

HAMILTON POLICE SERVICES BOARD
- INFORMATION -

DATE: September 3, 2020
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
Chief of Police
SUBJECT: *Coroner's Inquest into the Death of Anthony DIVERS*
PSB 20-054

BACKGROUND:

The Hamilton Police Service (HPS) examined five jury recommendations in relation to the Coroner's Inquest of Mr. Anthony DIVERS. Of the 13 recommendations made by the jury, four (4) apply to both the Ontario Police College and the HPS (2, 3, 4, 5), while number six (6) only applies to the HPS.

The HPS has completed a review of all five (5) recommendations. Four (4) of the recommendations have the content or intent of the recommendation already in place.

On June 3, 2020 a letter was sent to the Office of the Chief Coroner for Ontario to provide an update on the status of the recommendations. The final recommendation number six (6), a debrief with the involved Officer, was actioned on Monday June 8, 2020.

A response letter detailing the actions and position taken by the HPS has been written and was submitted to the Office of the Chief Coroner.



Eric Girt
Chief of Police


Attachment: Letter to the Office of the Chief Coroner

EG/N. Goodes-Ritchie

cc: Ryan Diodati, Deputy Chief – Support
Nancy Goodes-Ritchie, Superintendent – Professional Development Division



HAMILTON POLICE SERVICE

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June 3, 2020

Dr. Dirk Huyer
Chief Coroner for Ontario
Office of the Chief Coroner
25 Morton Shulman Ave
Toronto, Ontario M3M 0B1

**Re: Inquest into the Death of Anthony David DIVERS on October 1, 2016
OCC Inquest File Q2019-17**

Dr. Huyer,

Regarding the Verdict Explanation dated January 15, 2020, concerning the Recommendations of the Coroner's Jury into the Death of Anthony DIVERS, the Hamilton Police Service (HPS) submits the following correspondence. We have reviewed the Recommendations directed to the HPS and agree to all recommendations.

Summary of the circumstances of the Death:

On September 30, 2016, at 11:35 PM, HPS received a 911 call from the wife of Anthony DIVERS, reporting that she was punched in the face by her husband outside the Dirty Dog Saloon located at 77 King William Street, Hamilton. On arrival, the police officers spoke to the victim, confirmed her injuries, and formulated their grounds to arrest DIVERS for assault.

Additional information was provided to the police officers that DIVERS may be under the influence of crystal meth and Fentanyl, and may be in possession of a Glock firearm. Officers were aware that DIVERS had a history of violence, criminality, mental health issues and incarceration.

An Officer located DIVERS and called out to him to stop walking away and to show his hands (his right hand remained under his sweatshirt). DIVERS did not comply, and turned to face the Officer. The Officer stated that if he did not comply with directions to show his hands and get down, DIVERS would be shot. DIVERS shrugged his shoulders and took several steps towards the officer while keeping his right hand under his sweatshirt at his waistband.

The Officer fired two rounds resulting in DIVERS death.

Of the 13 recommendations made by the jury, four (4) apply to both the Ontario Police College and HPS (2, 3, 4, 5), while number six (6) only applies to HPS.

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Recommendation #2:

Consider a review of educational materials concerning communication, particularly with people in crisis. Without prescribing what an officer should say in a particular set of circumstances, officers should be made aware of the potential for negative outcomes when providing direction in an “or else” format, which may be considered an ultimatum. Consider implementing a phrase such as “put down the gun, we do not want to hurt you” as an alternate communication strategy to deescalate a situation when dealing with a person in crisis.

Coroner’s Comments:

The jury heard that the officer shouted to the decedent that, if he did not comply with commands to show his hand and get down, he would be shot.

The jury heard from an expert witness in police training that commands in the nature of an ultimatum might not be wise in certain circumstances. The expert suggested other possible commands, and the jury felt that this idea should be studied by those in charge of police training.

Recommendation: Agreed.

In April of 2020, HPS reviewed the Verdict of the Coroner’s Jury in regards to Anthony DIVERS death dated October 1, 2016, file Q2019-17. The Community Mobilization Division was consulted regarding a review of their Crisis Intervention Training (CIT), and a decision was made to have a representative participate in the Operational Debrief identified in Recommendation #6. This will assist with developing take away lessons learned for future CIT Courses, and lesson plans.

Training regarding communications with people in crisis and de-escalation strategies has been addressed for the past several years through Use of Force scenario-based training. This current Block Training year (2019 / 2020) included two scenarios that address de-escalation as part of the police response.

Recommendation #3

Consider using the circumstances of the death of Anthony DIVERS as the basis for a training scenario, so officers can learn and explore a variety of ways to respond, with feedback from instructors through debriefing following the exercise.

Coroner’s Comments:

The jury heard that circumstances investigated during inquests are sometimes the basis for training scenarios in the curricula of the Police College and local police training units. They felt the facts of the death investigated by this inquest should be considered for such use.

Recommendation: Agreed.

While it is not an exact replication of the DIVERS incident, one of the scenarios that was implemented in the 2019 / 2020 Block Training year addressed the same fundamental learning principles.

Recommendation #4

Consider the feasibility and/or applicability of integrating additional training scenarios designed to mitigate (insofar as possible) the stress response in front line officers.

Coroner's Comments:

The jury heard evidence that it is difficult to devise training scenarios which induce real fear of death or bodily harm in trainees and yet are safe for them. They heard that fear is a physiological response and that it cannot be eliminated by training strategies. The jury heard evidence that it is not possible to train officers not to be fearful when they believe their life is being threatened. Therefore, consideration should be given to try to find a way, through training, to better assist officers to manage stress or fear in critical situations insofar as that might be found to be possible.

Recommendation: Agreed.

For several years, the HPS has consistently included scenario based training as part of the Use of Force overall plan. Scenarios are implemented to increase the levels of stress inoculation of the members; to assist in providing coping mechanisms; and considering / implementing alternative response plans.

Recommendation #5

Consider the integration of the concept of delaying engagement of a suspect or "disengagement" as viable tactical options as circumstances warrant.

Coroner's Comments:

The jury heard that there might be some circumstances, as distinct from the circumstances of this death, where it could be an appropriate response to delay engagement and await the arrival of other resources to deal with an armed suspect. They felt that, where such action would be appropriate, it should be considered.

Recommendation: Agreed.

For several years, the HPS has consistently included scenario based training as part of the Use of Force overall plan. One of the main global learning points stressed is the option to disengage. Disengagement does not mean leaving the scenario but is consistent with the principles of isolate and contain.

Recommendation #6

The Hamilton Police Service should consider conducting a debriefing in regards to this incident once all legal matters have been concluded.

Coroner's Comments:

The jury heard that no debrief of this incident had yet been carried out, probably due to the existence of a number of pending legal processes, including this inquest. They felt that there should be a debriefing session as soon as all legal proceedings have been concluded.

Recommendation: Agreed.

An operational debrief with all involved officers in this incident has been scheduled for Monday June 8th, 2020.

Regards,



Nancy Goodes-Ritchie
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