



Use of Force

1.0 General

- 1.1 Legislation governing the use of force is found in the [Criminal Code of Canada](#) sections 25 to 27. Under this legislation, police officers are justified in doing what they are required to do and in using **as much force as is necessary** for that purpose. However, police officers are **not justified in using excessive force** and will be held criminally responsible for use of force that is considered to be excessive.
- 1.2 Police officers have discretion in exercising their authority in many instances; however, they are duty-bound to respond to the aid of a citizen and to give whatever assistance is necessary to protect him/her from harm. If this means that a certain amount of force must be used to accomplish that purpose, police officers will have no alternative but to use that amount of force. To do less would amount to an act of negligence and a breach of a police officer's sworn duty to protect the public.
- 1.3 Officers must avoid using unnecessary force. The privilege to use force is limited. A police officer can only use as much force as necessary to protect themselves or others. In some cases, that amount of force will involve lethal force. Most often, the amount of force will be what is reasonably necessary to enable them to affect the arrest.
- 1.4 Use of Force situations often do not allow for an ordinal progression up a continuum of force and officers must be ready to escalate or de-escalate as the situation evolves.
- 1.5 Disengagement is a reasonable option in consideration of officer safety and the necessity to apprehend immediately. Disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, or calling in specialized units may be an appropriate response to a situation and should be considered.
- 1.6 Force options may be used simultaneously, for instance, combining verbal commands with use of chemical irritant. The officer must exercise proper use of force decision making, which means the use of reasonable force, including proper tactics, and de-escalation techniques.

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- 1.7 A police officer's failure to stop an assault by a third person may be grounds for a charge of assault (or assault causing, assault with a weapon, aggravated assault or murder as the case may be) for that police officer. The Courts have held that because a peace officer has a duty to protect persons in their custody, that the failure to protect them in the face of an assault is in fact an encouragement of the assault. The passive police officer is therefore a party to the offence and criminally liable.

2.0 Use of Force Guidelines

- 2.1 Police officers shall not resort to the use of force UNLESS such use is necessary in the execution of their duties as peace officers and this purpose cannot REASONABLY be accomplished by less violent means.
- 2.2 The decision as to whether force is to be used, and the amount to be applied, shall rest solely with the police officer at the scene who is personally involved. However, as noted in Section 1 of this chapter, it is important to bear in mind that the decision to use force and the amount thereof must be reasonable and not excessive. Such decisions are subject to review in criminal, civil and/or disciplinary proceedings.
- 2.3 Although decisions may have to be made instantly, in each case the decision shall be based on a reasonable assessment of the totality of circumstances.
- 2.4 Police officers shall not use any more force than is necessary under the circumstances to accomplish their lawful objectives.
- 2.5 Officers should avoid the use of items as a means of force that are not issued specifically as defensive weapons such as flashlights, radios, etc., except as spontaneous defensive weapons, in response to situations where there is reason to believe that imminent threat of death or serious physical injury exists and no other option is available.

3.0 Firearms Training

- 3.1 Firearms training shall be compulsory for every police officer issued a firearm.
- 3.2 The Use of Force Training Unit shall arrange additional training, as necessary, to ensure police officers achieve the required standard of competence in all RNC firearms as prescribed in the RNC Use of Force Training Manual.

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4.0 Use of Force Training

- 4.1 All Divisional and Platoon Commanders will ensure that police officers attend the use of force training as approved by the Chief of Police.
- 4.2 All police officers will be required to successfully complete the Basic One-week Use of Force Program approved by the Chief of Police.
- 4.3 Thereafter, police officers will receive compulsory training as approved by the Chief of Police.
- 4.4 The content of each module is subject to change on the recommendation of the Use of Force Training Unit or the Use of Force Review Board to the Chief of Police. This will allow flexibility for growth and adaptation to new and more efficient techniques. Detailed course content can be found under Standing Operating Procedures within the Use of Force Training Unit.
- 4.5 The Use of Force Unit shall maintain an annual use of force training log in accordance with the training documentation procedures.

5.0 Qualification

- 5.1 Police officers who are issued firearms are required to meet firearms qualification standards each calendar year.
- 5.2 Police officers who fail to re-qualify in the use of firearms each calendar year, at the discretion of the Chief of Police, may not retain their firearm until they meet qualifying standards.
- 5.3 Within 30 days after each calendar year, the Use of Force Training Unit shall prepare a list of police officers who have met firearm qualification standards that year and provide it to the Chief of Police.
- 5.4 All police officers who are issued firearms shall be required to re-qualify in the use of firearms and use of force training standards as set forth in Section 3 of this chapter. Divisional Commanders and Platoon Inspectors will be responsible to ensure that all police officers under their command are re-qualified according to this schedule.
- 5.5 The Chief of Police may, at his/her discretion, exempt a police officer from Use of Force training by reason of a medical condition. Such an exemption would result in that police officer being assigned to non-operational duties.

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6.0 Use of Service Firearms

- 6.1 Police officers must bear in mind that they alone are responsible for their actions. The use of service firearms will be in accordance with the [Firearms](#) chapter.

7.0 Oleoresin Capsicum Spray

- 7.1 Oleoresin Capsicum Spray (OC Spray) is an inflammatory agent that occurs naturally in cayenne pepper. This aerosol weapon is designed to incapacitate a subject who can then be controlled with minimal physical contact. Police officers are reminded that OC Spray is a prohibited weapon.
- 7.2 The OC Spray may only be used by police officers trained in its use.
- 7.3 A police officer will carry only OC Spray issued by the RNC. No other aerosols may be substituted.
- 7.4 The OC Spray must be used in accordance with the Use of Force Continuum.
- 7.5 A police officer must not carry OC Spray on board an aircraft, as the contents are under pressure and if leakage occurs it could find its way into the ventilation system of the aircraft.
- 7.6 Normally, OC Spray will discourage an attacking dog or aggressive subject, regardless of size or strength. However, it may have no effect on an attack-trained dog in the attack mode. Similarly, it may not affect certain subjects, and subjects wearing tight-fitting eyeglasses may experience a delayed reaction or none at all.
- 7.7 OC Spray is designed to be used on individuals exhibiting active resistance where verbal commands and pain compliance techniques have failed or are likely to fail. An "actively resisting subject" is defined as a subject who actively resists in a defensive manner and moves to avoid physical control.
- 7.8 The Use of Force Training Unit is responsible for the issuance and control of OC Spray.
- 7.9 All police officers are cautioned that while rare, some individuals may have allergic reactions to the cayenne pepper contained in the spray. The reactions should be immediately recognizable and would consist of mild to severe respiratory distress.
- 7.10 If any police officer has a known allergy to the OC spray, it should be

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documented and presented to his/her supervisor immediately.

7.11 The OC Spray may be used to:

- a. aid in the arrest of an actively resisting subject;
- b. control a subject when lesser means are not likely to succeed or have failed, and more severe means are not yet required; and
- c. control an attack or threat of an attack from an animal.

7.12 Pre-usage:

- a. A police officer must exercise caution in confined environments, (e.g., enclosed public places, cell blocks and police vehicles, where cross contamination may occur and affect correctional officers, other prisoners or innocent bystanders);
- b. If a police officer finds it necessary to resort to OC Spray and if time permits, the police officer must verbally warn the subject that OC Spray will be used.

7.13 Use of OC Spray shall be discontinued if initial use has proven ineffective on a particular subject.

7.14 The force that an officer uses to gain control over a subject's resistant action shall be dependant upon the officer's perception of resistance, danger and the officer's own abilities, strength, and condition at the time of the incident. However, as noted in Section 1 of this chapter, it is important to bear in mind that the decision to use force and the amount thereof must be reasonable and not excessive. Such decisions are subject to review in criminal, civil and/or disciplinary proceedings. The use of the OC Spray by a police officer shall be in accordance with the approved use of force continuum.

7.15 Post-usage:

- a. When practicable, it is advised to wait at approximately 10 seconds before approaching a subject who has been sprayed. This will allow the potency of the spray to diminish to the point where tolerable contact can be made with the subject.
- b. A subject who has been sprayed should be encouraged to relax and breathe normally. A subject who has been sprayed is often in a state of

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panic and will not understand that the condition is only temporary.

- c. Police officers will as soon as possible provide to the subject sprayed an opportunity to have the affected area exposed to fresh air and treated by flushing with water. It is mandatory that persons under arrest be conveyed to hospital for medical treatment and persons not arrested be offered the option of medical attention or decontamination. The subject may initially refuse the treatment offer; police officers must be persistent and provide more than one opportunity for the subject to receive treatment. The provision of treatment, or a refusal by the subject to receive such treatment, will be recorded in accordance with the reporting procedure.
- d. If symptoms persist without any relief to the eyes, skin or respiratory system, or if there is reason to believe the subject is asthmatic and in distress, immediately seek medical attention. Police officers will also ensure that medical attention is sought for persons to be detained at the lockup, or other facility. This is consistent with the admissions policy of Adult Corrections

7.16 Training

- a. All police officers will be trained in the use of OC Spray. The practice of spraying police officers for training purposes is strictly prohibited.

7.17 Reporting the Use of OC Spray

- a. Whenever OC Spray is used on an individual a Use of Force Report Form (RNC Form # 096) shall be forwarded in accordance with Section 6 of this chapter. A Use of Force Report Form (RNC Form # 096) is not required when OC Spray is used to control an animal but details shall be documented in the police report and the police officer's notebook.

7.18 Storage

- a. Off-duty police officers are responsible to ensure the safe storage of their OC Spray, and are required to store it in their assigned firearms lockers.

8.0 Police Dog Services

- 8.1 The deployment of a police service dog to effect an arrest or to confine or restrict the movement of a suspect constitutes a use of force and an RNC Use of Force Report (Form 096) shall be submitted by the dog handler detailing the circumstances of each contact.

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- 8.2 A Police Service Dog will not be deployed to attack or stop a fleeing person unless there are reasonable grounds to arrest the subject, and it is the minimum amount of force reasonably necessary in the circumstances.
- 8.3 Every effort will be made by a dog handler and other police personnel present to prevent bites.
- 8.4 The dog handler shall determine whether, and in what manner, to deploy a dog in a given situation. This determination will be based on consideration of these guidelines:
- a. knowledge of the dog's capabilities;
 - b. assessment of the situation;
 - c. regard for the safety of the public and the police.
- 8.5 Dogs shall only be released from physical control where it is necessary for the effective execution of police duties and where, under the circumstances, the safety of the public and police officers is reasonably assured.
- 8.6 In a weapons incident, a Service Dog may be used to "clear" the building only where there is a reasonable certainty that the business or dwelling is not occupied by innocent bystanders.
- 8.7 Prior to releasing a Police Service Dog from physical control, the handler will call out in a loud voice that he or she is a police officer of the Royal Newfoundland Constabulary, and that a Police Service Dog is to be released. The suspect will be given time to respond prior to the dog being released.
- 8.7 No warning is required prior to releasing a Service Dog from physical control if:
- a. it will increase the danger to the handler;
 - b. it will encourage a suspect to attempt an escape; or
 - c. it will allow a suspect to prepare him or herself for an encounter with the Police Service Dog.
- 8.8 See [Police Dog Services Unit](#) chapter for detailed procedures related to the Police Dog Services.

9.0 Civil Disturbances

- 9.1 Civil disturbances are unique situations that often require special planning and tactics to best bring an unlawful situation under effective control. The on-scene Incident Commander shall evaluate the overall situation and determine reasonable force options. See [Crowd Management and Control](#) chapter for detailed procedures related to Crowd Management and Civil Disturbances.

10.0 Reporting Use of Force

- 10.1 Reporting the use of force is mandatory in all cases. Police officers will complete the Use of Force Report Form (RNC Form # 096) in addition to standard reporting procedure.

- 10.2 The following uses of force must be reported:

- a. Empty Hand - Soft;
- b. Empty Hand - Hard;
- c. Impact Weapon - Soft;
- d. Impact Weapon - Hard;
- e. Handcuffs (Non-Compliant Only);
- f. Police Service Dog;
- g. Conducted Energy Device;
- h. Oleoresin Capsicum Spray or other Aerosol Weapon;
- i. Handgun - Drawn;
- j. Firearm - Pointed At Person; and
- k. Firearm - Discharged.

10.3 Procedure

- a. Every police officer who engages in the use of force shall complete Form # 096 and forward it with the corresponding file to the File Management Unit.

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- b. Upon completion of the file review by the File Management Unit, the form will be forwarded through the police officers' chain of command to their respective Inspectors and Superintendents for review.
- c. Platoon and Divisional Commanders will:
 - (i) review Form # 096;
 - (ii) forward a monthly covering report of their review along with the original Form # 096 to the Office of the Chief of Police. The review shall include general comments, reference to policy compliance, and other recommendations; and
 - (iii) maintain a record of all reported incidents of use of force and submit a detailed report to the Office of the Chief of Police by January 31 of the following year.
- d. Inspectors and Superintendents will forward a Use of Force Monthly Summary Report Form RNC-324 summarizing their monthly review of all completed RNC 096 forms along with the original Use of Force Report Form RNC 096 to the Office of the Chief of Police. The review shall include general comments, reference to policy compliance, all instances where remedial training is recommended and all other recommendations.
- e. The original RNC 096 form will be retained by the Office of the Chief of Police.

11.0 Rendering Aid after Use of Force

- 11.1 Any time a police officer uses force; appropriate medical aid will be provided for any person involved. This does not mean that all persons upon whom any force was used need to be immediately evaluated by medical personnel. It may include increased observation to detect changes in physical condition, first aid, evaluation by paramedics, or transport to a medical facility, depending on circumstances.

12.0 Use of Force Investigations

- 12.1 In accordance with the provisions of the Memorandum of Understanding, the Chief of Police may request the services of the Ontario Provincial Police, Criminal Investigation Bureau, Major Case Management Section to act as investigators in circumstances where serious occurrences have taken place

involving the actions of one or more police officers of the RNC, including instances of serious injury or death.

- 12.2 If a police officer is involved in a discharge of firearm or any other Use of Force resulting in injury or death outside his/her jurisdiction, whether on or off-duty, the police agency responsible for that jurisdiction shall conduct the investigation of the incident. However; the Chief of Police may designate the RNC Professional Standards Section to conduct an internal investigate to ensure compliance with the RNC Act or any other relevant statutes.

13.0 Psychological Services for the Police Officer

- 13.1 After-care of police officers involved in traumatic incidents where any person has been injured or killed as a result of a use of force by a police officer shall be in accordance with the [Employee Assistance Programs](#) chapter and will include the following:
- a. notification of the Police Officer Assistance Coordinator as soon as practicable;
 - b. involvement of a psychologist (refer to policy on EAP);
 - c. notification of next-of-kin and, when possible, direct and private communications between police officers and their families;
 - d. personal contact with all involved police officers by Senior Commissioned Officers;
 - e. consideration to involvement of a chaplain or clergy;
 - f. consideration to reassigning the police officers to non-operational duties; and
 - g. requirement of police officer to take a mandatory period of three days off when death results from their action in the line of duty.

14.0 Use of Force Review Board

- 14.1 The RNC and its individual police officers have a vested interest in maintaining the highest standards in relation to use of force training and authorities granted under the *Criminal Code of Canada*. To accomplish this objective requires ongoing evaluation of RNC procedures, practices and training in relation to the use of force. The responsibility for such evaluation shall be vested with the RNC

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Use of Force Review Board. This board will review all instances where remedial training is recommended by the Inspectors and Superintendents as documented on the Use of Force Monthly Summary Report Form RNC-324, but will not act as a disciplinary committee. Meetings will be held on a need basis or as directed by the Chief of Police or his/her designate.

14.2 The Board Members shall be:

- a. Deputy Chief of Police, Patrol Operations;
- b. Manager of Strategic Planning & Research Section;
- c. Firearms & Use of Force Instructor;
- d. RNC Inspections Officer;
- e. A representative of the RNCA to be determined in consultation with the Chief of Police and;
- f. RNC Legal Counsel.

14.3 The Board is responsible to:

- a. evaluate and where necessary, make recommendations concerning RNC policy and training;
- b. recommend training for individual police officers; and
- c. report to the Chief of Police as requested and where considered necessary.