

**NORTH BAY POLICE SERVICES BOARD
USE OF FORCE BY-LAW #01/2007**

WHEREAS the North Bay Police Services Board is responsible for the maintenance of Law and Order in the Municipality, and the members of the Police Service, through the Chief of Police, are subject to the Government of the Board and shall obey its lawful directions.

THEREFORE, under the authority of the Police Services Act 1990, this Board enacts as follows:

- A.** The North Bay Police Services Board recognizes that members are required in the course of their duties to use force to affect arrests, maintain order and protect the public and themselves.
- B.** The Board and Police Service are committed to resolving situations by using only as much force as is reasonably necessary, but also recognizes that at times it is necessary for police to use potentially injurious or lethal force.
- C.** It is the policy of the North Bay Police Services Board with respect to use of force that:
 - 1. This Board, upon receiving a report on the investigation into an injury or death caused by the discharge of a member's firearm, will:
 - a. Review the report and make further inquiries as necessary; and
 - b. File a copy with the Solicitor General, including any additional inquiries of the Board;
 - 2. This Board, upon being notified that the Chief of Police has discharged a firearm in the performance of his/her duty, will cause an investigation into the circumstances and file a report on the investigation with the Solicitor General.
 - 3. The Chief of Police will:
 - a. Ensure that members do not use a weapon other than a firearm unless:
 - i. That type of weapon has been approved for use by the Solicitor General;
 - ii. The weapon conforms to technical standards established by the Solicitor General;
 - iii. The weapon is used in accordance with standards established by the Solicitor General; except

- iv. When, in the course of a training exercise, the weapon is used on another member in accordance with the police services' procedures;
- b. Ensure that, at minimum, police officers are:
 - i. Issued a handgun that meets the technical specifications set out in the *Equipment and Use of Force Regulation*;
 - ii. Issued ammunition that meets the technical specifications set out in the *Equipment and Use of Force Regulation*;
 - iii. Issued oleoresin capsicum aerosol spray that meets the technical specifications set out in the *Equipment and Use of Force Regulation*;
 - iv. Issued a baton; and
 - v. Trained in officer safety, communication, handcuffing and physical control techniques;
- c. Ensure that members do not:
 - i. Use force on another person unless they have successfully completed a training course on the use of force; and
 - ii. Carry a firearm unless, they have successfully completed a training course on the use of firearms;
- d. Ensure that, at least every 12 months, members:
 - i. Who may be required to use force on other persons receive a training course on the use of force; and
 Authorized to carry a firearm, receive a training course on the use of firearms;
- e. Establish procedures consistent with the requirements of the *Equipment and Use of Force Regulation 926*, including procedures that:
 - i. Prohibit the altering or modification of any issued handgun or other weapon;
 - ii. Prohibit the use of any other handgun except where authorized by the Chief of Police as set out in the *Equipment and Use of Force Regulation*;
 - iii. Prohibit the use of ammunition other than the issued ammunition;
 - iv. Provide for the Chief's approval prior to the issuing of any firearm or weapon;
 - v. Permit the use of reasonable weapons of opportunity by members, when none of the approved options is available or appropriate to defend themselves or members of the public;

- vi. Prescribe that a member shall not draw a handgun or discharge a firearm unless:
 - a. He or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm, unless the member is engaged in a training exercise, target practice or ordinary weapon maintenance; or
 - b. To call for assistance in a critical situation, if there is no reasonable alternative; or
 - c. To destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended.
- vii. Prescribe that use of force training includes training on the following matters:
 - a. Legal requirements;
 - b. The exercise of judgement;
 - c. Safety;
 - d. Theories relating to the use of force;
 - e. Practical proficiency.
- f. Immediately cause an investigation to be made where a member unintentionally or intentionally discharges his or her firearm, except on a target range or in the course of weapon maintenance;
- g. Immediately cause an investigation and file a report to this Board where a member, by the discharge of a firearm in the performance of his or her duty, kills or injures another person;
- h. Where the Chief discharges a firearm in the performance of the Chief's duties, promptly report the matter to this Board;
- i. Ensure that a written record is maintained on the training courses taken by the members of the police service on the use of force and the use of firearms;
- j. Ensure the reporting of the use of force by members in accordance with the Equipment and Use of Force Regulation 926;
- k. Ensure the ongoing review and evaluation of local use of force procedures, training and reporting;

- I. Provide a copy of the police service's annual use of force study to this Board for review, and ensure the availability of the study to the community; and
 - m. Ensure that all members are cognizant of the mandate and authorities of the Special Investigations Unit of the Ministry of the Attorney General and that reports and assistance are provided to members of that organization in accordance with the *Police Services Act* and Regulations.
- D.** It is the policy of the Board that the Service will afford members of the North Bay Police Service, who, as a result of their duties, experience critical incident trauma, immediate, appropriate and adequate aftercare.
- E.** North Bay Police Services Board By-Law 03/04 is hereby repealed.

This By-Law comes into effect on the date of signing.

READ a 1st time this 9th day of October 2007.

READ a 2nd time this 9th day of October 2007.

READ a 3rd time and ENACTED AND PASSED this 9th day of October 2007.

Chair

Secretary

Re: Board Policy AI-012