



**Submission to the  
Ministry of the Solicitor General's consultation  
regarding proposed updates to the  
Use of Force reporting form  
used by police services**

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**April 2026**

## Overview

The Ministry of the Solicitor General has requested public and stakeholder input on enhancing information collected in police use of force reports.

Specifically, the Ministry invited input on:

- What additional information could be included in the use of force report to better capture incident context
- Whether there are any revisions to the report that would improve the use of force report's value for policy, research and reporting needs
- Any other suggestions for the content or structure of the use of force report

In 2016 and 2022, Ombudsman Paul Dubé recommended that the Ministry start collecting information on incidents where de-escalation techniques were used successfully to avoid use of force, in order to better inform training and consistency in de-escalation approaches across police services.

In this submission, I renew the call for an expanded reporting process. This is an ideal opportunity to enhance the Ministry's current reporting process to collect and analyze valuable information on the successful use of de-escalation techniques by police officers to identify best practices and enhance training and education.

## Ombudsman jurisdiction and expertise

For more than 50 years, the Ontario Ombudsman has independently and impartially investigated and resolved complaints from people who feel they have been treated unfairly in the provision of public services. The Ombudsman oversees the Ontario government and public sector agencies, municipalities, publicly funded school boards, and universities, as well as the provision of French language services and child protection services. When problems are identified, the Ombudsman may make recommendations to resolve an issue, improve processes, and strengthen governance and accountability.

While the Ombudsman does not have authority to investigate police conduct directly, we play an important role in promoting transparency and accountability across Ontario's police oversight framework. As part of this, the Ombudsman's oversight was expanded in recent years to all provincial police oversight bodies, including the Law Enforcement Complaints Agency (LECA)<sup>1</sup>, and the Inspectorate of Policing.

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<sup>1</sup> Until 2024, LECA was known as the Office of the Independent Police Review Director (OIPRD).

## Use of force reports

Ontario Regulation 391/23, made under the *Community Safety and Policing Act, 2019*, requires Ontario police officers to send a use of force reporting form<sup>2</sup> to their chief in certain situations.<sup>3</sup>

The situations include when an officer:

- Draws a handgun in the public's presence
- Points or discharges a firearm
- Uses any weapon on a person
- Draws, displays, points or discharges a conducted energy weapon (Taser)
- Uses force on another person that causes injuries requiring medical attention<sup>4</sup>

The form asks questions about the incident, the force used, the persons involved, if the officer attempted de-escalation and, if so, which methods they tried.<sup>5</sup> However, if de-escalation successfully results in no use of force, the officer is not required to complete and submit the form.

The police chief must send a copy of the report to the Ministry within 60 days.<sup>6</sup> The Ministry uses the information in these forms to, among other things, identify and address systemic inequities in the use of force by police services.

The Ministry is now considering changes to the existing form and is seeking input and feedback.

## Why collection of successful de-escalations matters

Police services are currently not required to report instances of successful de-escalation, where no use-of-force resulted. In effect, there is no formal mechanism to incorporate lessons learned from instances of successful de-escalation into training for Ontario police, either as recruits or during annual on-the-job refresher courses.

This absence is significant, as it limits the ability to identify and reinforce effective de-escalation practice, and disproportionately informs training exclusively from instances where force was used.

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<sup>2</sup> Available through the “download” link near the bottom of this page, online: <https://www.regulatoryregistry.gov.on.ca/proposal/53613>.

<sup>3</sup> O. Reg. 391/23, s.13 and other sections, sets out the situations in which police officers / teams must submit a report to their Chief, online: <https://www.ontario.ca/laws/regulation/230391#BK15>.

<sup>4</sup> s.13, online: <https://www.ontario.ca/laws/regulation/r23391#BK12>.

<sup>5</sup> See page 3 of the current form.

<sup>6</sup> Pursuant to O. Reg. 90/24, s.7(2), online: <https://www.ontario.ca/laws/regulation/240090#BK9>.

In 2016, Ombudsman Dubé released *A Matter of Life and Death*, an investigative report into the direction provided by the Ministry of Community Safety and Correctional Services (now the Ministry of the Solicitor General) to Ontario's police services around the de-escalation of conflict situations.<sup>7</sup> The report made **22** recommendations to the Ministry, including around the need for improved guidelines and police training models and better tracking, reporting and assessment of police interactions with people in crisis.

The Ombudsman found that without a formal reporting mechanism, the opportunity to incorporate lessons learned from successful instances of de-escalation was lost:

Although this report highlights numerous cases of police use of lethal force, those we interviewed also offered many examples of situations that could have ended in fatalities, but didn't. There are countless cases where police have successfully de-escalated and peacefully resolved situations that might otherwise have ended in bloodshed. However, there is no formal mechanism to incorporate lessons learned from such cases into what Ontario police are taught, either as recruits or during annual on-the-job refresher courses. As one college instructor said: "It's the luck of the draw if we hear about them." Many instructors at the college supported the idea of gathering successful real-life stories to use in scenario training [...].<sup>8</sup>

In order to remedy this gap in the ministry's reporting framework and enhance training and education on de-escalation techniques, the Ombudsman recommended:

**Recommendation 15: [The Ministry] should develop a standard reporting process that enables feedback and learning on de-escalation. The process should be used after all interactions with people perceived to be suffering from a mental illness or who are otherwise in crisis, where force was an option but was not used, and where the situations were successfully de-escalated.**

**Recommendation 16: [The Ministry] should monitor de-escalation reports to identify best practices, and use the information as a learning tool for recruits and in-service training. Successful de-escalations should be shared among police services as a model of expected behaviour.**

In October 2022, the Ombudsman reiterated these recommendations in response to the Ministry's call for consultation on proposed changes to its use of force regulation.<sup>9</sup>

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<sup>7</sup> Ombudsman Ontario, *A Matter of Life and Death*, online: <https://www.ombudsman.on.ca/en/our-work/investigations/matter-life-and-death>.

<sup>8</sup> Ombudsman Ontario, *A Matter of Life and Death*, paras 258-259, online: <https://www.ombudsman.on.ca/en/our-work/investigations/matter-life-and-death>.

<sup>9</sup> Ombudsman Ontario, Submission to the Ministry of the Solicitor General's consultation regarding equipment and use of force by police services, online: <https://www.ombudsman.on.ca/en/our-work/submissions-government/submission-ministry-solicitor-generals-consultation-regarding-equipment-and-use-force-police>.

## **Proposed amendments to the use of force reports**

Building on what has been learned and the above-noted recommendations, I offer the following:

**The Ministry should expand its use of force reporting process to capture incidents where the use of force was an option but de-escalation techniques were successfully used. This information should be analysed and disseminated by the Ministry to support improved success with de-escalation approaches in Ontario through the identification of best practices and practical examples that can be used in police officer training and education.**



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