

HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: July 23, 2020

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Hamilton Police Service response re Use of Force inquiries ("8 Can't Wait")*
PSB 20-062

BACKGROUND:

During the June 11, 2020 Hamilton Police Services Board meeting, several inquiries were made of the Board pertaining to Hamilton Police Service training and policy in Use of Force. While the inquiries in this regard varied slightly, the general context of the inquiries are in line with a movement originating from the United States called "8 Can't Wait". The following provides some context to the inquiries.

#1) The inclusion of clear language outlining allowable use of force, including an explicit ban on chokeholds and strangleholds in restraint techniques.

The Hamilton Police Service has a policy which states that we believe in using only the minimum force required in carrying out our duties. The level of force used by our members in any situation must be the minimum level of force necessary to affect the lawful purpose required; authorized in law; and it must be continually assessed. Chokeholds / Strangleholds are not taught nor are they endorsed by the Hamilton Police Service.

#2) That Hamilton Police Officers be required to de-escalate situations where possible by maintaining distance, communicating with subjects, and thereby eliminating the need for use of force.

The Hamilton Police Service consistently instructs our members on de-escalation techniques as part of our annual Use of Force strategies and has done so for the last several years. Additionally, for the last three years as part of our Academic training, we have included lectures on Communication. Both of these strategies have been implemented to better equip our members during our interactions with the community and to reduce the need for a use of force.

#3) That Hamilton Police give a verbal warning before shooting a civilian.

When a recruit is sent to Ontario Police College, part of their training includes the provincial standard police issue challenge "Police Don't Move" when applicable, when a firearm is drawn on a subject. This training is then reinforced as part of the annual recertification training in Use of Force when members are trained in Hamilton.

#4) That Hamilton Police are required to exhaust all other reasonable means before resorting to deadly use of force.

Members are responsible to only use that force which is reasonably necessary to bring an incident under control effectively and safely.

#5) That Hamilton Police officers have a duty to intervene when witnessing the use of excessive force by a fellow officer and report incidents immediately to supervisors.

All Police Services in Ontario are regulated by the Ontario Police Services Act. Within this legislation, there are applicable Code of Conduct provisions which would be investigated if an officer failed their duty to intervene as outlined above and further, failed to notify their supervisor. Further, there could be criminal implications for any lack of action taken under these circumstances.

#6) That officers are restricted from shooting at moving vehicles, a tactic that has proven dangerous and ineffective.

This is addressed in policy. This practice is prohibited unless there exists an immediate threat of death or grievous bodily harm to the Officer(s) and/or members of the public by a means other than the vehicle.

#7) That there is an established force Continuum which limits the types of force and/or weapons that can be used to specific types of resistance.

All Ontario Police Services follow the Ontario Use of Force Model, which was introduced and utilized as of 1993/1994. This continuum was last updated in 2004 and is the Model we utilize. The Model is an aid to promote continuous critical assessment and evaluation of every situation. Officers must consider a number of factors including the situation, the subject's behaviour, and the officer's perception / tactical considerations.

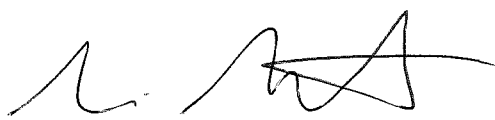
#8) That Hamilton Police are required to report each time they use force or threaten to use force against civilians.

There are regulatory requirements under the Ontario Police Services Act (PSA) which requires officers to complete a Use of Force Report (Regulation 926). The requirement to complete a Use of Force Report has been in effect since 1992.

The PSA states,

“14.5 (1) A member of a police force shall submit a report whenever the member,

- (a) draws a handgun in the presence of a member of the public, excluding a member of the police force who is on duty, points a firearm at a person or discharges a firearm;
- (b) uses a weapon other than a firearm on another person; or
- (c) uses physical force on another person that results in an injury requiring medical attention. “



Eric Girt
Chief of Police

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