty)	- Drugs	- Off duty
- Canine	- Guns and Gangs, ROPE, other specialized units	- Patrol (e.g., general, foot, bicycle, ATV, snowmobile)
- Community liaison, school resource	- Hostage rescue	- Paid duty
- Community oriented/directed response	- Investigations (CIB, Major Crime)	- Prisoner transportation/care/control
- Containment	- Marine	- Public order
- Court appearance	- Mental Health Response Unit/ Mobile Crisis Response Team	- Tactical
- Court security	- Mounted	- Traffic
		- Other Specify

Figure 7; Assignment Type Report Question

The majority of Individual Reports were patrol (83 per cent, 6,417). Each of the other assignment type categories were noted in fewer than 3.5 per cent of reports.

It is possible that an officer’s assignment did not match the type of assignment during a use of force incident. For example, an officer who was assigned to a specialized assignment (e.g., Marine, Tactical) may be deployed to other types of incidents when additional personnel are required. As such, it is possible, for example, that an officer who reported Marine as their assignment type was assisting other officers during a force incident unrelated to that Marine assignment.

#### 4.4.5 Attire

Officer attire at the time of the use of force was captured for all Use of Force Reports. Reporting officers had to select either “Non-Uniform” or “Uniform”. Generally, all ranks except for detectives wear some kind of uniform, unless on special assignment. Detectives typically wear civilian clothes.

Officers in uniform and in civilian clothing are likely to be performing different types of public safety activities. In addition, a key difference between the two types of attire is the equipment officers will have. Officers in the standard uniform have standard equipment and duty belt. Officers with specialized assignments may have specific uniforms and equipment. The equipment that officers in civilian clothing have varies widely depending on their specific duties. Some detectives wear an adapted duty belt that includes different force options from frontline members and others will carry a small pistol and keep other items in a bag. Mobile surveillance teams may have additional equipment in vehicles, while officers on foot will have limited access to additional equipment.

Officers’ attire may also affect how members of the public interact with police and how they experience this interaction. There could be qualitative differences in how individuals react to and perceive an interaction with a detective in a suit, an officer with the standard uniform, or an officer wearing or carrying more extensive protective gear (e.g., helmet, shields) and/or possessing additional types of weapons.

In 2023, the vast majority of officers reported being in uniform during the incident (7,286, 94 per cent), though it is not clear what type of uniform they were wearing. The remaining six per cent were mostly officers involved in investigations or specialized units such as Guns and Gangs or Repeat Offender Parole Enforcement (ROPE).

Given nearly all officers were in uniform, it is not possible to identify differences in the use of force between officers in uniform or not in uniform.

#### 4.4.6 Attempts to Gain Compliance

For each individual upon whom the reporting officer used force, police indicated whether they issued directions to the individual to comply. These could be instructions to stop or change threatening behaviour, or how to avoid and/or end the application of force. The directions may be short, loud, easily understood phrases to tell an individual what the officer wants them to do (e.g., “stop resisting,” “get back,” and “get on the ground”). If the officer issued directions, they also indicated whether the individual complied.

Did you issue directions to the subject to comply? \*  Yes  No    If yes, did the subject comply?  Yes  No

Figure 8; Instructions to Comply Report Question

The dataset includes only incidents in which reportable force was used; incidents in which individuals complied with orders and force was not used would not generate a Use of Force Report.

Reporting officers gave directions to comply to 83 per cent of individuals observed.<sup>49</sup> There are many reasons an officer may not direct an individual to comply. For example, another officer was already providing direction; the reporting officer was providing coverage and not directly interacting with the individual; there was imminent threat; or the individual complied immediately, before direction could be given.

In 80 per cent of incidents, every observed individual whom officers directed to comply, did so. In 13 per cent of incidents, none of the observed individuals were directed to comply, and the other seven per cent of incidents, some – but not all – observed individuals were directed to comply. In this latter group, it is possible that another officer was directing that individual to comply.

The majority of police services (73 per cent, 32 police services) indicated that they provided directions to comply to at least 90 per cent of observed individuals. For all police services, the proportion of observed individuals directed to comply ranged from 48 per cent (OPP) to 100 per cent (nine police services).

There were differences in directions to comply based on perceived race:

- Black: 88.4 per cent (2,532 observations)
- East/Southeast Asian: 83.7 per cent (660 observations)
- Indigenous: 70.7 per cent (608 observations)
- Latino: 84.0 per cent (242 observations)
- Middle Eastern: 84.6 per cent (785 observations)
- South Asian: 91.0 per cent (404 observations)
- White: 81.7 per cent (5,422 observations)

None of the disparities exceeded the 20 per cent threshold, though the disparities for individuals perceived as Indigenous or as South Asian may be worth noting:

- Black: 1.08
- East/Southeast Asian: 1.02
- Indigenous: 0.86
- Latino: 1.03
- Middle Eastern: 1.03

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<sup>49</sup> As noted in Section 2.3.3, these may not be unique individuals.

- South Asian: 1.11

Observed differences may be related to perceived race or could be due to differences across services. For example, the four police services with the highest number of individuals perceived as Indigenous also had lower rates of directing individuals to comply. Further analysis would be required to identify the cause(s) of any differences for perceived race.

Most individuals were perceived by the officer to have complied with the directions given (70 per cent).

- Black: 72.0 per cent (1,824 observations)
- East/Southeast Asian: 74.4 per cent (491 observations)
- Indigenous: 60.7 per cent (369 observations)
- Latino: 66.5 per cent (161 observations)
- Middle Eastern: 76.9 per cent (604 observations)
- South Asian: 72.0 per cent (291 observations)
- White: 68.6 per cent (3,721 observations)

Disparities were as follows:

- Black: 1.05
- East/Southeast Asian: 1.08
- Indigenous: 0.88
- Latino: 0.97
- Middle Eastern: 1.12
- South Asian: 1.05

There are many factors which may have influenced officers' perceptions that an individual complied. It could how officers perceived behaviour or how individuals behaved. Differences in individuals' behaviour could also be influenced by systemic factors related to race, such as a history with police or factors associated with particular call types. Further data analysis would be required to determine if these types of factors explained variations in perceived compliance.

Overall, the rates of direction to comply and perceived compliance were similar across most perceived racial categories, with two exceptions. First, people perceived as South Asian were the most likely to be directed to comply, however this may be a result of the police services responding having higher rates of directing individuals to comply overall. In contrast, people perceived as Indigenous were the least likely to be directed to comply, and when directed, they were the least likely to be perceived to comply.

## 4.5 The Force Used

For each individual upon whom they used force, officers were required to report on the type of force used, why force was used, and whether the force was effective in controlling the individual's behaviour. As well, officers indicated whether de-escalation was used or attempted.

### 4.5.1 Distance from Individuals When Deciding to Use Force

Officers were required to indicate the distance between themselves and each individual at the time they decided to use force. Three response options were available: less than three metres; three to seven metres; and greater than seven metres. Officers could only choose one option for each individual upon whom they used force.

Distance between you and the subject (at the time decision was made to use force)

Less than 3 metres (approx. 10 feet)  3 to 7 metres (approx. 10 to 23 feet)  Greater than 7 metres (more than 23 feet)

*Figure 9; Distance Between You and Subject Report Question*

The distance between the officer and individuals when the decision to use force is made may impact the type of force used, its effectiveness, and the potential for injuries. There may be a difference in the level of risk, with smaller distances between the officer and individual potentially being riskier. For example, there is substantially greater risk to officers when an individual with a baseball bat is five feet away than when they are 20 feet away, while an individual with a firearm presents a substantial risk at even fairly long distances.

The force options that may be used will often depend on the distance between the officer and the individual. Physical control and intermediate weapons like batons are only useable when the officer is within a few feet of an individual. Conducted energy weapons (CEWs) and aerosols (i.e., pepper spray) also have an ideal range for use. In cartridge / probe mode, CEWs are most effective at temporarily immobilizing an individual when the two probes make contact with different muscle groups. This is unlikely to occur at very short distances. However, at further distances, there is a substantial risk that one or both probes will miss or not make effective contact with the individual. Similarly, aerosols may also affect an officer or others when the individual is too close and may not affect the individual if they are far away.

For one incident, the distance may vary for different officers and for different individuals. An officer might be less than three metres from one individual and three to seven metres from a second individual when deciding to use force. Another officer responding to the same incident may be greater than seven metres away from everyone when



determining that force is required. This may also be used strategically, with the officers able to provide different types of coverage for the incident at varying distances.

When considering the results, it is important to remember that officers are meant to be reporting the distance at the moment they decided to use force. This should not be interpreted as the closest or furthest distance between the officer and the individual during the use of force incident. An officer may determine that force is required as an individual is running towards the officer from a distance of seven metres while actual force may then be applied at less than three metres.

The 9,332 reports (Individual Reports and Team Reports) included 12,805 subject individual observations.<sup>50</sup> The majority of the time, officers decided to use force when they were within three metres of an individual (46 per cent, 5,880 observations) or three to seven metres from an individual (39 per cent, 5,050 observations). The decision to use force was less frequently made when the officer was more than seven metres from the individual (15 per cent, 1,875 observations).

There were no notable variations in the distance based on perceived race.<sup>51</sup>

#### **4.5.2 Type of Force Category**

Officers are expected to be continually assessing situations and choosing the most reasonable option according to the persons involved and the context of the situation. Interactions between police and individuals are fluid. As the interaction evolves, officers' choice of response options may change. As such, officers may use multiple force types in a single incident. This Use of Force Report does not indicate the order in which different force options were used.

Five categories of force type are captured on the Use of Force Report:

1. Physical Control
2. Intermediate Weapon (e.g., pepper spray, baton, CEW)
3. Less Lethal Firearm
4. Other (e.g., canine, horse, weapon of opportunity)
5. Firearm

When an officer selected one or more of these force categories, additional questions were presented to collect detail about the specific force types used. The image below

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<sup>50</sup> A reminder that this does not indicate that there were 12,805 individuals upon whom force was used.

<sup>51</sup> Other exploratory analyses were conducted to identify whether there was any relationship between distance at the time the officer decided to use force and other variables. There were no results of note related to the number of observations made in the incident, number of officers involved, or the type of force used.

shows all possible questions that officers may complete, depending on the selected force categories and force types. Officers were required to select all force type categories and specific force types they used.

For each force type and officer response, officers also reported whether this assisted in controlling the individual's behaviour. As well, if officers reported pointing or discharging a firearm in their response, they indicated whether they issued the Police Challenge. If they did, they were asked whether the individual complied. If they did not issue the Police Challenge, they were asked why not.

**Type of Force Used \***

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Physical Control (select all that apply)  Escort techniques  Grounding  Joint Locks  Pinning  
 Pressure Points  Strikes  Other Specify \_\_\_\_\_

Did this assist in controlling the subject's behaviour?  Yes  No

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Intermediate Weapon (e.g., pepper spray, baton, CEW - check all that apply)

OC (pepper spray) Did this assist in controlling the subject's behaviour?  Yes  No  
 Baton  Hard (e.g. strikes)  Soft (e.g. prying) Did this assist in controlling the subject's behaviour?  Yes  No  
 Conducted energy weapon (CEW)  Drawn and Displayed with the intention of achieving compliance  Pointed  
 Discharged ▶  Cartridge / probe  Drive / push stun  3-point contact  
 Cycles  Single cycle (5 seconds)  Extended cycle (more than 5 seconds)  Multiple cycles  
 Did this assist in controlling the subject's behaviour?  Yes  No

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If CEW did not assist in controlling the subject's behaviour, specify why (select all that apply)

Cartridge Malfunction  Disconnect  Insufficient Probe Spread  Operator Error  Probe Miss  
 Weapon Malfunction  Other Specify \_\_\_\_\_

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Less Lethal Firearm (select all that apply)

Shotgun (e.g. bean bag round):  Pointed  Discharged

Figure 10; Type of Force Used Report Question

Did this assist in controlling the subject's behaviour?  Yes  No

Extended Range Impact Weapon:  Pointed  Discharged

Did this assist in controlling the subject's behaviour?  Yes  No

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Other (e.g., canine, horse, weapon of opportunity)

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Specify \_\_\_\_\_ Did this assist in controlling the subject's behaviour?  Yes  No

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Firearm (select all that apply)

Handgun  Drawn  Pointed  Discharged Did this assist in controlling the subject's behaviour?  Yes  No

Rifle  Pointed  Discharged Did this assist in controlling the subject's behaviour?  Yes  No

Shotgun (Lethal)  Pointed  Discharged Did this assist in controlling the subject's behaviour?  Yes  No

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Did you issue the Police Challenge?  Yes  No Did the subject comply?  Yes  No

If did not issue challenge, specify:  Not viable  Issued by another officer  Other Specify \_\_\_\_\_

Figure 11; Type of Force Used Question

Definitions of the five force type categories are as follows:

1. **Physical Control** includes any empty-handed techniques used to physically control an individual's actions and does not involve the use of a weapon. A Use of Force Report involving exclusively Physical Control is only required if an individual sustained an injury that required the services of a physician, nurse, or paramedic. There were seven types of Physical Control that officers could select (e.g., Grounding, Joint Locks, Strikes).<sup>52</sup>
2. **Intermediate Weapons** involves the use of weapons not intended to cause serious injury or death, such as pepper spray, baton, or CEW.
  - **Aerosol Weapons** are inflammatory agents typically delivered via spray and designed to temporarily impair an individual, often by inducing a burning sensation of the skin and painful tearing and swelling of the eyes.
  - **Batons** are roughly cylindrical clubs carried as weapons. In Ontario, police are issued fixed-length or expandable batons.
    - **Soft Application** involves using the baton to pry an individual loose (e.g., using a baton to pry an individual's arms off an object or out from under their body).
    - **Hard Application** involves using the baton to strike major muscle groups to cause compliance with the objective of changing the subject's intent and behaviour (e.g., striking an individual's upper leg to stop them from kicking).
  - **Conducted Energy Weapons (CEWs)** deliver a series of electrical pulses intended to temporarily immobilize and allow apprehension of subjects.

<sup>52</sup> One note: this requirement applies only if the officer is aware of the injuries and the necessity for this treatment prior to the end of the shift when the force incident occurred.

There are three ways a CEW can be used, all of which require a Use of Force Report to be completed: drawn and displayed (including showing a warning arc); pointed; and discharged. If the CEW is discharged, there are three ways in which it may have been used. Officers are required to indicate whether the CEW was used for a single five-second cycle, a single cycle that lasted over five seconds, or for multiple cycles.

- **Cartridge / Probe Mode:** Officers fire the CEW's metal probes to penetrate an individual's clothing or skin to deliver an electric current to attempt to achieve neuromuscular incapacitation. Reports are required even if the probes do not strike the individual.
  - **Drive / Push Stun Mode:** Officers use the CEW to make direct contact with the individual, without the use of probes, to deliver electrical energy, which causes pain and only localized muscular disruption.
  - **3-Point Contact:** Drive stun mode in conjunction with probe(s) to complete the circuit.
3. **Less Lethal Firearms** are firearms that fire bean bags or other types of less lethal projectiles. These fall into two general categories:
- **Shotgun** refers to a lethal firearm that has been adapted or repurposed for use with less lethal projectiles (e.g., sock rounds, bean bag rounds).
  - **Extended Range Impact Weapons** are a dedicated less lethal launcher that deploys less lethal impact and chemical munitions.
4. **Other Weapons** include canines, horses, weapons of opportunity (i.e., any object found on the scene that can be used as a weapon), or other types of weapons not specifically referenced on the report. Weapons of opportunity may be used by police when none of the approved options are available or appropriate.
5. **Firearms** are defined in the *Criminal Code* (and referenced in the Use of Force Regulation) as a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person. This includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.<sup>53</sup> Three types of firearms may have been used by officers: **Handgun**,<sup>54</sup> **Rifle**, and **Shotgun (Lethal)**. An officer

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<sup>53</sup> This definition also applies to "Less Lethal Firearms." For greater clarity, under the Equipment and Use of Force Regulation under the *Police Services Act*, the definition of "firearm" explicitly excludes CEWs. Other jurisdictions may classify CEWs as firearms.

<sup>54</sup> A handgun is defined as a firearm that is designed, altered or intended to be aimed and fired by the action of one hand. Under the Regulation, officers were required to complete a Use of Force Report if they unholstered their handgun in front of a member of the public, regardless of whether they discharged or pointed their handgun.

could report using more than one type of firearm. For each firearm type the officer selected, they must indicate how the firearm was used:

- **Discharged** means that the firearm was fired, whether it was fired at a person or not.
- **Pointed** means that the barrel of the firearm was directed towards an individual.
- **Drawn** (applies only to handgun) means that the handgun was removed from its holster.

#### 4.5.2.1 Aggregation

This technical report analyzes only the five broad categories of force types on the Use of Force Report: Physical Control, Intermediate Weapon, Physical Control, Intermediate Weapons, Less Lethal Firearm, Other Weapon, and Firearm. Analysis on the specific types of force within these broader categories was not conducted.

The categories of force type used were aggregated to the incident level to provide an overview of use of force incidents. An officer might have used multiple force type categories during an incident, on one individual or on different individuals, and an incident might have had multiple officers using different force type categories. Each force category used during an incident was counted once for that incident, regardless of how many times or by how many officers that force category was used during the incident.

For example, if Officer A drew a handgun and used physical control that caused an injury, and Officer B drew a handgun and used a baton, the force type categories for the incident would be firearm, physical control, and intermediate weapon. Because officers could use force types from more than one force type category in the same incident, the per cent of incidents that included force types from the five categories could add to more than 100 per cent.

With the exception of the firearm force type, the use rate of the subtypes of force within each type of force category were not analyzed by racial category in this technical report, though the data are available in the Ontario Data Catalogue. This means, for example, an incident in which an officer used an intermediate weapon could have involved the use of a baton, CEW, and/or aerosol weapon. Analysis was not conducted to determine if the use rates differed for the subcategories of force for a CEW vs baton; this incident would have been coded as “intermediate force type category.”

As well, the analysis considered only the categories of force. It did not account for the number of applications of force. If one officer used more than one of the intermediate weapons, that was counted as an incident involving at least one intermediate weapon. Similarly, if different officers used different intermediate weapons, the incident was

counted as an incident involving at least one intermediate weapon. For example, both of the following incidents would be counted in the analysis as involving at least one use of intermediate weapons. First, a single officer used a CEW and an aerosol weapon. Second, one officer used a CEW and another officer used a baton.

Further, if officers used one type of weapon multiple times, or in different ways, that was only counted once. This could include an officer using a baton, attempting de-escalation, then using the baton a second time. It could involve an officer using hard application and soft application of a baton. It could include one officer pointing a handgun and another officer discharging a rifle. For each, the category of force (i.e., intermediate weapon, firearm) would be noted.

As described in section 4.2, perceptions of race were also aggregated to the incident level. The counts for race category are the number of incidents that included at least one individual perceived as being part of that category. In approximately 9.5 per cent of incidents, there were two or more race categories perceived across reports and/or observations.

When calculating the force type used by incident, a modification was made to the method used to count the number of incidents involving a person perceived as being part of a racial category. When examining force used, the incident was counted only if the relevant force type was used against a person perceived as that racial category. For example, if an incident involved one person perceived as “race A” and one person perceived as “race B,” and a firearm was pointed at both individuals, then the incident would be included in the counts of incidents related to both race categories. If the firearm was only pointed at the person perceived to be “race A,” then the incident would only be included in the counts of incidents related to “race A.”

#### **4.5.2.2 Overall Counts of Force Type Categories**

Of the 6,269<sup>55</sup> incidents, almost two thirds (64 per cent, 4,001 incidents) had only one of the five categories of force type applied by officers; less than one third (29 per cent, 1,831 incidents) had two of the five categories of force type applied by officers; and a smaller share (seven per cent, 436 incidents) had three or more of the five categories of force type applied by officers.

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<sup>55</sup> One incident was missing data on force type; thus, total adds to 6,268.

For each of the five categories of force type, the proportion of incidents that had at least one officer use at least one instance of force from the category on an individual were as follows:<sup>56</sup>

- Physical control: 26.2 per cent (1,645 incidents)
- Intermediate weapons: 50.6 per cent (3,169 incidents)
- Less lethal firearms: 4.0 per cent (252 incidents)
- Other weapons: 3.0 per cent (186 incidents)
- Firearms: 60.1 per cent (3,767 incidents)
  - This includes handgun drawn, firearm pointed, and firearm discharged

#### **4.5.2.3 Calculating the Disparity Index for Force Category**

Standard 29 of the ARDS requires PSOs to compute racial disproportionality and/or disparity indices for each unit of analysis. This technical report calculated disparity to identify possible differences in the category of force that was used between perceived racial groups.<sup>57</sup>

A racial disparity index is a measure of group differences in outcomes by comparing the outcomes for one racial group with those of another. A disparity index of 1.0 indicates no difference in outcomes between Group A and the reference or comparison Group B. An index less than 1.0 indicates that Group A had a lower likelihood of experiencing the particular outcome, and an index over 1.0 indicates a higher likelihood.

A notable deviation from 1.0 is required before it is reasonable to conclude that a disparity has been found. There is no established standard for determining whether a racial disparity in police use of force deviates enough to indicate a notable difference. The ARDS instructs PSOs to consider their own specific context to determine the threshold that indicates a noteworthy disparity. Assorted researchers in various fields including policing (e.g., traffic stops, police use of force) have used a range of thresholds, such as 20 per cent (i.e., index below 0.8 or above 1.2) or the 'four-fifths rule' (80 per cent of the ratio of the reference group, i.e., an index less than 0.8 or above

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<sup>56</sup> The total number of incidents in the dataset was 6,269, with data on force type was 6,268. When counting each incident in each of the five force type categories used, the total count of force type categories applied during use of force incidents adds up to 9,019, as any incident may be counted in more than one force type category. Percentages are derived using the total number of incidents.

<sup>57</sup> "If the desired equity outcome is that individuals are receiving the same treatment or outcomes within a given program, service, or function, regardless of their race, then a racial disparity index is the appropriate measure to use to identify and track any potential racial inequalities."

1.25) to identify notable disparities.<sup>58</sup> These thresholds have been used as guidance in this technical report to highlight where disparity might be notable.

Finally, disparity analysis requires a reference group for comparison. The reference group provides the contrast needed for meaningful interpretations of group differences in outcomes within the dataset. Often, the appropriate reference group is the group least likely to experience systemic barriers or disadvantages in Ontario. Standard 31 of the ARDS notes that the White category will typically be the most appropriate reference group within the justice sector.

For more detail on how the indices are calculated, thresholds, and reference groups, refer to Standards 29 to 32 of the ARDS.

In this section, disparity indices were calculated to determine if one perceived racial group had a higher risk of a particular force category being used compared to use of force incidents involving individuals perceived as White. It is important to note that many factors may influence the likelihood of officers using particular categories of force. These include: the number of subject individuals, the number of other officers, whether individuals were believed or perceived to possess weapons, the type of incident officers were called to, the behaviour of the individuals during the incident, and whether any individuals appeared to be in crisis or intoxicated. Disparity indices compare the risk or likelihood of an outcome between the different racial groups and the reference group. Other analytic approaches, such as multi-level modeling, would be required to statistically control for these other factors that may influence the categories of force that were used. Re-calculating disparity indices accounting for these additional factors may alter the disparity index results.

#### **4.5.2.4 Physical Control**

Physical control was the third most common type of force officers reported using, with 26.2 per cent of incidents (1,645) involving physical control. The most common types of physical control were grounding (997 incidents), pinning (540 incidents), and escort techniques (462 incidents).

As per the Use of Force Regulation, the use of physical control techniques was only reportable if it resulted in injuries requiring the services of a physician, nurse, or paramedic. As such, any physical control that did not cause injuries requiring attention from these individuals were excluded. The exclusion could be for an entire incident, if physical force not requiring medical attention was the only force type used. The

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<sup>58</sup> See also the 2020 report from the UK Government's Race Disparity Unit, [Research and Analysis: Using Relative Likelihoods to Compare Ethnic Disparities](#).



exclusion could be at the report level; if one officer only used physical force not requiring medical attention, that specific report would be excluded from the incident. Or the exclusion could be for the physical control elements on a specific report. For example, if a report included physical control that did not cause injuries, and the pointing of a firearm, the firearm force type would be included, the physical control would be excluded.

The percentage of force incidents that involved police use of physical control varied between 22 and 27 per cent across perceived race categories:

- Black: 26.2 per cent (369 incidents)
- East/Southeast Asian: 23.9 per cent (94 incidents)
- Indigenous: 22.9 per cent (122 incidents)
- Latino: 23.2 per cent (38 incidents)
- Middle Eastern: 27.0 per cent (116 incidents)
- South Asian: 22.3 per cent (49 incidents)
- White: 24.5 per cent (928 incidents)

The disparity index, calculated using the perceived race of White as the comparison group, was as follows:

- Black: 1.07
- East/Southeast Asian: 0.98
- Indigenous: 0.94
- Latino: 0.95
- Middle Eastern: 1.10
- South Asian: 0.91

When compared to White, none of the disparity indices for the six racial groups surpassed the 20 per cent threshold.

#### **4.5.2.5 Intermediate Weapon**

Intermediate weapons was the second most common category of force officers reported using, with 50.5 per cent of incidents (3,169) involving intermediate weapons. The vast majority of these incidents involved the use of CEWs (3,050 incidents, 96.2 per cent of incidents with intermediate weapons). There were three uses of a CEW that were provincially reportable: drawn and displayed (1,916 incidents, 62.8 per cent of CEW incidents), pointed (1,832 incidents, 60.1 per cent of CEW incidents), and discharged

(1,024 incidents, 33.6 per cent of CEW incidents).<sup>59</sup> Aerosol weapons (116 incidents) and batons (75 incidents) were not frequently used. There was variability in how frequently intermediate weapons were used in incidents associated with the different perceived race categories:

- Black: 39.5 per cent (556 incidents)
- East/Southeast Asian: 37.9 per cent (149 incidents)
- Indigenous: 54.4 per cent (290 incidents)
- Latino: 38.4 per cent (63 incidents)
- Middle Eastern: 32.9 per cent (141 incidents)
- South Asian: 30.9 per cent (68 incidents)
- White: 52.7 per cent (1,998 incidents)

The disparity index, calculated using the perceived race of White as the comparison group, was as follows:

- Black: 0.75
- East/Southeast Asian: 0.72
- Indigenous: 1.03
- Latino: 0.73
- Middle Eastern: 0.62
- South Asian: 0.59

Incidents with at least one individual perceived as Indigenous had a disparity index greater than 1.0 compared to incidents with at least one individual perceived as White. The remaining five racial groups had a disparity index lower than 1.0.

#### **4.5.2.6 Less Lethal Firearm**

Less Lethal Firearms are those that fire bean bags or other types of less lethal projectiles. These were not used by police very often (4.0 per cent, 252 incidents).

There was some variability in how frequently less lethal weapons were used in incidents associated with the different perceived race categories:

- Black: 2.4 per cent (34 incidents)
- East/Southeast Asian: 3.1 per cent (12 incidents)
- Indigenous: 5.3 per cent (28 incidents)
- Latino: 3.7 per cent (6 incidents)

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<sup>59</sup> Note that when an officer discharges a CEW, they will necessarily have had to point the CEW as well. They may also have drawn and displayed the CEW to achieve compliance. As such, the percentages add to well over 100.

- Middle Eastern: 3.5 per cent (15 incidents)
- South Asian: 1.8 per cent (4 incidents)
- White: 4.3 per cent (162 incidents)

The disparity index, calculated using the perceived race of White as the comparison group, was as follows:

- Black: 0.57
- East/Southeast Asian: 0.71
- Indigenous: 1.23
- Latino: 0.86
- Middle Eastern: 0.82
- South Asian: 0.43

When analyzing by incidents involving people of a perceived race, the small number of incidents involving this force type category warrant caution when interpreting results. With this caution in mind, results suggest that when compared to the use of less lethal firearms in incidents involving people perceived as White, there is a higher likelihood of less lethal firearms being used in incidents involving people perceived as Indigenous and a lower likelihood in incidents involving people perceived as Black.

#### **4.5.2.7 Other Weapon**

Very few incidents involved the use of an “Other” weapon by police (3.0 per cent, 186 incidents).

When “Other” weapon was used it was most frequently a police canine (133 incidents) followed by police shield (eight incidents), chemical munitions (eight incidents), and police vehicle (three incidents).

When analyzing by incidents involving people of a perceived race, the small number of incidents involving this force type category (ten or fewer incidents for four of the perceived racial categories) discourage the calculation of a disparity index and warrant caution when interpreting results. Percentages of incidents involving force from this category ranged from one to four per cent for all perceived races.

- Black: 2.9 per cent (41 incidents)
- East/Southeast Asian: 2.3 per cent (9 incidents)
- Indigenous: 2.6 per cent (14 incidents)
- Latino: 3.7 per cent (6 incidents)
- Middle Eastern: 1.6 per cent (7 incidents)
- South Asian: 2.7 per cent (6 incidents)
- White: 2.9 per cent (110 incidents)

#### 4.5.2.8 Firearm

Firearms were the most commonly used category of force (60.0 per cent, 3,767 incidents). Firearms mean a handgun, rifle, or shotgun firing lethal projectiles. When firearms were used, this was frequently drawing a handgun from its holster in the presence of a member of the public (2,294 incidents, 60.9 per cent of incidents where a firearm was used) or pointing a firearm (3,274 incidents, 86.9 per cent of incidents where a firearm was used). Incidents that included discharging a firearm were rare (50 incidents, 1.3% of incidents where a firearm was used).<sup>60</sup>

There was variability in how frequently firearms were used in incidents associated with the different perceived race categories:

- Black: 71.1 per cent (1,001 incidents)
- East/Southeast Asian: 70.0 per cent (275 incidents)
- Indigenous: 54.6 per cent (291 incidents)
- Latino: 63.4 per cent (104 incidents)
- Middle Eastern: 73.9 per cent (317 incidents)
- South Asian: 75.5 per cent (166 incidents)
- White: 57.4 per cent (2,178 incidents)

The disparity index, calculated using the perceived race of White as the comparison group, was as follows:

- Black: 1.24
- East/Southeast Asian: 1.22
- Indigenous: 0.95
- Latino: 1.10
- Middle Eastern: 1.29
- South Asian: 1.31

Five of the six racial groups had a disparity index greater than 1.0 compared to incidents with at least one individual perceived as White. Individuals perceived as Indigenous had a disparity index lower than 1.0, meaning incidents with at least one individual perceived as Indigenous were less likely to involve the use of a firearm as a force category by police, compared to incidents with at least one individual perceived as White.

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<sup>60</sup> For the use of firearms, cases add up to 100 per cent, as an incident was only counted once based on the most serious force type. For example, if an incident involved both firearm pointed and firearm discharged it was only counted in the firearm discharged category.

Using the 20 per cent threshold to indicate disparity of potential note, incidents with at least one individual perceived as Black, East/Southeast Asian, Middle Eastern, or South Asian were over 20 per cent more likely to involve the use of a firearm as a force category by police compared to incidents with at least one individual perceived as White.

This means that incidents involving at least one individual perceived as Black were 1.24 times more likely to involve a firearm used on an individual perceived as Black, compared to the rates firearms were used on individuals perceived as White in incidents involving individuals perceived as White. Similar patterns were found when individuals perceived as Middle Eastern (1.29 times more likely) or South Asian (1.31 times more likely) were compared to individuals perceived as White. Finally, incidents involving at least one individual perceived as Indigenous were slightly less likely to involve a firearm used on an individual perceived as Indigenous, compared to individuals perceived as White in incidents involving individuals perceived as White.

Disparity indices were not calculated for the incidents that included at least one firearm being discharged because there were too few incidents to generate reliable indices. Simple counts of the number of incidents are included below,<sup>61</sup> though these should be used with caution because of the small number of incidents that involved the discharge of firearms.

- Black: 8 incidents
- East/Southeast Asian: 4 incidents
- Indigenous: 2 incidents
- Latino: 3 incidents
- Middle Eastern: 2 incidents
- South Asian: 1 incident
- White: 34 incidents

Particularly relevant for understanding disparities in firearm force type would be the officer perception of an individual's access to a weapon. Further analyses examining to what extent these disparity indices remain when factoring in perceived weapons of the people involved as well additional contextual variables is recommended.

## 4.6 Outcomes of Force

Officers are required to indicate whether their use of force resulted in physical injuries to subject individuals and/or to themselves. Instructions noted that any injuries an officer

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<sup>61</sup> There were 50 incidents involving firearm discharge force type. Because an incident could include an officer discharging a firearm at more than one person, the totals for each race category add to 54.

reported must be as a direct result of their use of force. They were not to report injuries caused by other events, including force applied by other officers or from individuals purposefully or accidentally injuring themselves. These fields were mandatory for each subject upon whom force was used and for each individual officer who submitted a report. Officer injuries were not collected on officers who were part of a Team Report.

**Person(s) Injured** \* Were physical injuries sustained because of the use of force applied?

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Subject:  Yes     No     Fatal     Don't Know (e.g., subject fled/escaped)

Officer:  Yes     No

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Was treatment required? (select all that apply)

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Subject:  No     First aid     Medical attention by personnel at scene     Admission to medical facility

Medical attention at facility     Don't Know     Other Specify

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Officer:  No     First aid     Medical attention by personnel at scene     Admission to medical facility

Medical attention at facility     Don't Know     Other Specify

Figure 12; Persons Injured Report Question

There is no requirement to report non-physical injuries on the report.

#### 4.6.1 Injuries to Individuals upon Whom Force was Used

For each individual upon whom they used force, officers were required to report whether physical injuries occurred as a result of their use of force. The options were “Yes,” “No,” “Fatal,” and “Don’t Know.” If officers were not aware of whether there were injuries by the end of the shift during which the force event occurred, they could select “Don’t Know.” The figures could be an undercount of the number of injuries to individuals because officers may be unaware of injuries at the time they are completing the Use of Force Report.

If an officer used only physical force, a canine, or horse, and the resulting injury did not require the services of a physician, nurse, or paramedic, there was no requirement to submit a Use of Force Report. Injuries from physical force were only required to be reported if the injuries required medical treatment. Any injuries caused by the use of weapons (e.g., baton) were always required to be reported, regardless of whether medical attention was required.

If the officer reported that there were reportable injuries to individuals, they were required to note, for each individual, what treatment was provided. For this question, officers were to select all options that applied. As such, the percentages of incidents that required the different types of treatment will add to over 100 per cent.

In 90.6 per cent (5,677) of use of force incidents, none of the individuals upon whom force was used sustained reportable physical injuries as a result of the force applied.

There were no racial disparities identified for incidents in which there were no physical injuries.

In 8.8 per cent (551) of incidents, there were non-fatal physical injuries to at least one individual involved.

In 0.1 per cent (seven) of incidents, the injury to at least one individual was fatal.

In 0.6 per cent (37) of incidents, the injury status was unknown for all or at least one individual involved (and any additional individuals involved in the same incident were not injured).

#### **4.6.1.1 Non-Fatal Physical Injuries**

The percentage of use of force incidents that resulted in non-fatal physical injuries varied by perceived race, ranging from four per cent for Middle Eastern to 14 per cent for Latino:

- Black: 6.8 per cent (96 incidents)
- East/Southeast Asian: 6.4 per cent (25 incidents)
- Indigenous: 8.3 per cent (44 incidents)
- Latino: 14.0 per cent (23 incidents)
- Middle Eastern: 4.2 per cent (18 incidents)
- South Asian: 7.7 per cent (17 incidents)
- White: 8.9 per cent (339 incidents)

The disparity index, calculated using the perceived race of White as the comparison group, was as follows:

- Black: 0.76
- East/Southeast Asian: 0.71
- Indigenous: 0.92
- Latino: 1.57
- Middle Eastern: 0.47
- South Asian: 0.86

Use of force incidents involving at least one individual perceived as Latino were 1.57 times more likely to have resulted in non-fatal physical injuries compared to incidents involving at least one individual perceived as White.

#### **4.6.1.2 Fatal Injuries**

In total, there were seven individuals who were fatally injured as a result of police use of force. Each fatality occurred in a separate incident.

In all seven incidents, there was a single individual, armed with a weapon, who was threatening to harm either themselves or others, or was acting in a threatening manner. For four of the seven incidents, officers perceived the individual to be experiencing a mental health crisis at the time of the incident; for two incidents, officers reported the individual was expressing suicidal ideation. In two of the seven incidents, the individual had murdered or attempted to murder at least one other person prior to the encounter.

In five of seven incidents, police attempted de-escalation (including communication, distancing, time, repositioning, etc.) prior to engaging in lethal force. In the other two, officers indicated that de-escalation was not attempted because the individual presented an imminent threat.

All seven individuals who died were perceived as males between the ages of 25 and 64. Five individuals were perceived as White, one was perceived as Latino, and one was perceived as Indigenous. With such a small number of incidents, it is not possible to make any conclusions about how perceived race may or may not be related to fatalities from use of force.

#### **4.6.1.3 Injury Status Unknown**

At the time they completed the Use of Force Report, officers might not have known whether their use of force resulted in injuries for the individuals upon whom they used force. Officers were required to report injuries they were aware of before the end of the shift when the force incident occurred. Some situations may make it more difficult for officers to know if the individuals sustained any injuries. For example, when the officer did not detain the individual or the person fled the scene, the officer might not have known if the individual sustained injuries. If the only type of force used was drawing a handgun or pointing a weapon at the individual with the intention of achieving compliance, officers might have been confident that no injuries occurred as a result of their use of force, even if the individual fled the scene. The likelihood of uncertainty is higher for other types of force, such as physical control and the use or discharge of a weapon.

In 37 incidents (0.6 per cent of incidents), it was unknown whether one or more of the individuals involved sustained a physical injury. These incidents may have included individuals who were known to have no physical injuries, but for at least one individual involved their injury status was unknown and so the incident as a whole was coded as injury status unknown.

These 37 incidents were more likely to involve multiple subjects and multiple officer Use of Force Reports compared to the pattern for overall incidents.



Due to the small number of incidents involved (37 total) which result in very small numbers when analyzed by perceived race, race-based analysis is not conducted on these incidents.

#### **4.6.2 Injuries to Officers**

The Individual Use of Force Report also tracks physical injuries to officers because of their own use of force. The response options are “Yes” or “No”. These questions were not included on the PDF Team Report, so the analysis in this section includes only Individual Reports. If the officer was injured, they were required to report if they received treatment.

One example of injury caused by using force is an officer using physical control techniques and being punched by the individual. It is not fully clear how officers interpreted the requirement that the injury should be “because of the force applied” as noted on the Use of Force Report. For example, if the reporting officer discharges a firearm at an individual, then the individual fires back and strikes the officer, it is up to the officer to determine whether the injury was as a result of their own use of force.

Injuries to officers during the incident that were not caused by their use of force are not captured on the Use of Force Report. For example, in 2023, there were use of force incidents in which officers involved were seriously injured during the incident, however their injuries were not captured as the injured officers themselves were not required to complete Use of Force Reports. As such, the figures here are an undercount of the number of officers injured during use of force incidents.

The Use of Force Report tracks only physical injuries.

The majority of Individual Use of Force Reports (97.5 per cent) did not result in any physical injuries to the reporting officers.

Because each officer submits their own Individual Report, it is possible to determine the number of reporting<sup>62</sup> officers (for Individual Reports) who were physically injured in an incident. Across all Individual Reports, 195 (2.5 per cent) officers reported having sustained physical injuries.

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<sup>62</sup> These are not unique counts of officers, since a single officer might have been injured in multiple use of force incidents; due to the absence of identifying information about the officers, it could not be determined if any officers were injured during more than one incident in 2023.

# **Section 5:**

# **Conclusions**

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Police in Ontario receive approximately four million calls for services a year, over 99 per cent are resolved without the use of force. Use of force by police remains an issue of substantial public interest.

The Ministry has made significant strides, including recognition from the Ontario Ombudsman for its effort to educate and reduce, where possible, instances of force across the province.

Under the *Anti-Racism Act* (ARA) and the ARA Regulation, the mandated Use of Force Reports have included questions about the officer's perception of the race of individuals on whom they used force that required a report.

Updates the Ministry made to the Use of Force Report enabled the Ministry to enhance its data analysis. Overall, use of force incidents most frequently involved individuals who were perceived as White, Black, or Indigenous, in that order. The disparity analysis showed differences in officers' use of firearms between perceived race groups.

However, the disparity scores presented in this technical report were computed using use of force incident data that did not account for other factors which may have influenced the use of force incident and resulting disparity scores. For example, the racial disparity results do not provide an explanation for observed differences; any disparities do not necessarily imply racial discrimination or racial bias by police. Multivariate analysis that included the important contextual factors would address this limitation. For example, multi-level modeling could factor in the effect of an officer perceiving that an individual possessed a weapon when exploring any relationship between perceived race and the use of force. The disparity results would likely change if such contextual factors were included. This could include disparities becoming smaller or disappearing, reversing, or becoming larger.

Further improvements could expand the ability to identify areas of concern, demonstrate successes, and provide a more comprehensive analysis of use of force incidents and any influence of perceived race. Of particular interest is collecting additional information to explore whether incidents involved individuals in crisis or under the influence of drugs or alcohol; the role that officer training and experience may have; and any relationship with officer demographics, such as race and gender. The lack of an appropriate benchmark population also remains a key limitation. Without this benchmark, the Ministry cannot calculate racial disproportionality on police use of force that accounts for the frequency of police contact. Disproportionality, which is an indicator of whether the representation of racial groups is higher or lower than their proportion in the benchmark population, is a useful measure for police use of force. Disproportionality would indicate whether individuals perceived as members of particular racial groups are involved in

use of force incidents at a higher rate than would be expected based on the proportion of police contacts with individuals from those groups.

The results presented herein are an overview of the data, rather than a record of every analysis that could be computed using the data.

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# Section 6: Appendices

## 6.1 Appendix A: Ontario Use of Force Report 2023

[Link to Use of Force Form](#)

## 6.2 Appendix B: Summary of the Principles Governing the Use of Force by Police

Police officers face situations where they may use force in carrying out their duties, and to ensure their own safety and that of the community. The parameters governing the use of force by police officers are contained in the *Criminal Code*, other federal and provincial legislation and regulations, the common law, and the *Charter of Rights and Freedoms*. The broad principles governing the use of force by police may be summarized, as follows:

1. **THE USE OF FORCE BY POLICE MUST BE AUTHORIZED BY STATUTE OR THE COMMON LAW:** Police officers may use force in the execution of duty only if permitted by statute or the common law. More particularly, the statutory or common law authority on which an officer relies when using force must apply to the particular duty that the officer is carrying out. Unless an officer possesses such authority in any particular case, the use of force by the officer may be unlawful, and, accordingly, the officer could be liable for assault or other related offences, as may be applicable.
2. **THE USE OF FORCE BY POLICE IS GOVERNED BY THE PRINCIPLES OF NECESSITY, PROPORTIONALITY, & REASONABLENESS:** Even when the use of force may be authorized to carry out a particular type of duty, a police officer does not possess an unrestricted right to use force. The lawful use of force by police is constrained by the principles of necessity, proportionality, and reasonableness. That is, an officer may use force only if the harm sought to be prevented could not be prevented by less violent means, and that the injury or harm done by, or which might reasonably be anticipated from the force used, is not disproportionate to the injury or harm it is intended to prevent. Section 25(1) of the *Criminal Code* provides a police officer with justification to use force in accordance with these principles.

Section 25(3) of the Criminal Code specifically addresses the use of lethal force by police, in accordance with the same principles. The section specifies that an officer is not justified in using lethal force (that is, force that is intended or is likely to cause death or grievous bodily harm) unless they believe on reasonable grounds that such force is necessary to avoid the death or grievous bodily harm of themselves or a person under their protection.

3. THE MEANING OF “EXCESSIVE FORCE”: An officer’s use of force may be excessive if the officer did not have the authority to use force, or otherwise if it violates the principles of proportionality, necessity, and/or reasonableness. Under s. 26 of the Criminal Code, a police officer who uses force is “criminally responsible for any excess ...” It bears emphasis that under the principle of “necessity”, an officer may not use force if there are reasonable non-violent tactical options available to the officer, by which their lawful objective would likely be accomplished.
4. THE IMPORTANCE OF DE-ESCALATION AS A TACTICAL OPTION: “De-escalation” is a term that refers to non-use-of-force tactical options that a police officer may use when confronting a violent or non-compliant individual. (This term is also sometimes used to refer to use-of-force options designed to obtain compliance on the part of a subject, but to avoid confusion the term should be restricted to non-use-of-force options: See “National Consensus Policy and Discussion Paper on Use of Force” (2020), International Association of Chiefs of Police et. al.). De-escalation techniques have the purpose of resolving or stabilizing a volatile situation without the use of force, or with a reduction in the amount of force that would otherwise be needed. De-escalation seeks to slow the dynamics of an encounter, thereby gaining time to allow for the arrival of further resources and tactical options which may further minimize or eliminate the need to use force. Generally speaking, de-escalation seeks to pacify a non-compliant individual by means of building personal rapport with the police officer.

Whether de-escalation may be effective or even feasible in any particular case will depend on an assessment of the circumstances at hand. Police are trained to assess, plan and act, based on existing circumstances, but also to reassess and adapt as circumstances evolve. Key considerations include, for example, the tactical options immediately available to police; whether further tactical options will be arriving at the scene; and the nature and degree of risk posed by the non-compliant individual. A situation may begin with de-escalation being a reasonable tactical option, but it can reverse in an instant.

In situations where it is feasible, de-escalation may be particularly effective in dealing with individuals who are in a state of crisis or suffering from an apparent mental illness. De-escalation may also be particularly effective when dealing with members of Indigenous and Black communities, as well as members of other marginalized or racialized communities; but the importance of de-escalation is not restricted to members of those communities.

There is no legal duty that requires an officer to employ de-escalation techniques in every case. However, an officer may not use force if there are non-violent tactical options available to the officer, by which the officer's lawful objective can reasonably and likely be accomplished. Accordingly, in circumstances where an officer uses force when de-escalation is an objectively reasonable alternative, such use of force may be excessive.

5. THE SCOPE OF AN OFFICER'S DISCRETION IN USING FORCE: Police officers possess a measure of reasonable discretion in determining whether force is required, and if so, to what degree. Police engage in dangerous work, and, on occasion, must act quickly in emergencies. Assessments regarding the use of force need not be based on a "standard of perfection", nor calibrated with the precession of a "jeweller's scales". Moreover, an officer is not required to use only the least amount of force which might achieve their objective. However, the use of force which objectively violates the principles of proportionality, necessity, and/or reasonableness, in light of the circumstances known to the officer at the time, may leave the officer liable for excessive force.



## **6.3 Appendix C: Disproportionality & Disparity Equations**

See pages 47 to 48 of the ARDS

[Link to Data Standards for the Identification and Monitoring of Systemic Racism](#)

[Link to Standard 29. Racial Disproportionality and Disparity Indices](#)

## **6.4 Appendix D: Glossary of Terms**

See pages 67 to 73 of the ARDS

[Link to Data Standards for the Identification and Monitoring of Systemic Racism](#)

[Link to ARDS Glossary](#)



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of Policing

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## Inspector General of Policing Memorandum

**TO:** All Chiefs of Police and  
Commissioner Thomas Carrique  
Chairs, Police Services Boards

**FROM:** Ryan Teschner, Inspector General of Policing of Ontario

**DATE:** **August 1, 2024**

**SUBJECT:** Inspector General Memo #1: Authorities, Policing Agreements,  
Requests, Notifications and Disclosures

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The first few months of Ontario's new policing landscape under the *Community Safety and Policing Act, 2019* (CSPA) have marked the successful launch of operations, as well as exciting challenges and lessons learned for the team at the Inspectorate of Policing. I, along with my team, have welcomed the opportunity to engage with many of you to answer questions about the Inspector General (IG) of Policing's role, as well as your respective new responsibilities under the CSPA.

### ***Inspector General Memorandums and Advisory Bulletins***

In my communication to you dated April 2, 2024, I indicated that my office would be sharing more information to provide clarity regarding certain duties and authorities of the IG. I hope that this first *Inspector General Memo* (IGM) will be helpful to you as we navigate this new world, and in particular, that the enclosed **Advisory Bulletins** (the subjects of which are outlined below) will serve as useful resources for you.

Advisory Bulletins are the IG's advice provided pursuant CSPA s. 102(4) and are intended as a resource for the sector by offering the IG's general interpretation of various provisions of the CSPA. Advisory Bulletins are not legally binding, and they do not purport to address all possible factual scenarios or circumstances. As such, you

may wish to consult with legal counsel to determine how this general guidance should be applied in in your own local context and to navigate specific situations.

I may update Advisory Bulletins periodically, and as we encounter other topics that will benefit from guidance and more information, I will issue further IGMs and Advisory Bulletins.

### ***Advisory Bulletins enclosed***

Based on our first months of experience and questions we have received from the policing sector, this first IGM encloses five Advisory Bulletins that provide operational guidance on a range of CSPA requirements. The bulletins are:

1. **How Policing is Delivered (Attention: Boards and Chiefs):** IG advice on how to apply CSPA requirements to address local service delivery and assistance between police organizations, including what should be submitted to the IG regarding:
  - Policing Agreements (CSPA s.14);
  - Temporary Assistance; and,
  - Emergency Requests for Assistance (CSPA s.19).
2. **Right to Disclose Misconduct (Attention: Boards and Chiefs):** information on the new ability for members of a police service to report misconduct relating to their own police service or employer, including procedural requirements and the role of the IG in relation to this subject (CSPA s.185).
3. **Conflicts of Interest Regulation (Attention: Chiefs and Boards):** information and tools to support compliance with the requirements set out in the Regulation for managing conflicts of interest, including a flow chart outlining key decision points and notification requirements, as well as the corresponding Ministry of the Solicitor General-approved forms.
4. **Board Member Code of Conduct Regulation (Attention: Boards):** information on key requirements for board members with respect to handling potential misconduct and conflicts of interest, including when the IG must be notified.
5. **Forwarding Complaints to the IG (Attention: Boards and Chiefs):** outlines a procedure that can be used by chiefs of police, boards, board members and other persons and entities listed in CSPA s. 108 to forward matters to the IG where the complaints fall within the IG's mandate under CSPA ss.106 and 107.

### ***Police Service Advisors and new authorities***

As a reminder, the duties of the IG under CSPA s.102(4) include to monitor, consult with and advise police services, chiefs of police and police service boards (among others) to

ensure that they comply with the CSPA and its regulations. The IG also has a duty to monitor members of police services boards to ensure that they do not commit misconduct.

To support the fulfillment of these IG duties, the Inspectorate of Policing's Police Services Advisors have been appointed by me as inspectors under the CSPA, and hold the statutory authorities of an inspector. To ensure that Police Services Advisors are able to support the delivery of these IG duties, CSPA s. 115(7) states that inspectors can enter closed police service board meetings for the purpose of monitoring, or for an inspection, except where legally privileged issues are being discussed by a board. While our Police Services Advisors are often welcomed into and do attend closed meetings of police service boards, I wanted to bring this new statutory authority to your attention.

For your reference, I have attached the Police Services Advisor assignments and contact information to this memo as **Appendix A**.

I understand that many of the requirements outlined in this communication are new, as is the mandate under which I operate as IG. While some of the requirements may seem technical, they all support the application of my oversight mandate and enable better information analysis to assist in supporting the delivery of adequate and effective policing across Ontario.

As the Inspectorate of Policing gains further operational experience and insights, and through continued engagement with Ontario's policing sector, I will continue to share information and advice that will assist you in meeting the requirements of the CSPA and its regulations.

I trust this information will be helpful to you. Should you have any questions, please connect with your Police Services Advisor.

Sincerely,



Ryan Teschner  
Inspector General of Policing of Ontario

## APPENDIX A – Police Services Advisor Board and Police Service Assignments

Zones are OAPSB and OACP consistent. Municipal board names are as recorded by the Public Appointments Secretariat, except for regional municipalities, which have been modified for consistency. Boards responsible for multiple municipalities (excluding upper-tier boards) are indicated as “joint”. Police service names significantly different from the board are listed with the board. There are currently **43** municipal boards in Ontario.

ZONES 1/1A	ZONE 2	ZONE 3	ZONE 4	ZONE 5	ZONE 6
<b>Tom Gervais</b> (416) 432-5645 tom.gervais@ontario.ca <i>B/U Ron LeClair</i>	<b>Graham Wight</b> (416) 817-1347 graham.wight@ontario.ca <i>B/U Jeeti Sahota</i>	<b>Multiple advisors:</b> <sup>1</sup> <i>Tom Gervais, Primary</i> <sup>2</sup> <i>Duane Sprague, Primary</i> <sup>3</sup> <i>Graham Wight, Primary</i>  <i>B/U Graham Wight</i>	<b>David Tilley</b> (647) 224-9370 david.tilley@ontario.ca <i>B/U Duane Sprague</i>	<b>Duane Sprague</b> (416) 573-8309 duane.sprague@ontario.ca <i>B/U David Tilley</i>	<b>Ron LeClair</b> (226) 280-0166 ronald.leclair@ontario.ca <i>B/U Tom Gervais</i>
Greater Sudbury	Belleville	Barrie <sup>1</sup>	Brantford	Guelph	Aylmer
North Bay	Brockville	Bradford West Gwillimbury & Innisfil (joint) - <i>South Simcoe</i> <sup>2</sup>	Halton Regional	Hanover	Chatham-Kent
Sault Ste. Marie	Cornwall	Cobourg <sup>3</sup>	Hamilton	Owen Sound	LaSalle
Thunder Bay	Deep River	Durham Regional <sup>2</sup>	Niagara Regional	Saugeen Shores	London
Timmins	Gananoque	Kawartha Lakes <sup>3</sup>	Woodstock	Stratford	Sarnia
	Kingston	Peel Regional <sup>2</sup>		Waterloo Regional	St. Thomas
	Ottawa	Peterborough <sup>2</sup>		West Grey	Strathroy-Caradoc
	Smiths Falls	Port Hope <sup>3</sup>			Windsor <sup>1</sup>
		Toronto <sup>1</sup>			
		York Regional <sup>3</sup>			
					<sup>1</sup> <i>David Tilley Primary</i>



## Advisory Bulletin 1.1: How Policing is Delivered in Ontario and Associated Compliance Requirements

Date of issue: August 1, 2024

### Background information about new CSPA requirements

The CSPA sets out the framework for how policing is to be delivered in Ontario, including specifying key responsibilities for ensuring adequate and effective policing in Ontario communities.

**CSPA s. 10(1)** requires that police service boards and the Commissioner of the Ontario Provincial Police (OPP) **ensure the provision of adequate and effective policing in the areas for which they are responsible**. In addition to making boards and the Commissioner responsible for ensuring the delivery of adequate and effective policing, the CSPA also sets out certain rules for *how* policing is delivered and increases the governance and oversight functions of the board in monitoring the service's capacity to provide policing functions in their jurisdiction.

**Section 13** set out the rule that police service boards/the Commissioner **must use members of their own police service** to provide policing functions, **or persons assisting a member of that service while acting under their direction**. With respect to the "person" assisting a member, a police officer of one service can be a "person" who may assist a member of another service. However, for this exception to apply, *the assisting member must be acting under the direction of the assisted member*, as opposed to being under the direction of the assisted police service more generally. "Acting under the direction" would require that the assisted member be the operating mind and that the assisting member would have little or no involvement in decision-making about the policing being delivered in the circumstances.

For clarity, s. 13(3) does **not** create a separate, stand-alone mechanism for the delivering of policing functions in Ontario. Rather, s. 13(3) simply confirms that if responsibility to provide a policing function in relation to a specific investigation *etcetera* is referred to the Chief of another service or otherwise transferred to a member of a different police service (or board) as required by specific provisions of the CSPA or

regulations (e.g., s. 121 and 188 of the CSPA and s. 4, 6 and 7 of [O. Reg. 401/23](#) Conflicts of Interest), that other board/service to which the function is referred or otherwise transferred is bound by the s. 13 requirement to use its own members in engaging in that function.

**Section 14**, as well as temporary and emergency requests for assistance under section 19, provide *additional exceptions* to the requirement in s. 13 that policing functions be provided by members of the police service of jurisdiction. Section 13 exceptions (which would apply to one-off instances of member assisting member or when a specific function is referred by virtue of another legal requirement) can overlap with agreements under both sections 14 and 19 (if permitted by regulation).

Section 14 allows a **board or the Commissioner to enter into an agreement** with another board or the Commissioner to provide a policing function, or part of a policing function (including *ad hoc* or occasional assistance) in an area, in accordance with [Ontario Regulation 398/23: Alternative Provision of Policing Functions](#). The Regulation lists all policing functions which may be provided through s. 14 agreements (functions not listed in the Regulation **cannot** be the subject of a s. 14 agreement).

Subsection 5(1) of O. Reg. 398/23 also states that “[it] shall not be read as limiting the ability of a police service to assist another police service in the provision of policing functions as may be needed from time to time”, where that would otherwise be permitted under the CSPA.<sup>1</sup>

**Section 19** provides additional options to provide policing functions with members of a different police service. A board or the Commissioner may request **temporary assistance** in providing adequate and effective policing from another board or an entity that employs First Nation Officers on an *ad hoc* basis, in absence of such an arrangement already existing in a s. 14 agreement (s. 19(1)(2)).

Finally, s. 19(4) allows a chief of police to request that the Commissioner, another chief of police, or an entity that employs First Nation Officers, provide **emergency assistance**, if the chief of police is of the opinion that an emergency exists in the area

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<sup>1</sup> Subsection 5(1) of O. Reg. 398/23 provides guidance with respect to how the Regulation should be interpreted in relation to the broader scheme of the CSPA. O. Reg. 398/23 provides that some, but not all, police functions may be the subject of an agreement pursuant to s. 14. The purpose of s. 5(1) is to indicate that, although only some functions may be the subject of a s. 14 agreement, any functions may be provided to assist another police service as required from time-to-time where that would be otherwise authorized by the CSPA. Subsection 5(1) is intended to ensure that O. Reg. 398/23 is not given an excessively broad interpretation. It is not a provision with respect to the interpretation of s. 13 and, as a regulation, could not have the effect of changing the meaning of s. 13.

for which the police service board has policing responsibility or, in the case of the Commissioner, the area for which the OPP has policing responsibility. Please note that “emergency” in the CSPA has the same meaning as in [section 1](#) of the [Emergency Management and Civil Protection Act](#).<sup>2</sup>

Under the CSPA, a **police service board may seek cost recovery** for policing provided through s. 14 agreements (per s. 14(6)) and temporary or emergency assistance requests (s. 19(8)).

The CSPA provisions summarized above describe the rules for how policing is to be delivered. To provide additional clarity on applying the rules in an operational context, including interpretative guidance for how the exceptions may be applied, the IG’s advisory duty under s. 102(4)(b) of the CSPA allows for the provision of the following guidance to support compliance by police services and boards.

## **Policing Agreements under section 14**

### ***What you need to know***

Policing agreements allow boards and the Commissioner to set out that certain functions may generally or occasionally be provided by another board/service. These agreements ensure that a board is properly positioned and informed to discharge its statutory mandate of ensuring adequate and effective policing while at the same time avoiding directing day-to-day operations of their respective police services. Agreements allow a board and chief to work together to proactively articulate what functions may be provided with the assistance of another board and service, and when, precisely to avoid any impacts on timely operational decision-making.

Subject to the requirements of [O. Reg. 398/23](#) (*Alternative Provision of Policing Functions*), s. 14 agreements should be flexible in their scope of coverage and the time period over which they apply. A s. 14 agreement may provide that a specified policing function:

- Is to be provided on a regular basis;
- Is to be provided as may be requested on an *ad hoc* basis;
- Will be provided because one police service does not have the capacity to provide that function for itself; or,

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<sup>2</sup> “Emergency” means a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.



- Will be provided from time-to-time by members of another police service, but is a policing function that the police service of jurisdiction generally has the capacity to provide.

An agreement under s. 14 may include more than two parties and could provide for the regional delivery of a policing function (e.g., the services of a public order unit as required from time-to-time by one of the parties).

In the case of municipal police services, a board's decision to enter into a s. 14 agreement should be made *after thorough consultation between the board and the chief of police*, with consideration for past/current practice and known or predictable capacity issues. For example, a board may seek from the chief of police and analyze data on how often *ad hoc* assistance is required by its police service or provided to another service, and consider whether a section 14 agreement is required, or whether to seek cost recovery. Section 14(6) allows a board to recover the costs associated with providing, or assisting, in the delivery of a policing function or part of a policing function.

The required contents of the agreement itself are set out in s. 14(6) of the CSPA and any agreement must adhere to these requirements. In addition, the required consultations and matters to confirm between parties to the agreement and chiefs of police prior to entering into s. 14 agreements are set out in s. 3 of Regulation 398/23 (*Alternative Provision of Policing Functions*). **Please note that the Ministry of the Solicitor General will be circulating an Ontario Provincial Police section 14 agreement template, as an example, to police services via a future All Chiefs Memo.**

Finally, subsection 14(12) confirms that where a board or the Commissioner enter into an agreement for the provision of policing in their jurisdiction, the board or Commissioner remain responsible for ensuring that the policing provided pursuant to the agreement meets the CSPA standards for adequate and effective policing.

### ***What you need to do***

As policing agreements are the **responsibility of the police service board** or Commissioner, when considering and developing these agreements boards should consider and consult with the chief of police on the following:

- The required contents of the agreement as outlined in s. 14(6), with specific consideration for the type, frequency and duration of the policing functions to be provided, and whether payment is required for any of those functions;
  - For example, what are the circumstances surrounding the need for the agreement, including:

- The policing function(s) or assistance required;
- The timeframe for the provision of the function/assistance;
- The size and scope of assistance required (e.g., localized, widespread, multi-jurisdictional);
- The overall capacity of the service to deliver the functions required to ensure adequate and effective policing using both local resources and those of another board/service through an agreement;
- The specific consultation requirements and items to confirm as set out s. 3 of the Regulation; and,
- Information the board may wish to receive from the chief of police as part of regular or *ad hoc* reporting on actual delivery of functions or assistance provided through the agreement.

Section 14 agreements are new and will require thoughtful collaboration between a board/the Commissioner and the service, and between boards and services across jurisdictions. While we acknowledge that this may take some time, it is critical that these collaborations, and the resulting s. 14 agreements, are prioritized to ensure that adequate and effective policing can be delivered locally.

The police service board or Commissioner **that has the responsibility** for the provision of policing in the area is required to provide a copy of all agreements made under s. 14 to the IG.

To fulfil the above responsibility, the board or Commissioner that receives s. 14 support should **email all s. 14 policing agreements to [IOPnotifications@Ontario.ca](mailto:IOPnotifications@Ontario.ca) and copy your Police Services Advisor.**

### ***What we will do***

The IG will receive and review s. 14 agreements to monitor compliance with the CSPA and the delivery of adequate and effective policing. The IG may also request additional information on the delivery of policing functions through s. 14 agreements, from time to time, as authorized by the CSPA (s. 104(2)). Over time and with this and other information, the Inspectorate of Policing will be better positioned to assess the system of policing delivery in Ontario, including where the system is strong, or is being challenged. This information will also support the IG to make informed decisions about potential deployment of police services or the Ontario Provincial Police, should a concern about adequate and effective policing, or a policing emergency, arise.

While there is no obligation to notify the IG about instances when a member of one service provides assistance to a member of another service under the latter's direction

under s.13, the IG may request information (per s. 104(2) of the CSPA) on instances of such assistance from time to time as part of the process of monitoring the delivery of adequate and effective policing.

## Temporary Assistance and Emergencies under section 19 – IG Notifications and Authorities

### ***Temporary Assistance Requests – Notification of IG***

#### ***What you need to know***

Temporary assistance can be requested by a board or the Commissioner in order to receive assistance from another board/the Commissioner or an entity that employs First Nation Officers in providing adequate and effective policing.

A temporary assistance request is not required where policing functions are provided by:

- Members of another police service pursuant to a section 14 agreement, even on an *ad hoc* basis; or,
- Persons assisting those members while acting under the specific member's direction as per the s. 13 exception.

In addition, there may be other operational circumstances that do **not** require a board to request another board/the Commissioner to provide a policing function on their behalf, such as:

- *Active incidents and investigations that cross jurisdictional lines* – where officers in the original jurisdiction may cross into the adjoining jurisdiction as part of a pursuit or an active investigation, and where officers in the adjoining jurisdiction may engage a suspect or join an investigation; or,
- *Joint force operations* – where members of different police services work collaboratively on a single operation that jointly impacts their respective jurisdictions, as those members continue to police on behalf of their board and police service.

A municipal chief of police is not authorized by the CSPA to make temporary assistance arrangements for the provision of policing functions in the absence of an emergency. The IG recognizes that in the context of day-to-day policing, sometimes immediate decisions will need to be made to ensure the protection of public safety, and that some of these decisions may on their face run contrary to provisions of the CSPA. In such circumstances, it is expected that **the IG would be notified as soon as possible of**

**instances of possible non-compliance so that the spirit of the CSPA is adhered to, and potential remedial steps can be examined.**

However, again, when the **assistance** of another police service is planned, or regularly required, a section 14 agreement or section 19 request should be considered and actioned, and any assistance tracked, in order to better understand how policing is delivered locally.

Requests for temporary assistance require resolutions of boards requesting or providing assistance. When considering these requests, police service boards must keep in mind the statutory prohibitions with respect to their involvement in daily operations of the police service. Specifically, boards are prohibited from making policies with respect to specific investigations, the conduct of specific operations, and are prohibited from directing a chief of police with respect to specific investigations, the conduct of specific operations and the day-to-day operation of the police service.

If a police service board, or the Commissioner, makes a request for temporary assistance, s. 19(3) requires that:

- a) the requesting board or Commissioner **shall provide notice of the request as soon as possible to the IG** and, in the case of a request by the Commissioner, to the Minister; and,
- b) the police service board, the Commissioner or the entity that employs First Nation Officers who agrees to provide temporary assistance **shall provide notice of that agreement as soon as possible to the IG** and, in the case of a request by the Commissioner, to the Minister.

### ***What you need to do***

The practicality of convening the entire board to consider s. 19 temporary assistance requests should be considered by each board. Subsection 42(1)(a) of the CSPA enables a police service board to **delegate** its powers by by-law to a committee of at least two members of the board. Our advice is that boards should establish this committee approach to support a more expeditious process. Where a board establishes a committee, we also advise that there should be some form of regular reporting of temporary assistance resolutions, so that the entire board maintains awareness of these matters.

To fulfil the CSPA's requirements, the items specified in **Appendix B** should be submitted to the IG pursuant to the notification requirements for temporary assistance

under s. 19(3)(a) and (b). This will ensure the IG receives the information required to support compliance monitoring in a consistent manner necessary for reliable analysis.

Although the CSPA does not define the term “as soon as possible”, notices related to temporary assistance requests should be submitted to the IG by the appropriate parties **within 24 hours** of the request being made **and** following the agreement to provide temporary assistance being made.

### ***Emergency Requests for Assistance – Notification of IG***

#### ***What you need to know***

Section 2(1) of CSPA [O. Reg. 399/23](#) establishes that for the purposes of the CSPA, “emergency” has the same meaning as in s. 1 of Ontario’s *Emergency Management and Civil Protection Act* (EMCPA): a “situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise.”

Under the CSPA, a chief of police and the Commissioner may request emergency assistance if they are of the opinion an emergency exists in the area for which the board or OPP have policing responsibility. Where requests for emergency assistance are made, CSPA s. 19(5) requires that the chief or Commissioner submit notifications of the request and agreement to assist to the IG:

- a) They **shall provide notice of the request as soon as possible to the Inspector General** and, in the case of a request by the Commissioner, to the Minister; and,
- b) The Commissioner, other chief of police or entity that employs First Nation Officers who agrees to provide emergency assistance **shall notify the Inspector General of the agreement as soon as possible.**

#### ***What you need to do***

To fulfil the CSPA’s requirements, a notice that includes the information specified in **Appendix C** should be submitted to the IG pursuant to the requirements under s. 19(5)(a) and (b). Once again, this will ensure the IG receives the information required to support compliance monitoring in a consistent manner necessary for the reliable analysis of emergency assistance requests.

There is a provincial interest in the ability of the IG to monitor policing delivery assistance in cases of emergencies and prompt notification of the IG in these circumstances is vital. For this reason, **notification should be provided to the IG immediately** following both the emergency request being made **and** following the agreement for emergency assistance being made.

### ***What we will do***

The IG will **receive notifications** and analyze the information as part of the IG's monitoring function, to ensure compliance with the CSPA and the delivery of adequate and effective policing. Again, awareness of the various ways in which policing is being delivered regularly, temporarily or in cases of emergency provides a more fulsome understanding of the policing system in Ontario. The analysis of emergency assistance requests, in combination with regular ongoing monitoring and inspections, will help ensure the IG has a more complete understanding of the strengths and potential susceptibilities of Ontario policing.

In this context, **CSPA s. 20(1) provides the IG with distinct authority to issue an order requiring a police service board or the Commissioner to provide policing in an area, if the IG finds that adequate and effective policing is not being provided in the area or that an emergency exists in the area.** The notifications and information accompanying them enables the IG's information-driven decision-making in determining whether the statutory authority in s. 20(1) needs to be invoked in the context of temporary or emergency assistance requests, and the specific application of this authority in the given circumstances.

### **Appendices:**

- A. Overview of Agreements and Notification Requirements
- B. Temporary Assistance Request Notifications
- C. Emergency Assistance Request Notifications

*Note: Advisory Bulletins are the IG's advice provided pursuant CSPA s. 102(4) and are intended as a resource for the sector by offering the IG's general interpretation of various provisions of the CSPA. Advisory Bulletins are not legally binding, and they do not purport to address all possible factual scenarios or circumstances. As such, you may wish to consult with legal counsel to determine how this general guidance should be applied in your own local context and to navigate specific situations.*

## APPENDIX A – Overview of Agreements and Notification Requirements

	<b>Policing Agreements (s. 14)</b>	<b>Temporary Assistance Requests (s. 19(1))</b>	<b>Emergency Assistance Requests (s. 19(4))</b>
<b>Who is responsible</b>	Police service board or the Commissioner	Police service board or the Commissioner	Chief of Police or the Commissioner
<b>What to include in the IG notification</b>	A copy of the completed s. 14 agreement	<p>Notice of the request: municipal police service board resolution and the information outlined in <b>Appendix B</b></p> <p>Notice of agreement to assist: the information outlined in <b>Appendix B</b></p>	<p>Notice of the request: the information outlined in <b>Appendix C</b></p> <p>Notice of agreement to assist: the information outlined in <b>Appendix C</b></p>
<b>Timeline for notification of IG</b>	Once the agreement has been signed by all parties	Within 24 hours of both the request for assistance AND the agreement to assist being made	Immediately after both the request for assistance AND the agreement to assist being made

## APPENDIX B – Temporary Assistance Request Notifications under section 19(1)

The following information shall be **submitted by the entity (police service board or Commissioner) making the request** for temporary assistance when providing notice to the IG under s. 19(3)(a):

1. The resolution of the requesting police service board, in the case of a municipal police service. **Note:** if the board's resolution requesting assistance includes the below information, submission of the resolution itself will suffice as notification.
2. Correspondence outlining the following information:
  - a. A brief summary of the circumstances surrounding the need for temporary assistance;
  - b. The policing function(s) and assistance being requested;
  - c. The timeframe for the provision of temporary assistance;
  - d. The size and scope of assistance required (e.g., localized, widespread, multi-jurisdictional);
  - e. A brief assessment of the capacity to respond to the public safety need, using both local resources and those of the assisting service;
  - f. Identification of, and plans to address any risks, including, but not limited to:
    - i. The delivery of adequate and effective policing in the area
    - ii. Officer safety
    - iii. Public safety
    - iv. Ability to respond to evolving or escalating events

When temporary assistance requests are made, requesting entities should **submit the above information within 24 hours** of the request being made to [IONotifications@Ontario.ca](mailto:IONotifications@Ontario.ca) and copy your **Police Services Advisor**.



Further, the following shall be **submitted by the entity that has agreed to provide assistance** in response to a request for temporary assistance when they provide notice to the IG under s. 19(3)(b):

Correspondence to the IG that contains the following information:

1. Confirmation that the entity has agreed to provide assistance, which would include any board resolution, including, if known at the time of notification, whether the request for assistance will be provided in its entirety, or only in part, by the responding entity; and,
2. Affirmation that the assistance provider has the capacity to continue to meet statutory requirements in its area of policing responsibility during the assistance period.

Responding entities should **submit the above information within 24 hours of agreeing to provide the assistance to [IOPnotifications@Ontario.ca](mailto:IOPnotifications@Ontario.ca) and copy your Police Services Advisor.**

## APPENDIX C – Emergency Assistance Request Notifications under section 19(4)

The following information should be **submitted by the chief of police (including the Commissioner) making the request for emergency assistance** when they provide notice to the IG under s. 19(5)(a):

1. Correspondence outlining the following information:
  - a. A brief summary of the nature of the emergency, including confirming relevant details in relation to the legal definition of emergency:
    - i. Is this an active or impending situation?
    - ii. Does it constitute a danger of major proportions that could result in serious harm to persons or substantial damage to property?
    - iii. Is the emergency caused by forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise?;
  - b. A summary of the circumstances surrounding the need for emergency policing assistance;
  - c. The policing function(s) and assistance to be provided;
  - d. Timeframe for the provision of emergency assistance;
  - e. Size and scope of assistance required (e.g., localized, widespread, multi-jurisdictional);
  - f. Capacity to respond to the emergency, using both local resources and those of the assisting service, as well as any other agencies/levels of government, including:
    - i. Mitigation of the danger of serious harm to persons or substantial damage to property, and,
    - ii. Ability to address the cause of the emergency, if it relates to criminal or other acts of individuals or groups;
  - g. Identification of, and plans to address, any risks, including, but not limited to:
    - i. The delivery of adequate and effective policing in the area of policing responsibility.

- ii. Officer safety
  - iii. Public safety
  - iv. Ability to respond to evolving or escalating events;
2. Confirmation regarding the engagement of, and communication with, the police service board, to date and moving forward;
3. Confirmation of notice to the Minister, if the Commissioner is requesting the assistance; and,
4. Identification of any other applicable CSPA-based regulatory requirements with respect to the management of extreme incidents, active attackers, etc.

When emergency assistance requests are made, **requesting chiefs** should **submit the above information immediately after making the request, to [IOPnotifications@Ontario.ca](mailto:IOPnotifications@Ontario.ca) and copy your Police Services Advisor.**

Further, the following shall be **submitted to the IG by the entity that has agreed to provide emergency assistance** when they provide notice under s. 19(5)(b):

Correspondence to the IG that contains the following information:

1. Confirmation that the entity has agreed to provide assistance, including, if known at the time of notification, whether the request for assistance will be provided in its entirety, or only in part, by the responding entity; and,
2. Affirmation that the assistance provider has the capacity to continue to meet statutory requirements in its area of policing responsibility during the assistance period.

Responding entities should **submit the above information immediately after agreeing to provide the assistance, to [IOPnotifications@Ontario.ca](mailto:IOPnotifications@Ontario.ca) and copy your Police Services Advisor.**



# Inspector General Advisory Bulletin



## Advisory Bulletin 1.2: Right to Disclose Misconduct to the Inspector General (IG)

**Date of issue: August 1, 2024**

### ***What you need to know***

The CSPA creates a new ability for members of a police service and special constables to file reports of alleged misconduct relating to their own police service or employer.

CSPA section 183 sets out requirements for police service boards, chiefs of police including the Commissioner, special constable employers and the Minister to have **written procedures regarding the disclosure of misconduct**, as applicable.

Section 184 authorizes current and former members of a police service, and special constables, to **disclose misconduct** in accordance with the procedures established pursuant to s. 183.

However, s. 185 provides that the **member or special constable may disclose misconduct directly to the IG if any one of the following three circumstances apply**,

- a) They have reason to believe that it would not be appropriate to disclose the misconduct in accordance with the procedures established under s. 183;
- b) They have already disclosed the misconduct in accordance with the procedures established under s. 183 and have concerns that the matter is not being dealt with appropriately; or,
- c) The applicable procedure has not been established under s. 183.

### ***What you need to do***

As required by s. 183 (1) and (2), we urge chiefs of police, including the Commissioner, and police service boards, to **develop procedures regarding the disclosure of misconduct as soon as possible**. Please note that procedures must include the contents listed in s. 183 (5). We also suggest that, through the OACP or otherwise,

**information about the content of these procedures is shared amongst police services with a view to creating provincial consistency**, where appropriate. Of course, there may be local needs or operational realities that necessitate differences in these procedures.

### ***What we will do***

The IG must **refuse** to deal with disclosures of misconduct if any of the circumstances set out in CSPA s. 187(1) apply, including if the matter is being dealt with by another body or is an employment or labour relations matter, or the disclosure is frivolous, vexatious, made in bad faith or submitted after a substantial delay from the subject matter incident(s), or another valid reason exists for not dealing with the disclosure.

Where the IG does not refuse to deal with a disclosure of misconduct, reports of misconduct will typically follow **one of four paths** once disclosure is received by the IG:

1. Reports of misconduct that contain allegations of or disclose potential criminal conduct on their face, and fall within SIU mandate will be forwarded to the SIU;
2. Reports of misconduct that contain or disclose potential criminal conduct on their face, and fall outside of the SIU mandate will be forwarded to an unrelated police service for investigation;
3. Reports that do not disclose criminal conduct, but that may represent misconduct, will be forwarded to LECA for its review and to determine whether investigation is required; or,
4. All other reports of alleged misconduct may be addressed using the IG's inspection powers.

Importantly, s. 185 complainants are provided protection from reprisals pursuant to CSPA s. 190.

For awareness, **disclosures made under s. 185 can be sent to [IOPdisclosures@Ontario.ca](mailto:IOPdisclosures@Ontario.ca)**. Alternatively, if accommodation is required, you may contact the IOP directly at **1-888-333-5078 and select option #3**.

*Note: Advisory Bulletins are the IG's advice provided pursuant CSPA s. 102(4) and are intended as a resource for the sector by offering the IG's general interpretation of various provisions of the CPSA. Advisory Bulletins are not legally binding, and they do not purport to address all possible factual scenarios or circumstances. As such, you may wish to consult with legal counsel to determine how this general guidance should be applied in your own local context and to navigate specific situations.*



# Inspector General Advisory Bulletin



## Advisory Bulletin 1.3: Conflicts of Interest Regulation 401/23 – Notification of Inspector General (IG)

**Date of issue: August 1, 2024**

The [Conflicts of Interest Regulation](#) defines personal and institutional conflicts and sets out requirements for criminal investigations in conflict situations, including notification of the IG in certain circumstances. When applying the Regulation in real time, there are a number of decisions to be made about the nature of the conflict, which will result in certain required actions and IG notifications. To support consistent understanding of the requirements of the Regulation, and which notifications are needed, we have developed a **flow chart** as part of this Advisory Bulletin.

The Regulation identifies five Solicitor General-approved forms that are required to be completed in certain circumstances of potential or actual conflict. The forms will be used to document personal and institutional conflicts of interest, as well as facilitate the notification and reporting of conflicts to the IG as required.

Please note that our Ministry of the Solicitor General colleagues are actively working with the Ministry of Public and Business Service Delivery to develop accessible, fillable forms which will be available within the next few months. In the interim, we have been advised that the **following Solicitor General-approved temporary forms (enclosed)**, which are attached, can be used:

- Notification to supervisor of a personal or institutional conflict of interest
- Recording the steps taken for personal conflicts
- Notification of all institutional conflicts to the Inspector General of Policing
- Notification to the Inspector General of Policing that a potential institutional conflict will be retained
- Recording steps taken for institutional conflicts

**Notifications to the IG** under the Regulation, including required forms, should be submitted to [IOPnotifications@Ontario.ca](mailto:IOPnotifications@Ontario.ca), copying your Police Services Advisor.

Should you have any questions about the forms specifically, please contact Rachel Ryerson, Manager, Strategic Policy Division at the Ministry of the Solicitor General, at (647) 267-6517 or [Rachel.Ryerson@Ontario.ca](mailto:Rachel.Ryerson@Ontario.ca).

*Note: Advisory Bulletins are the IG's advice provided pursuant CSPA s. 102(4) and are intended as a resource for the sector by offering the IG's general interpretation of various provisions of the CSPA. Advisory Bulletins are not legally binding, and they do not purport to address all possible factual scenarios or circumstances. As such, you may wish to consult with legal counsel to determine how this general guidance should be applied in your own local context and to navigate specific situations.*

**Appendices:** COI Solicitor General-approved temporary forms (5)





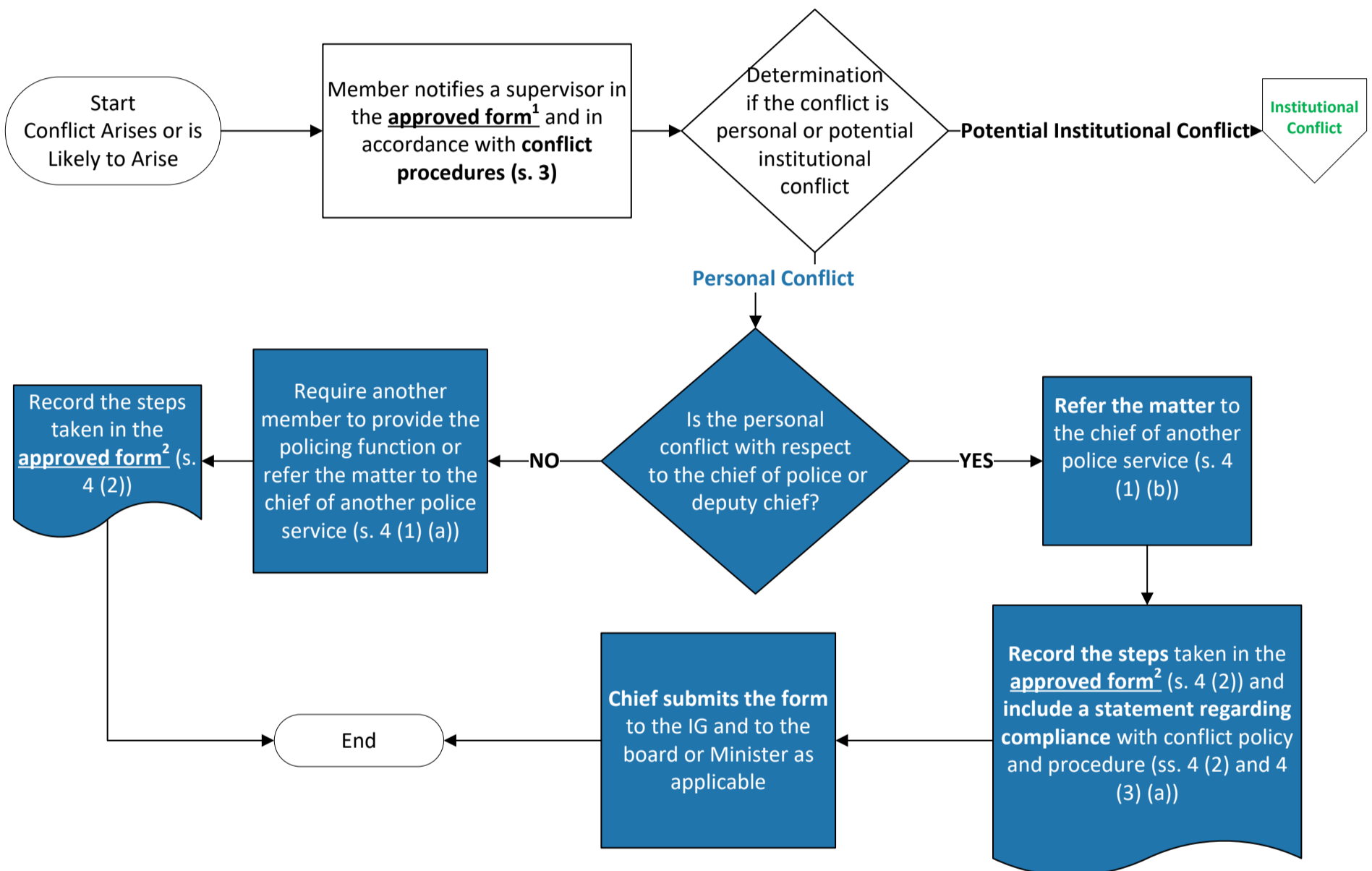
# Conflict of Interest Regulation Flow Chart – Personal Conflict

“**Personal Conflict**” means a situation in which a member of a police service’s private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their professional duties with respect to the provision of policing functions; (“conflit personnel”)




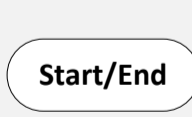

“personal relationship” includes, but is not limited to, a relationship with any of the following persons:

1. A current or former spouse, common-law partner or other intimate partner of the member.
2. The member’s children, including biological and adoptive children and stepchildren.
3. A legal dependant of the member.
4. A child in the member’s care.
5. A grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling-in-law, of the member;

(“rapports personnels”)



**Legend:**

-  Process
-  Decision
-  Document
-  Start/End
-  Other Process

**Reference for Approved Form:**

1. S. 3 Notify Supervisor of a Conflict
2. S. 4 Record Steps Taken for Personal Conflict

**Other investigations where impartiality cannot be ensured**

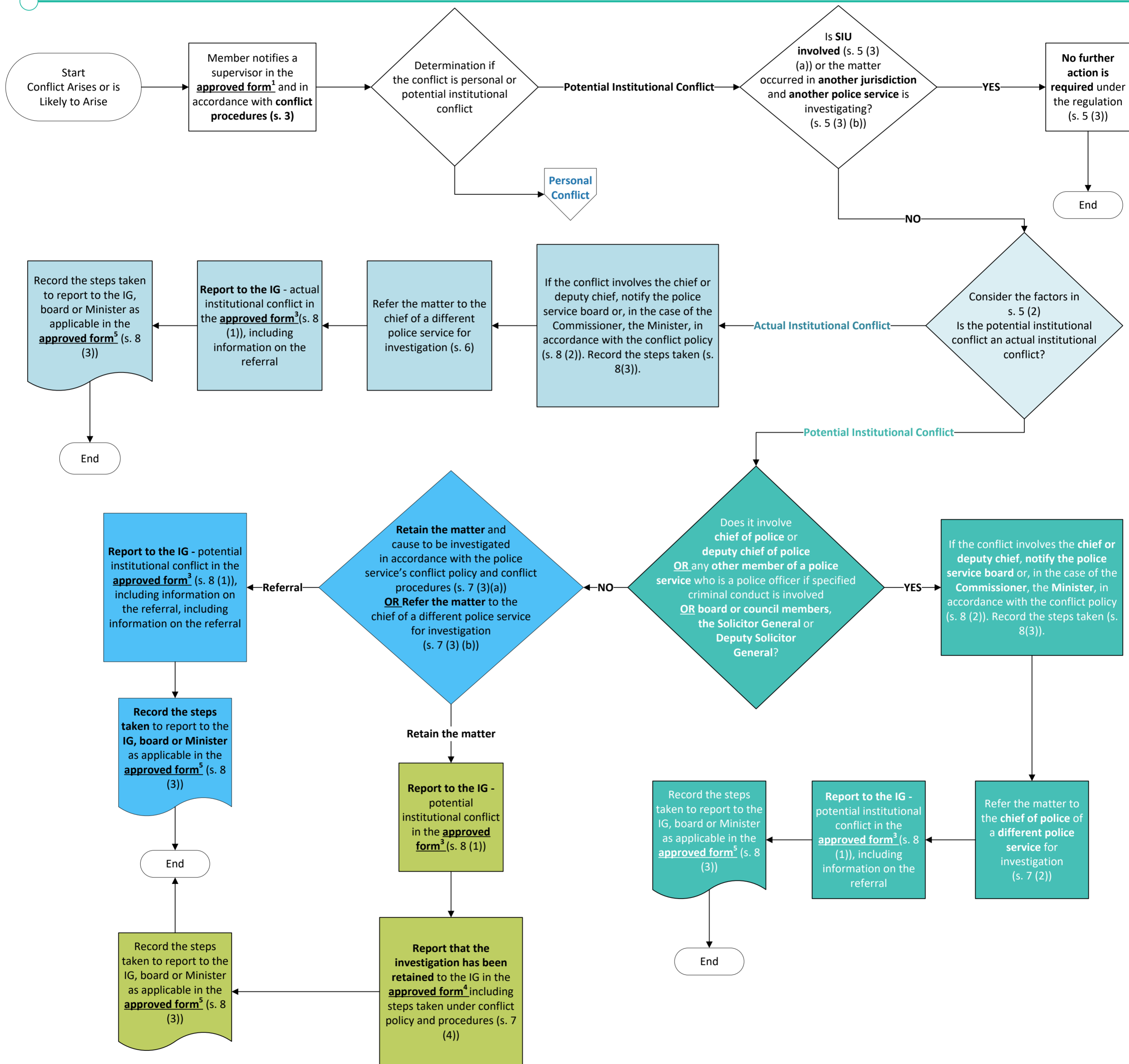
If criminal conduct is under investigation and there is no actual or potential institutional conflict as defined, but the chief reasonably believes the impartiality of the investigation cannot be ensured, **refer the matter to the chief of police of a different police service (s. 9 (2))**

# Conflict of Interest Regulation Flow Chart – Institutional Conflict

**“Actual Institutional Conflict”** means a potential institutional conflict for which a determination has been made under subsection 5 (1) that an informed and reasonable person would not believe that a member of the police service who must take action or make a decision in the situation could do so impartially.

**“Potential Institutional Conflict”** means a situation in which a member of a police service must take action or make a decision in relation to criminal conduct that is alleged or reasonably suspected to have been committed by or against any of the following persons, but does not include criminal conduct that is alleged or reasonably suspected to have been committed against a peace officer acting in the course of their duties:

1. Any other member of the police service, including the chief of police or a deputy chief of police.
2. In the case of a member of a police service maintained by a police service board,
  - i. a member of the police service board, or
  - ii. a member of a municipal council or of a band council of a First Nation, as applicable, in the area for which the police service board has policing responsibility.
3. In the case of a member of the Ontario Provincial Police,
  - i. a member of an O.P.P. detachment board or a First Nation O.P.P. board, or
  - ii. the Minister or a deputy minister of the Ministry. (“conflict institutionnel potentiel”)



**Reference for Approved Form:**

1. S. 3 Notify Supervisor of a Conflict
3. S. 8 Report Institutional Conflicts to IG
4. S. 7 Notify the IG on Retaining Institutional Conflict
5. S. 8 Record Steps Taken for Institutional Conflict

**Other investigations where impartiality cannot be ensured**

If criminal conduct is under investigation and there is no actual or potential institutional conflict as defined, but the chief reasonably believes the impartiality of the investigation cannot be ensured, refer the matter to the chief of police of a different police service (s. 9 (2))

# Inspector General Advisory Bulletin



## Advisory Bulletin 1.4: Police Service Board Member Code of Conduct – Disclosures to the Inspector General (IG) Regarding Misconduct and Conflict of Interest

**Date of issue: August 1, 2024**

The CSPA requires every member of a police service board to comply with the prescribed Code of Conduct (s. 35(6)).

[Ontario Regulation 408/23](#) (and [O. Reg. 409/23](#) for OPP detachment boards) sets out the Code of Conduct with which every police service board member must comply, and includes certain **new requirements** with respect to how misconduct and conflicts of interest of board members must be handled.

### Misconduct Disclosures

#### *What you need to know*

Code of Conduct s. 17 now **requires** that a board member **disclose** any conduct of another member of the board that the member **reasonably believes** constitutes misconduct,

- (a) to the chair of the board, who then notifies the Inspector General (IG) pursuant to CSPA s. 108 as outlined below; or
- (b) to the IG, if the misconduct involves the chair.

Please note that a disclosure of misconduct from a board member to a board chair under s. 17 of the Regulation amounts to a complaint under s.106 of the CSPA. Therefore, a **board chair who receives a disclosure of misconduct under s. 17 of the Regulation must forward that information to the IG** in compliance with s. 108 of the CSPA.

Section 108(1) of the CSPA requires that listed entities and persons, including boards, board members and chiefs of police, forward to the IG any complaints made to them in relation to subsections 106(1) or 107(1) of the CSPA.

**Advisory Bulletin 1.4 Police Service Board Member Code of Conduct  
– Disclosures to the Inspector General (IG) Regarding Misconduct and Conflict of Interest**

***What you need to do***

**If you are a board chair who has become aware of potential misconduct of a board member:**

- Please follow the procedure for forwarding complaints to the IG as per CSPA s. 108(1) detailed separately in Advisory Bulletin 1.5. In summary, section 108(1) includes two process requirements with which board chairs **must** comply when disclosing misconduct:
  1. **Forward Complaint:** upon receipt of a board misconduct complaint that falls under the jurisdiction of the IG, promptly forward it to the IG at [IOPComplaints@Ontario.ca](mailto:IOPComplaints@Ontario.ca), and,
  2. **Inform the person who notified the Board Chair:** send a letter to the board member who notified the Board Chair of the misconduct, confirming that the information has been received and forwarded to the IG in accordance with legislative requirements, and provide them with information on the role of the IG.
- Please refer to Advisory Bulletin 1.5 for detailed information on s. 108(1) process, including what information must be submitted to the IG in relation to the steps outlined above and template messaging that can be used in the notification letter.

**If you are a board member who has become aware of potential misconduct of the board chair:**

- Disclose the information to the IG as required by s. 17 of the Code of Conduct as follows:
  1. **Write out a narrative of the information regarding the misconduct**, and forward that written narrative to the IG via email at [IOPComplaints@Ontario.ca](mailto:IOPComplaints@Ontario.ca). When completing this narrative, please attempt to include information that responds to the following questions:

**What was the misconduct?**

**Who was involved?**

**Where did it occur?**

**When did it occur?**

**Advisory Bulletin 1.4 Police Service Board Member Code of Conduct  
– Disclosures to the Inspector General (IG) Regarding Misconduct and Conflict of Interest**

2. **If you have in your possession any supporting materials** or documents related to the misconduct, please compile a list of these items and send the list to the IG along with the written narrative. After an initial screening, a determination will be made regarding the necessity of collecting these materials, and an Inspectorate representative will contact you if these materials are sought.

***What we will do***

The information about potential misconduct disclosed to the IG will support the IG's duties to monitor police service board members to ensure that they do not commit misconduct, and to investigate allegations of misconduct where the IG determines it is appropriate to do so.

Allegations of misconduct received by the IG will be dealt with under s. 106 of the CSPA. All information provided, including the circumstances surrounding the allegation, will be considered by the IG when deciding whether to investigate the complaint under s.106(2).

This information also supports the IG's mandate to more broadly provide advice to boards with respect to the implementation of legislated requirements, including compliance with the Code of Conduct.

## **Conflict of Interest Disclosures**

***What you need to know***

The Code of Conduct Regulation defines "conflict of interest" as a situation in which a board member's private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their duties as a member of the board.

Section 20 of the Regulation further states that a board member shall promptly disclose any conflict of interest,

- (a) to the chair of the board; or,
- (b) if the conflict of interest involves the chair, to the Inspector General.

**Advisory Bulletin 1.4 Police Service Board Member Code of Conduct  
– Disclosures to the Inspector General (IG) Regarding Misconduct and Conflict of Interest**

***What you need to do***

Where the “conflict of interest” definition is satisfied, board members **must make the required disclosures in accordance with s. 20 of the Regulation and are also required to disclose the conflict on the record at the next board meeting.**

Additionally, board members should consider any steps that may have been set out in the board’s own rules of procedure regarding conflicts of interest, including consideration of the *Municipal Conflict of Interest Act* in relation to matters of pecuniary interest.

Disclosures of conflict of interest that are required to be sent to the IG should be emailed to [IOPnotifications@Ontario.ca](mailto:IOPnotifications@Ontario.ca), copying your Police Services Advisor.

*Note: Advisory Bulletins are the IG’s advice provided pursuant CSPA s. 102(4) and are intended as a resource for the sector by offering the IG’s general interpretation of various provisions of the CSPA. Advisory Bulletins are not legally binding, and they do not purport to address all possible factual scenarios or circumstances. As such, you may wish to consult with legal counsel to determine how this general guidance should be applied in your own local context and to navigate specific situations.*





## Advisory Bulletin 1.5: Forwarding Complaints to the Inspector General (IG) under section 108 of the CSPA

**Date of issue: August 1, 2024**

Under the CSPA, the IG receives complaints about police service board member misconduct (section 106(1)), as well as complaints in relation to adequate and effective policing (section 107(1)). For more detailed information, please refer to the CSPA, or the Inspectorate of Policing website at [www.iopontario.ca](http://www.iopontario.ca).

There are new requirements that you should be aware of and must comply with when you receive what amounts to a complaint that falls within the IG's jurisdiction. Section 108 of the CSPA requires that, if an entity or person listed in that section receives a complaint that amounts to a complaint under s. 106 or 107, they are **required to forward the complaint to the IG**. This requirement to forward complaints applies to chiefs of police, police service boards, and board members, among others.

The below outlines a **step-by-step process** and some **suggested language** for forwarding letters when forwarding complaints intended for the IG.

### **Step-by-step process for forwarding complaints you receive to the IG:**

1. Upon receiving a complaint under section 106(1) or 107(1) of the CSPA, prepare a **notification letter** to the complainant advising them of your legislative responsibility to forward the complaint to the Inspector General.
2. **Include in the letter the following information** about the role of the Inspector General:

*The Inspector General of Policing is responsible for receiving and addressing complaints about compliance with Ontario's Community Safety and Policing Act and its associated regulations by police services, police service boards, and organizations employing special constables. This encompasses complaints regarding the provision of adequate and effective policing and the conduct of police service board members. Besides addressing public complaints, the Inspector General also accepts disclosures of misconduct from members of police services and special constables. For more information, please visit [www.IOPontario.ca](http://www.IOPontario.ca).*

3. While s. 108 does not dictate the form a complaint must take, **if you have been provided the complaint information:**
- **In writing:** forward that written complaint to the IG via email at [IOPComplaints@Ontario.ca](mailto:IOPComplaints@Ontario.ca).
  - **Verbally:** write out a narrative of the complaint information you received and forward that written narrative to the IG via email at [IOPComplaints@Ontario.ca](mailto:IOPComplaints@Ontario.ca). When completing this narrative, please attempt to include information that responds to the following questions:  
  
**Who is the complaint about?**  
**What is the complaint about?**  
**Where did the incident occur?**  
**When did the incident occur?**
4. If there are any **supporting materials or documents** related to the complaint that were provided at the time the complaint was made, please compile a list of these items and send the list and the supporting materials along with the complaint, as well as a copy of the notification letter you sent to the complainant.

*Note: Advisory Bulletins are the IG's advice provided pursuant CSPA s. 102(4) and are intended as a resource for the sector by offering the IG's general interpretation of various provisions of the CSPA. Advisory Bulletins are not legally binding, and they do not purport to address all possible factual scenarios or circumstances. As such, you may wish to consult with legal counsel to determine how this general guidance should be applied in your own local context and to navigate specific situations.*







## **Solicitor General Approved Form: Requirement to Report Institutional Conflicts to Inspector General of Policing Under Section 8 of the Ontario Regulation 401/23 Conflicts of Interest**

This form is designed to meet requirements under Ontario Regulation 401/23, Conflicts of Interest, which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

**Under this regulation, the chief of police is required to report institutional conflicts to the Inspector General of Policing, as set out in the following provision:**

**8. (1)** The chief of police shall notify the Inspector General, in the form approved by the Minister, of every actual institutional conflict and of every potential institutional conflict (definitions in appendix below) that is determined under subsection 5 (1) to not be an actual institutional conflict.



# Solicitor General Approved Form: Requirement to Report Institutional Conflicts to Inspector General of Policing Under Section 8 of the Ontario Regulation 401/23 Conflicts of Interest

**Chief of Police Information:**

Police Service: \_\_\_\_\_

Name (First and Last): \_\_\_\_\_

Badge Number: \_\_\_\_\_

Work Telephone Number: (\_\_\_\_) \_\_\_\_\_

Work Email Address: \_\_\_\_\_

**Institutional Conflict of Interest Information (please mark all that apply)**

Potential

Actual

In the box below, please describe the actual or potential conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a policing duty affected by this conflict.

**Declaration and Signature**

Chief of Police Name (Please Print): \_\_\_\_\_

Chief of Police Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**This form is to be submitted to the attention of the Inspector General of Policing immediately at: [iopnotifications@ontario.ca](mailto:iopnotifications@ontario.ca).**



# Solicitor General Approved Form: Requirement to Report Institutional Conflicts to Inspector General of Policing Under Section 8 of the Ontario Regulation 401/23 Conflicts of Interest

## Appendix: Definitions under O. Reg. 401/23:

**Actual institutional conflict:** A potential institutional conflict for which a determination has been made under subsection 5 (1) that an informed and reasonable person would not believe that a member of the police service who must take action or make a decision in the situation could do so impartially; (“conflit institutionnel réel”)

**Potential institutional conflict:** A situation in which a member of a police service must take action or make a decision in relation to criminal conduct that is alleged or reasonably suspected to have been committed by or against any of the following persons, but does not include criminal conduct that is alleged or reasonably suspected to have been committed against a peace officer acting in the course of their duties:

1. Any other member of the police service, including the chief of police or a deputy chief of police.
2. In the case of a member of a police service maintained by a police service board,
  - i. a member of the police service board, or
  - ii. a member of a municipal council or of a band council of a First Nation, as applicable, in the area for which the police service board has policing responsibility.
3. In the case of a member of the Ontario Provincial Police,
  - i. a member of an O.P.P. detachment board or a First Nation O.P.P. board, or
  - ii. the Minister or a deputy minister of the Ministry. (“conflit institutionnel potentiel”)



# Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict Under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest

This form is designed to meet requirements under Ontario Regulation 401/23, Conflicts of Interest, which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

This form is to be used by any member of a police service (officer and civilian) when reporting a conflict of interest to a supervisor, as required under the regulation, and in accordance with the conflict of interest procedures established by the chief of police.

## **Requirements to notify a supervisor of a conflict of interest as set out in regulation:**

Under section 3 of the regulation, a member shall notify a supervisor as soon as possible if a potential institutional conflict, actual institutional conflict or personal conflict respecting the member arises, or the member believes is likely to arise, with respect to a policing function that the member is required to provide.

Additional definitions are provided in the Appendix.

### **Reporting Member Information**

Police Service: \_\_\_\_\_

Name (First Name, Last Name): \_\_\_\_\_

Position Title: \_\_\_\_\_

Badge number (if applicable): \_\_\_\_\_

Rank (if applicable): \_\_\_\_\_

Work Telephone Number: (\_\_\_\_) \_\_\_\_\_

Work Email Address: \_\_\_\_\_



# Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict Under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest

## Supervisor Notified

Police Service: \_\_\_\_\_

Name (First name, last name): \_\_\_\_\_

Position Title: \_\_\_\_\_

Badge number (if applicable): \_\_\_\_\_

Rank (if applicable): \_\_\_\_\_

Work Telephone Number: (\_\_\_\_) \_\_\_\_\_

Work Email Address: \_\_\_\_\_

## Conflict of Interest Information

Please use this section of the form to provide more information about the potential or actual conflict of interest that is the reason for this notification. Please mark all the following that apply:

Personal Conflict

Personal Relationship: Please specify the personal relationships by marking all that apply (note: personal relationship includes, but is not limited to, a relationship with any of the following persons):

- A current or former spouse, common-law partner or other intimate partner of the member.
- The member's children, including biological and adoptive children and stepchildren.
- A legal dependant of the member.
- A child in the member's care.
- A grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling-in-law, of the member;
- Other (please describe: \_\_\_\_\_)



## Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict Under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest

Private interest

In the box below, please describe the situation that places, or may reasonably be perceived to place, you in a conflict. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please describe the professional duty affected by this conflict.

Institutional Conflict

Potential

Actual

In the box below, please describe the actual or potential conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a professional duty affected by this conflict.



# Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict Under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest

## Declaration and Signature

Reporting Member Name (Please Print): \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Supervisor Notified Name (Please Print): \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Chief of Police/Delegate Name\* (Please Print): \_\_\_\_\_

Rank: \_\_\_\_\_

Badge Number : \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

\*The person notified to take action - either chief of police or other member delegated pursuant to *Community Safety and Policing Act, 2019* s.79(5), which states that a chief of police may delegate in writing any of his or her powers and duties under this Act or the regulations to a member of the chief of police's police service, subject to any limitations, conditions or requirements set out in the delegation.



# Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict Under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest

## **Appendix: Definitions under O. Reg. 401/23**

**Personal conflict:** A situation in which a member of a police service's private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their professional duties with respect to the provision of policing functions; ("conflit personnel")

**"personal relationship"** includes, but is not limited to, a relationship with any of the following persons:

1. A current or former spouse, common-law partner or other intimate partner of the member.
2. The member's children, including biological and adoptive children and stepchildren.
3. A legal dependant of the member.
4. A child in the member's care.
5. A grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling-in-law, of the member; ("rapports personnels")

**Actual institutional conflict:** A potential institutional conflict for which a determination has been made under subsection 5 (1) that an informed and reasonable person would not believe that a member of the police service who must take action or make a decision in the situation could do so impartially; ("conflit institutionnel réel")

**Potential institutional conflict:** A situation in which a member of a police service must take action or make a decision in relation to criminal conduct that is alleged or reasonably suspected to have been committed by or against any of the following persons, but does not include criminal conduct that is alleged or reasonably suspected to have been committed against a peace officer acting in the course of their duties:

1. Any other member of the police service, including the chief of police or a deputy chief of police.
2. In the case of a member of a police service maintained by a police service board,
  - i. a member of the police service board, or
  - ii. a member of a municipal council or of a band council of a First Nation, as applicable, in the area for which the police service board has policing responsibility.





## **Solicitor General Approved Form: Requirement to Notify a Supervisor of a Conflict Under Section 3 of the Ontario Regulation 401/23 Conflicts of Interest**

3. In the case of a member of the Ontario Provincial Police,
  - i. a member of an O.P.P. detachment board or a First Nation O.P.P. board, or
  - ii. the Minister or a deputy minister of the Ministry. (“conflit institutionnel potentiel”)



# Solicitor General Approved Form: Requirement to Record Steps Taken Related to Personal Conflicts Under Section 4 of the Ontario Regulation 401/23 Conflicts of Interest

This form is designed to meet requirements under Ontario Regulation 401/23, Conflicts of Interest, which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

**This form is to be used by a chief of police to record steps taken under the following provisions related to personal conflicts:**

4. (1) If it is determined, in accordance with the conflict procedures, that a personal conflict respecting a member of a police service has arisen or is likely to arise with respect to a policing function that the member is providing, the chief of police shall, subject to the conflict procedures and the conflict policy,

(a) require a different member of the police service to provide the policing function or refer the matter to the chief of police of a different police service; or

(b) if the chief of police or deputy chief of police is the member of the police service in respect of whom a personal conflict has arisen or is likely to arise, refer the matter to the chief of police of a different police service.

(2) The chief of police shall record the steps the chief takes under this section, in the form approved by the Minister.

**Please note:** If the member of police in respect of whom the personal conflict has arisen or is likely to arise is **not** the chief or deputy chief of police, this form is to be kept for record keeping purposes. If, pursuant to subsection 3, the chief of police or deputy chief of police is the member of the police service in respect of whom a personal conflict has arisen or is likely to arise, this form:

(a) shall include either a statement that the chief of police complied with the conflict procedures and the conflict policy or a statement that the chief of police did not comply and an explanation for the non-compliance, as the case may be; and

(b) shall be submitted by the chief of police to,

(i) the Inspector General, and



**Solicitor General Approved Form:  
Requirement to Record Steps Taken  
Related to Personal Conflicts Under  
Section 4 of the Ontario Regulation  
401/23 Conflicts of Interest**

(ii) the police service board or, in the case of the Commissioner,  
the Minister.



# Solicitor General Approved Form: Requirement to Record Steps Taken Related to Personal Conflicts Under Section 4 of the Ontario Regulation 401/23 Conflicts of Interest

## Chief of Police Information:

Police Service: \_\_\_\_\_

Name: \_\_\_\_\_

Badge Number: \_\_\_\_\_

Work Telephone Number: (\_\_\_\_) \_\_\_\_\_

Work Email Address: \_\_\_\_\_

## Conflict of Interest Information

Pursuant to section 4, please mark the box below to indicate whom the personal conflict involves:

- Member of the police service that is not the Chief or Deputy Chief (section 4(1)(a))
- Chief or Deputy Chief of police (section 4(1)(b))

If the chief of police or deputy chief of police is the member of the police service in respect of whom a personal conflict has arisen or is likely to arise, the record required shall include either a statement that the chief of police complied with the conflict procedures and the conflict policy or a statement that the chief of police did not comply and an explanation for the non-compliance, as the case may be. Please use the box below to provide the relevant statement details.



## Solicitor General Approved Form: Requirement to Record Steps Taken Related to Personal Conflicts Under Section 4 of the Ontario Regulation 401/23 Conflicts of Interest

Please use this section of the form to provide more information about the potential or actual conflict of interest that is the reason for this record. Please mark all the following that apply:

Personal Conflict

Personal Relationship: Please specify the personal relationships by marking all that apply (note: personal relationship includes, but is not limited to, a relationship with any of the following persons):

- A current or former spouse, common-law partner or other intimate partner of the member.
- The children, including biological and adoptive children and stepchildren of the member.
- A legal dependant of the member.
- A child in the member's care.
- A grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling-in-law, of the member;
- Other (please describe): \_\_\_\_\_

Private interest

In the box below, please describe the personal conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a policing duty affected by this



# Solicitor General Approved Form: Requirement to Record Steps Taken Related to Personal Conflicts Under Section 4 of the Ontario Regulation 401/23 Conflicts of Interest

conflict. In addition, please describe the steps taken to under subsections 4(1) and 4 (3), if applicable, as set out above.

**Please note, if the chief of police or deputy chief of police is the member of the police service in respect of whom a personal conflict has arisen or is likely to arise, you must submit this record to the Inspector General of Policing and either the Police Service Board, or, in the case of the Commissioner, the Minister of the Solicitor General.**

**Please check all that apply:**

- Inspector General of Policing (via email at [iopnotifications@ontario.ca](mailto:iopnotifications@ontario.ca))
- Police Service Board
- Minister of the Solicitor General

## **Declaration and Signature**

Chief of Police Name (Please Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# Solicitor General Approved Form: Requirement to Record Steps Taken Related to Personal Conflicts Under Section 4 of the Ontario Regulation 401/23 Conflicts of Interest

## Appendix: Definitions under O. Reg. 401/23

**Personal conflict:** A situation in which a member of a police service's private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their professional duties with respect to the provision of policing functions; ("conflit personnel")

**"personal relationship"** includes, but is not limited to, a relationship with any of the following persons:

1. A current or former spouse, common-law partner or other intimate partner of the member.
2. The member's children, including biological and adoptive children and stepchildren.
3. A legal dependant of the member.
4. A child in the member's care.
5. A grandparent, parent or sibling, including grandparent-in-law, parent-in-law or sibling-in-law, of the member; ("rappports personnels")



# Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest

This form is designed to meet requirements under [Ontario Regulation 401/23, Conflicts of Interest](#), which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

**This form is to be used by a chief of police to notify the Inspector General of Policing pursuant to s. 7 (4) that the chief will retain a matter for investigation where there is a potential institutional conflict.** Note that s. 7 applies if the chief of police makes a determination under s. 5 (1) that a potential institutional conflict is not an actual institutional conflict (see appendix A for factors that must be considered when making a determination under s. 5(1) and appendix B for definitions of actual and potential institutional conflict):

## **Retaining a matter for investigation:**

7. (4) If the chief of police decides to retain a matter, the chief of police shall report that fact to the Inspector General, in the form approved by the Minister, as well as the steps taken under the conflict procedures and the conflict policy.

**Please note, pursuant to 7(2):** The chief of police **shall** refer the potential institutional conflict to the chief of police of a different police service for investigation if the potential institutional conflict involves,

- (a) the chief of police or deputy chief of police;
- (b) any other member of a police service who is a police officer, if the criminal conduct is alleged or reasonably suspected to,
  - (i) be motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, gender identity or expression or any other similar factor,
  - (ii) involve abuse against the member's current or former spouse, common-law partner or other intimate partner of the member,
  - (iii) involve abuse of a vulnerable person, such as a person with a mental or physical disability, a person under 18 years of age or an elderly person,





## **Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest**

- (iv) involve abuse of a position of trust or authority in relation to the victim of the conduct, or
- (v) be for the benefit of, at the direction of or in association with a criminal organization, as defined in subsection 467.1 (1) of the Criminal Code (Canada); or
- (c) a person referred to in subparagraph 2 i or ii or 3 i or ii of the definition of “potential institutional conflict” in section 1.



# Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest

## Chief of Police Information:

Police Service: \_\_\_\_\_

Name: \_\_\_\_\_

Badge Number: \_\_\_\_\_

Work Telephone Number: (\_\_\_\_) \_\_\_\_\_

Work Email Address: \_\_\_\_\_

## Notification to Retain a Potential Institutional Conflict

In the box below, please describe the potential conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a policing duty affected by this conflict.

- A determination has been made to retain a matter for investigation under s.7.3(a) where there is a potential conflict of interest, after making a determination under s. 5(1) (see below) that an informed and reasonable person would believe that a member of the police service who must take action or make a decision in the situation could do so impartially.



**Solicitor General Approved Form:  
Requirement to Notify the Inspector  
General of Policing of Retaining an  
Institutional Conflict Under Section 7 of  
the Ontario Regulation 401/23 Conflicts of  
Interest**

Please provide a description of the steps taken under the conflict procedures and conflict policy pursuant to section 7(4).

**Declaration and Signature**

Chief of Police Name (Please Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**This form is to be submitted to the attention of the Inspector General of Policing immediately at: [iopnotifications@ontario.ca](mailto:iopnotifications@ontario.ca).**



# **Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest**

## **Appendix A: Considerations under O. Reg. 401/23 s. 5(1):**

5. (1) If a chief of police determines that a potential institutional conflict respecting a member of a police service has arisen or is likely to arise, the chief of police shall determine whether an informed and reasonable person would believe that a member of the police service who must take action or make a decision in the situation could do so impartially.

(2) In making a determination under subsection (1), the chief of police shall consider,

(a) whether any of the members of the police service who are required to act or make a decision are likely to be in a reporting relationship to or know a person who is or would be under investigation in respect of the criminal conduct;

(b) whether the police service has procedures for consulting with the Crown Attorney regarding the conduct of the investigation of the criminal conduct, and has undertaken to consult with the Crown on the investigation; and

(c) any other relevant factor.

(3) Subsection (1) does not apply if,

(a) an incident to which the potential institutional conflict relates is reported to the SIU Director under section 16 of the Special Investigations Unit Act, 2019 or the SIU Director causes the incident to be investigated under section 15 of that Act; or

(b) the potential institutional conflict has arisen or is likely to arise in an area for which the police service board or the Commissioner, as the case may be, does not have policing responsibility, and is the subject of an investigation by a different police service.

## Solicitor General Approved Form: Requirement to Notify the Inspector General of Policing of Retaining an Institutional Conflict Under Section 7 of the Ontario Regulation 401/23 Conflicts of Interest

### Appendix B: Definitions under O. Reg. 401/23:

**Actual institutional conflict:** A potential institutional conflict for which a determination has been made under subsection 5 (1) that an informed and reasonable person would not believe that a member of the police service who must take action or make a decision in the situation could do so impartially; (“conflit institutionnel réel”)

**Potential institutional conflict:** A situation in which a member of a police service must take action or make a decision in relation to criminal conduct that is alleged or reasonably suspected to have been committed by or against any of the following persons, but does not include criminal conduct that is alleged or reasonably suspected to have been committed against a peace officer acting in the course of their duties:

1. Any other member of the police service, including the chief of police or a deputy chief of police.
2. In the case of a member of a police service maintained by a police service board,
  - i. a member of the police service board, or
  - ii. a member of a municipal council or of a band council of a First Nation, as applicable, in the area for which the police service board has policing responsibility.
3. In the case of a member of the Ontario Provincial Police,
  - i. a member of an O.P.P. detachment board or a First Nation O.P.P. board, or
  - ii. the Minister or a deputy minister of the Ministry. (“conflit institutionnel potentiel”)



## **Solicitor General Approved Form: Requirement to Record Steps Taken in Section 8 for Institutional Conflicts Under Ontario Regulation 401/23 Conflicts of Interest**

This form is designed to meet requirements under Ontario Regulation 401/23, Conflicts of Interest, which is made under the *Community Safety and Policing Act, 2019*. This regulation sets out an approach to situations where the impartiality of the police service or its members may come into question, as a result of a conflict of interest.

**This form is to be used by the chief of police to record the steps taken under the following provisions:**

8. (1) The chief of police shall notify the Inspector General, in the form approved by the Minister, of every actual institutional conflict and of every potential institutional conflict that is determined under subsection 5 (1) to not be an actual institutional conflict.
- (2) If the chief of police or deputy chief of police is the member of the police service in respect of whom the actual institutional conflict or potential institutional conflict has arisen or is likely to arise, the chief of police shall also notify the police service board or, in the case of the Commissioner, the Minister, in accordance with the conflict policy.
- (3) The chief of police shall record the steps the chief takes under this section, in the form approved by the Minister.

**This form is for record-keeping purposes, and is retained by the police service. It is to be completed promptly following notification of every conflict pursuant to 8(1) and (2).**



# Solicitor General Approved Form: Requirement to Record Steps Taken in Section 8 for Institutional Conflicts Under Ontario Regulation 401/23 Conflicts of Interest

## Chief of Police Information

Police Service: \_\_\_\_\_

Name: \_\_\_\_\_

Badge Number: \_\_\_\_\_

Work Telephone Number: (\_\_\_\_) \_\_\_\_\_

Work Email Address: \_\_\_\_\_

## Institutional Conflict of Interest Information (please mark all that apply)

- Potential
- Actual

In the box below, please describe the actual or potential conflict identified. Include the timeline of events, relevant background information, individuals involved, and any actions taken to address it internally. Please also explain if there is a policing duty affected by this conflict or potential conflict.



# Solicitor General Approved Form: Requirement to Record Steps Taken in Section 8 for Institutional Conflicts Under Ontario Regulation 401/23 Conflicts of Interest

## Record of Steps Taken Pursuant to Section 8:

Please check all that apply:

I have notified the Inspector General of Policing of every actual and every potential institutional conflict (via email at [iopnotifications@ontario.ca](mailto:iopnotifications@ontario.ca))

In the case of conflicts involving the chief or deputy chief of police, have notified the Police Service Board

In the case of conflicts involving the Commissioner, I have notified the Solicitor General

**Date of Notification:** \_\_\_\_\_

Please use the box below to describe any additional details pursuant to steps taken under section 8(1) and 8(2).

## Signature

Chief of Police Name (Please Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_





## Peterborough Police Service Board - **Board Report**

### **Public Session**

To: Chair and Members of the Peterborough Police Service Board  
From: Chief Stu Betts  
Report Date: June 18, 2024  
Meeting Date: August 13, 2024  
Subject: Section 32 Review of SIU Incident 24-OOD-047

#### **Purpose**

This Report is to inform the Police Service Board of the Section 32 Review of SIU Incident 24-OOD-47.

#### **Recommendation**

It is recommended that the Board receive this Report for their information.

#### **Strength Impact**

Not applicable.

#### **Budget and Financial Implications**

Not applicable.

#### **Summary**

On January 31, 2024, the Special Investigations Unit (SIU) began an investigation relating to the death of a male that occurred in proximity to when members of the Peterborough Police Service were attempting to arrest him. The death resulted in the SIU invoking its mandate and designating a Subject Official (SO) and Witness Official (WO).

On May 22, 2024, the SIU Director notified Chief Betts, in writing, that the investigation was complete, and no further action was being considered against the SO. In accordance with Section 32 of the Ontario Regulation 268/10, Chief Betts caused the matter to be investigated by the Professional Standards Unit. The investigation determined that there were no breaches of organizational procedures in relation to this incident.

During this Section 32 investigation, the involved members were provided with the Employee Benefits and Wellness Guide recognizing the importance of their mental health and the significant impact that calls for service like this can have.

### **Key Points:**

- a. Subject Official and Witness Official identified.
- b. The SIU determined that there were no grounds to lay criminal charges against the Subject Official.
- c. The Professional Standards Unit identified no breaches of organizational procedures.

### **Summary**

On January 31, 2024, the SO and WO attended an address within the jurisdiction of the Ontario Provincial Police in attempts to arrest the affected person on an outstanding warrant for Possession of Child Pornography. The SO knocked at the door to the residence but were unable to contact anyone inside.

The SO spoke with the legal tenant of the property who attended and advised that no one should be inside and that the affected person did not have a key. The tenant chose to enter the residence and located the affected person who they believed to be deceased in the basement.

The SO and WO entered the residence and proceeded to the basement where the affected person was located in critical condition with a laceration to his neck. Emergency Medical Services and Fire Services arrived on scene and performed life saving measures and the affected person was transported to the Peterborough Regional Health Centre where they were pronounced deceased.

An autopsy was conducted on the affected person. Cause of death indicated as attributable to "incised wound (cut) of the neck".

### **Analysis**

The following procedures were reviewed during the course of this investigation:

<b>Procedure Name</b>	<b>Description</b>	<b>Compliance</b>
AI-026	Employee and Family Assistance Program	Yes
AI-049	Protocol of Cooperation between the Ontario Provincial Police and Peterborough Police Service	Yes
AI-052	Special Investigations Unit	Yes
AI-073	Notification of Chief, Deputy and Duty Inspector	Yes
LE-002	Communications and Dispatch	Yes
LE-005	Arrest	Yes
LE-013	Police Response to Persons with a Mental Health Crisis and/or Chaotic Substance Use	Yes

### **Financial Implications**

Not applicable.

### **Conclusion**

The investigation determined that there were no breaches or organizational procedures or anything that requires the attention of the Board.

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Prepared by: Ryan Wilson, Staff Sergeant – Professional Standards

Reviewed by: Peter Sejrup, S/Inspector and Executive Officer to the Chief

Submitted by: Stu Betts, Chief of Police

## Peterborough Police Services Board - Board Report



### Public Session

To: Chair and Members of the Peterborough Police Service Board  
From: Deputy Chief Jamie Hartnett  
Report Date: August 1, 2024  
Meeting Date: August 13, 2024  
Subject: Donation of Mobile Traffic Radars and Radar Parts

#### Purpose

To inform the Board that Durham Regional Police Service (DRPS) has offered to donate seven Genesis II Mobile Traffic Radars and Radar Parts to build an additional 10 Units, at no cost to the Peterborough Police Service, and to procure the Board's permission to receive the items.

#### Recommendation

That the Board approve the recommendation outlined in this report, as follows:

That the Board receive the report for the donation of seven Genesis II Mobile Traffic Radars and Radar parts and approve the donation of the traffic equipment from DRPS.

#### Strength Impact

This would have a positive impact for the front-line officer as they would have an additional tool to address road safety and speeding concerns.

#### Budget and Financial Implications

There is no cost for the donation; however, there will be an additional cost to calibrate and certify the Radars that the Service will operationalize. The cost to calibrate and certify each Unit is approximately \$250. The total estimated cost to certify the seven Units that are immediately deployable and the 10 other Units that can be built from the donated parts, are not expected to exceed \$4,250 and is within the maintenance budget for maintenance and repair of traffic enforcement equipment.

## **Background**

Durham Regional Police Service is updating their mobile radars to the most current technology, and have reached out to the Peterborough Police Services with an offer to donate a large quantity of their Genesis II Mobile Traffic Radars and parts. The donation consists of seven fully complete Radar Units that can be installed into the fleet of vehicles and immediately operational.

In addition, there is a large quantity of radar equipment consisting of Receivers, Antennas, Cabling and Brackets that will allow our members to build approximately 10 additional Mobile Traffic Radars. It is the hope that in receiving this equipment, it can be installed into marked frontline patrol vehicles, thereby expanding our capacity for mobile traffic enforcement beyond the traffic vehicles.

The Genesis II Mobile Radar is an ageing technology but remains viable. A benefit of receiving the donation is having spare parts on hand that can be utilized to repair Units at no cost to the Organization.

The cost of a new Genesis III Radar Unit is \$3,100, and we do not have sufficient funds to update and/or acquire this quantity of Units to enhance our traffic enforcement options. The Genesis 2 radars are nearing end of life but remain viable and a near zero cost to the Organization.

## **Summary**

Traffic Safety is one of the community's primary concerns and equipping more vehicles with a mobile radar will provide officers with the equipment necessary to address and enforce speeding complaints. In January of 2024, the Ontario Provincial Police reported that approximately 1 in 4 Ontario road deaths were a result of speeding. Speed is a factor in virtually all fatal collisions investigated by the Peterborough Police Service as well.

The Peterborough Police currently utilizes the Genesis II mobile radar Units in the Traffic Unit vehicles, and the additional Units donated by the Durham Regional Police would be added to the fleet to allow for more proactive policing related to traffic enforcement.

Prepared by: Jamie Hartnett, Deputy Chief of Police

Submitted by: Stuart Betts, Chief of Police