

Decision Regarding Findings Report INV-24-45 Concerning Policing Provided by the Peel Regional Police

Decision By:

Ryan Teschner, Inspector General of Policing

I INTRODUCTION

- [1] The PepperBall system is a “less lethal” weapon that fires round, paintball-like projectiles which are designed to burst upon impact and release a chemical irritant which can incapacitate a person.
- [2] The Inspector General of Policing received a complaint that the Peel Regional Police (“PRP”) is using the PepperBall system in contravention of the *Community Safety and Policing Act, 2019*, SO 2019, c 1, Sch 1 (the “Act”) and its regulations. An inspector with Ontario’s Inspectorate of Policing (“IoP”) investigated the complaint and prepared a Findings Report ¹ which is attached to this Decision as Appendix A.
- [3] Based on my review of the Findings Report, and for the following reasons, I find that the PRP has contravened the Act and its regulations by failing to comply with training obligations required for the carrying and use of the PepperBall system. As a result, I am exercising my authority under section 125 of the Act to issue Directions to the PRP Chief of Police to prohibit the PRP’s members from carrying or using the PepperBall system.
- [4] I wish to also comment on PRP’s process for deciding to procure and make the PepperBall system available to some of its officers. PRP seems to have done its due diligence on the equipment, and even accessed training provided by the manufacturer for its officers that were going to carry and potentially use the PepperBall system. Although I ultimately decide that this does not comply with the Act and regulations, I do acknowledge PRP’s efforts.

¹ Section 123 of the Act requires an IoP inspector who completes an investigation of a complaint to report their findings to the Inspector General. This report is redacted to comply with the *Publication of Findings Reports and Directions under Sections 123 and 125 of the Act Regulation*, O Reg 317/24.

II BACKGROUND

a) Legislative requirements for the use of the PepperBall system

[5] In Ontario, the Act and its regulations dictate when members of a police service are permitted to carry or use firearms and other weapons that are not firearms.

[6] When it comes to weapons that are not “firearms” – like the PepperBall system – there are specific legal requirements that must be met before they are carried or used by a member of a police service. For instance, according to the *Use of Force and Weapons* Regulation, O Reg 391/23 (the “Weapons Regulation”), the PepperBall system can only be used by a member of a police service’s tactical, hostage rescue or public order unit who is authorized to use or carry the system by the chief of police.

[7] Further, and of most significance to this Decision, section 11(4) of the Weapons Regulation states that weapons which are not firearms (i.e. a PepperBall system) cannot be carried by any member of a police service unless “the member is in compliance with the training requirements prescribed by the Minister on the use of that weapon.” [emphasis added]

[8] No training requirements related to the PepperBall system have been prescribed under the Act to date.

b) PRP’s procurement and use of the PepperBall System

[9] The inspector’s investigation revealed that the PRP was interested in acquiring the PepperBall system to use as a “less lethal” use of force option as early as March 2001. More recently, the PRP conducted due diligence about the weapon, including its own research into best practices related to training.

[10] The PRP ultimately procured the PepperBall system in June of 2024. The PRP did not advise the Peel Police Service Board that it was in the process of procuring, or that had in fact procured, the PepperBall system.

[11] Two PRP officers attended a “Less-Lethal Instructor’s Course” in the United States of America and became accredited instructors, under this Course, to train others on the use of the PepperBall system. In total, 33 PRP officers have been trained in accordance with the PepperBall manufacturer’s own training program. Those officers are either members of the PRP’s Tactical Unit or Public Order Unit.

[12] The PRP Chief of Police has authorized the carrying and use of the PepperBall system, and there have been two instances where the PRP has deployed the PepperBall system in response to persons in crisis. In one of those deployments, the Special Investigations Unit was notified but determined that it would not invoke its mandate.²

III ISSUE

[13] The sole issue is whether the PRP are using the PepperBall system in compliance with the Act and its regulations. In this case, my determination requires me to interpret the relevant provisions of the Act and regulations.

IV POSITION OF THE PRP

[14] It was important that, given the interpretive issues in this case, the PRP be provided the opportunity to convey its position as part of the IoP's investigation. The PRP takes the position that its use of the PepperBall system complies with the Weapons Regulation. The core of its position is that, although the Weapons Regulation permits the Minister to prescribe training concerning the PepperBall system, the absence of any prescribed training does not prevent Ontario police services from carrying or using this weapon.

[15] Put another way, the "training requirements prescribed by the Minister" are not a condition precedent for the carrying and use of the PepperBall system. Instead, section 11(4) of the Weapons Regulation simply means that if the Minister ever does prescribe training, then that training would need to be completed before a police service member carries or uses this weapon.

[16] I disagree with the PRP's interpretation of the Regulation. For the reasons I provide below, PRP's position is inconsistent with the priority the Legislature has placed on maximizing public and officer safety in relation to the weapons police officers use in their interactions with members of the public. This priority manifests in this case through the Legislature specifically designating that the carrying and use of the PepperBall system requires additional, specific training. While no specific training has yet been put in place, I interpret the applicable legislation as imposing a positive obligation on police service members to comply with training requirements

² The Special Investigations Unit is an agency in Ontario which is mandated to conduct criminal investigations of police officers, special constables with the Niagara Parks Commission and peace officers with the Legislative Protective Service whose conduct may have caused death, serious injury, the discharge of a firearm at a person or an alleged sexual assault.

– when they are put in place – before carrying or using the PepperBall system, and not being able to carry or use the PepperBall system in the meantime.

V ANALYSIS

a) Guidance on gaps in subordinate legislation

[17] Regulations, like the Weapons Regulation, are known as “subordinate legislation.” Despite this label, a regulation has legal force and effect once it is put in place.

[18] In this case, the Minister has been assigned the legal authority to prescribe what training a member of an Ontario police service must complete before they carry or use the PepperBall system. As I have said, no training has yet been prescribed. The courts have previously considered how to address ‘gaps’ in subordinate legislation in other contexts, and I will now look to those decisions for any guidance.

[19] In *Irving Oil Ltd v New Brunswick (Provincial Secretary)*, [1980] 1 SCR 787, the Supreme Court of Canada held that the failure of the Minister to define a term specified in the legislation was not fatal to the provision having force and effect. In that case, the absence of a Minister-specific definition was not fatal because the term was not the type that “requires a definition in order to make sense. The defining power is by no means indispensable for proper application” (*Irving Oil*, at p 794).

[20] Here, though, the power to prescribe training is not like the power to simply define a term. The Legislature explicitly turned its mind to the PepperBall system and clearly determined that this use of force option would require specific training. The specification of training is “indispensable” to the proper application of the provision being interpreted, unlike the situation in *Irving Oil*.

[21] In another case, *Nova Scotia Dental Technicians Assn v Fall River Dental Lab Ltd* (1994), 134 NSR (2d) 149, 383 APR 149 (NS SC), the court determined that corporations could engage in the practice of dentistry in the absence of regulations, even though the operative provision stated that the practice must be carried out “in accordance with the regulations.” The court noted that the provision delegating regulatory authority stated that “a Board *may* make regulations,” which is permissive rather than mandatory language, and held that “where the passing of regulations is permissive, the failure to do so will not affect the validity or operation of the statutory provision to which the regulations relate.”

[22] Unlike *Fall River Dental Lab Ltd*, this is not a situation where the Minister or the Lieutenant Governor in Council (also known as ‘Cabinet’) could have made regulations, but decided not to. On the contrary, here, the regulation-making powers under the Act have already been exercised: the Weapons Regulation has been created, and “weapons” are subject to the training requirements prescribed by the Minister. Therefore, there has been a deliberate decision to, at some point, impose additional requirements for the carrying and use of the PepperBall system.

[23] Also of relevance is *Canada (Attorney General) v Giguere*, [1979] 1 FC 823 (CA). In that case, the Federal Court of Appeal considered a statutory authority for a specific term to be defined in regulations. No such definition had been prescribed. The Court held that “the effect of the new definition was subordinated by Parliament itself to the adoption of appropriate regulations. In the absence of such regulations, I consider that the definition is devoid of any effect” (*Giguere*, at para 6). This case reinforces that where the authority to prescribe something by regulation exists, but nothing is prescribed, there is substantive meaning in the ‘gap.’ One cannot simply ignore the ‘gap’ and proceed.

[24] I do not review the above cases because any of them, on their own, lead to a specific or definitive result in this matter. But, while each of those cases arise in different contexts, an important common thread that runs between them is an application by the courts of the principles of statutory interpretation. Of course, different decision-makers may reach different conclusions concerning the application of these principles in light of the specific wording and context of the legislation being considered. I now turn to the legislative scheme in relation to which the compliance issue in this matter arises.

b) An analysis of the legislative scheme related to PepperBall systems

[25] The Act and its regulations set out a comprehensive scheme regulating the carrying and use of weapons, including the PepperBall system, by police officers in Ontario. I will review this scheme in some detail – first the Act, then the two Regulations relevant to this matter – because they contain legislative indicators that are relevant to my ultimate interpretive conclusions.

i. *The Act*

[26] Section 261(1)37 of the Act grants the Lieutenant Governor in Council the authority to make regulations “governing the use of any equipment by a police service or any of its members … including regulating or prohibiting the use of firearms or other weapons.”

[27] Similarly, the Minister has the authority under section 261(2)18.iii of the Act to make regulations “governing training for police officers and special constables, including, … prescribing training that police officers or special constables are required to complete and any period within which it must be completed.”

ii. The Weapons Regulation sets out specific requirements for the carrying and use of the PepperBall system

[28] The Weapons Regulation, enacted by the Lieutenant Governor in Council, distinguishes between use of force options which are and are not considered firearms. Section 1 of the Weapons Regulation defines “firearms” and the definition specifically excludes the “PepperBall” system. One of the results of this exclusion is that the training requirements applicable to “firearms” are distinct from the training requirements that apply to the PepperBall system.

[29] The Weapons Regulation also prohibits a police officer from carrying and using a “weapon other than a firearm” unless three criteria are met: (a) the specific weapon is listed in Table 2 of the Weapons Regulation, (b) the weapon conforms to any other requirements set out in Table 2, and (c) the weapon is used in accordance with any restrictions set out in Table 2.

[30] Table 2 of the Weapons Regulation identifies the PepperBall system and requires that, “A PepperBall system may only be carried or used by a member of a tactical unit, hostage rescue team or public order team, and only if the member is authorized to carry or use the system by the chief of police.”

[31] Additionally, section 11(4) of the Weapons Regulation imposes training requirements on police officers before using weapons that are not firearms: “A member of a police service … shall not carry or use a weapon that is not a firearm unless the member is in compliance with the training requirements prescribed by the Minister on the use of that weapon.” [emphasis added]

[32] Training is again emphasized in section 12(2)(c) of the Weapons Regulation which states that, “Every chief of police shall ensure that … every member if the police service who is authorized to carry or use a weapon that is not a firearm is in compliance with the training requirements prescribed by the Minister on the use of the weapon.” Section 12(4) of the Weapons Regulation also requires chiefs of police to maintain records of the training taken by each member authorized to carry or use a weapon that is not a firearm.

[33] Furthermore, where a member of a police service uses a weapon on another person, section 13(1)(d) of the Weapons Regulation requires a “member of a police service shall submit a report to the chief of police.”

iii. The Training Regulation

[34] The *Training Regulation*, O Reg 87/24 (“Training Regulation”), enacted by the Minister, prescribes a range of training requirements for police officers in Ontario, including training requirements for weapons that are not firearms. Of significance, section 15(1)3 of the Training Regulation states that:

15(1) The training requirements mentioned in sections 5 and 11 [i.e. the “Basic Constable Training Program” and “Use of Force Requalification”] are prescribed in respect of a police officer … for the purposes of the following subsections of [the Weapons Regulation]:

3. Subsection 11(4), with respect to the use of weapons that are not firearms, other than conducted energy weapons or PepperBalls, by the officer or special constable. [emphasis added]

[35] Therefore, the Legislature chose to treat both conducted energy weapons (or, CEWs, commonly referred to as ‘Tasers’) and the PepperBall system differently from other weapons by requiring specific training for the carrying or use of each. For CEWs, section 12(1)1 of the Training Regulation requires that before a police officer can carry or use CEWs, they complete the “Conducted Energy Weapon (CEW) Operator” training. The Training Regulation does not currently prescribe any training for the carrying or use of the PepperBall system.

c) Applying the modern approach to statutory interpretation

[36] The issue in this matter comes down to a question of statutory interpretation, requiring an application of the “modern approach” as defined by the Supreme Court of Canada in *Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 SCR 27: “... the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament” (para 21, quoting E. A. Driedger, *Construction of Statutes* (2nd ed Toronto: Butterworths, 1983), at p 87).

[37] Put simply, I must consider the relevant text from the Act and Regulations, the context in which that text appears, and the purpose of the provision at issue.

i. *Text: the grammatical and ordinary meaning*

[38] The ordinary meaning of a provision is “the natural meaning which appears when the provision is simply read through as a whole” (*Canadian Pacific Air Lines Ltd v Canadian Air Line Pilots Assn*, [1993] 3 SCR 724, at p 735).

[39] But, context matters. When the ordinary meaning, placed in the broader context, leads to an absurd result, it is appropriate to reject the ordinary meaning in favour of another interpretation – as long as the adopted interpretation is still plausible (i.e. an interpretation that the words can reasonably bear) (R. Sullivan, *The Construction of Statutes* (7th ed Toronto: LexisNexis, 2022), at p 295).

[40] Here, the ordinary meaning of section 11(4) of the Weapons Regulation is clear. Section 11(4) of the Weapons Regulation states: “A member of a police service...shall not carry or use a weapon ... unless the member is in compliance with the training requirements prescribed by the Minister on the use of that weapon.” Read through as a whole, this provision means that no member of a police service can either carry or use a PepperBall system unless they first comply with specific training requirements that will be set out by the Minister, in regulation, that specifically govern the use of PepperBall systems.

[41] The ordinary meaning of the Training Regulation is also clear. The Training Regulation contains section 15(1)3, which prescribes the “Basic Constable Training Program” and “Use of Force Requalification” training “with respect to the use of weapons that are not firearms, other than ... PepperBalls.” Therefore, the training requirements for PepperBall systems are not Ontario’s Basic Constable Training Program and “Use of Force Requalification.”

[42] Taken together, the combined operation of section 15(1)3 of the Training Regulation and section 11(4) of the Weapons Regulation result in PepperBall systems requiring their own, specific training requirement, with the Minister being assigned the authority to prescribe this training through regulation. Importantly, the legislative drafters specifically turned their minds to the weapons training available for other weapons used by police officers in Ontario, and decided those training courses are not sufficient training for the use of PepperBall System. The PepperBall system has been specifically identified as a weapon that requires training that is different, and this different training must be prescribed by the Minister.

ii. Context: textual and legal

[43] Statutory interpretation also involves a consideration of the context in which the words being interpreted appear. This includes both a consideration of the larger textual context (i.e. the statute, and even the entire body of statutes) and a broader consideration of the legal or policy context in which the words appear (R. Sullivan, *The Construction of Statutes* (7th ed Toronto: LexisNexis, 2022), at pp 3-4).

[44] The Weapons Regulation and Training Regulation must be examined as two parts of a whole:

- The Weapons Regulation specifies what types of firearms and weapons members of police services can use and, in some cases, authorizes only members with specific tactical responsibilities to carry or use certain firearms and weapons. The Weapons Regulation also imposes training requirements for specific firearms and weapons that must be met.
- The Training Regulation then specifies what particular training program or requirements must be satisfied before a member can carry or use a particular firearm or weapon. Examining the broader context in which the operative provision appears, it is one of many other use of force options that the Legislature has dealt with by specifically naming and then regulating.

[45] The Act must also be considered as part of the broader context. The Act includes section 261, which identifies a long list of regulation-making authorities available to either the Lieutenant Governor in Council or the Minister. Section 261(2)18 speaks to the training for police officers that can be prescribed by the Minister, including “iii. prescribing training that police officers...are required to complete and any period within which it must be completed.” Again, this is a strong signal that the Legislature sees the proper execution of a police officer’s duties – including the

proper application of use of force and the use of weapons in that context – as being closely connected with training in the use of those weapons.

[46] Finally, PRP's choice to use the PepperBall system is not tied to the delivery of "adequate and effective" policing, as that term is defined by the Act and its regulations. In other words, the inability at this time to use the PepperBall system, as opposed to other weapons that are regulated and for which training is prescribed, is not a barrier to PRP's ability to deliver adequate and effective policing in the Regional Municipality of Peel.

iii. Purpose: the object of the provision and the intention of the Legislature

[47] The modern approach to statutory interpretation also requires a purposive analysis, whereby decision-makers interpret statutes in a manner that best reflects the intention of the Legislature. As I will outline below, I have identified the Legislature's purpose as regulating police officers' carrying and use of certain weapons in a manner that enhances the safety of the public and the officers who may need to use force.

[48] Section 1 of the Act contains its declaration of principles and provides guidance. Specifically, section 1.1 of the Act states that, "Policing shall be provided in accordance with the following principles: ... The need to ensure the safety and security of all persons and property in Ontario, including on First Nations reserves." [emphasis added]

[49] The concept of "safety and security," in my view, indicates that when police engage in their role, including where use of force is required, that the application of force must occur in a manner that supports "safety and security" — of members of the public, and of the members of police services themselves.

[50] Here, then, Legislative purpose is ascertained by describing the "mischief" the Legislature intended to address: preventing the carrying and use of use of force options (*i.e.* weapons) by police officers in a manner that could be unsafe or ineffective.

[51] The Legislature's purpose was then given statutory life through the creation of specific regulations governing the carrying of, and training in relation to the carrying and use of use of force options.

[52] This imperative to maximize the safe, secure and effective carrying and use of any use of force option by police officers in Ontario is observed also by the existence of training requirements for all weapons (except PepperBall systems), including other “less lethal” use of force options such as Anti-Riot Weapon ENfield (commonly known as ARWENs), tear gas, aerosol weapons and batons. While the Training Regulation does not create training requirements that are designed for each separate “less lethal” option, specific training is still prescribed for all of these other weapons based on whether they are classified as a firearm or not.

[53] CEWs are a good example of the approach the province has taken to a specific use of force option. It is apparent that the Legislature decided that carrying and using a CEW requires training that goes *beyond* the basic use of force training, and therefore, specific training requirements were imposed that must be fulfilled before a police officer can carry or use a CEW (see section 12(1)1 of the Training Regulation). This is an example of the Legislature identifying the mischief that could come from permitting the carrying and use of CEWs without specific training – inappropriate use leading to increased risk of injury to members of the public and police – and deciding that attaching specific training requirements to the carrying and use of CEWs is the desired method to combat that mischief.

[54] Like CEWs, PepperBall systems are a use of force option that the Legislature determined has a higher level of risk associated with their carrying and use. Also like CEWs, PepperBall systems are dealt with specifically – called out – when the Weapons Regulation and Training Regulation are read together. And, finally, like CEWs, the Legislature has decided that imposing specific training for the carrying and use of the PepperBall system is the method to combat this “mischief.”

[55] The combined operation of the Weapons Regulation and Training Regulation make clear that the Legislature desires to be specific and precise concerning what firearms and weapons members of Ontario’s police services will have access to in the course of their duties. The Legislature has placed primacy on the successful completion of specific training programs as a gateway through which better proficiency, effective and safe deployment of firearms and weapons, and consistency in their carrying and use, can be assured. An interpretation that does not give effect to the statutory provisions and underlying purpose would undermine the Legislature’s intent.

VI CONCLUSION

[56] As no training has yet been prescribed by the Minister related to the PepperBall system, I find that the PRP has necessarily failed to comply with section 11(4) of the Weapons Regulation, which requires police officers to complete prescribed training related to weapons before carrying or using the weapon.

[57] Additionally, PRP's decision not to engage the Peel Police Service Board before electing to procure and then deploy a new weapon – the PepperBall system – bears some discussion.

[58] A police service board has an obvious interest in knowing about such matters for at least four reasons: (1) the inherent risk to the public associated with the use of weapons and the board's ability to create policy to address these types of risks, (2) the Board is the employer and these decisions also have health and safety implications for members of the police service, (3) the reality that the use of the weapon could result in other oversight processes being engaged, such as those involving the Special Investigations Unit or the Inspector General of Policing, and (4) the potential exposure of the Board to civil liability and litigation related to the use of weapons.

[59] Information about the acquisition and deployment of a new weapon should be proactively shared by a chief of police with a board so the board has the visibility required to fulfill its governance role, and is not later surprised if and when an issue related to the weapon materializes. The need for the flow of information about day-to-day operations from a chief to a police service board is something I ask all Ontario chiefs and boards to take seriously. Without the relevant information, boards are simply not able to know what they need to know to discharge their statutory governance function.

VII DIRECTION IMPOSED

[60] I find that PRP has failed to comply with section 11(4) of the Weapons Regulation by having PRP members carry and use the PepperBall system without completing prescribed training in relation to that weapon.

[61] As required by section 125(3) of the Act, I have also considered that PRP's non-compliance with the Act and its regulations was not the result of exceptional circumstances beyond the control of the PRP. Instead, I find PRP freely chose to acquire and implement the PepperBall system and did so in circumstances that were not exceptional.

[62] Accordingly, pursuant to my authority under section 125(1) of the Act, I direct that the PRP's Chief of Police:

- a) Ensure that all reasonable steps are taken so that no PRP member carries or uses the PepperBall system, until such time as (i) training for the carrying and use of the PepperBall system has been prescribed by law, and (ii) this training is successfully completed by those PRP members whom the Chief of Police authorizes to carry or use the PepperBall system,
- b) Communicate this Direction to all appropriate PRP members who have a role in weapons deployment or supervision of weapons use, and,
- c) Advise me within 15 days of the date of this Decision that no PRP member is permitted to carry or use the PepperBall system, and that items a) and b) of this Direction have been implemented.

Date: December 17, 2025

Original Signed By

Ryan Teschner
Inspector General of Policing

FINDINGS REPORT

Peel Regional Police

**Section 107(1)(b) Policing
Complaint Investigation
(INV-24-45)**

Submitted to:
Ryan Teschner
Inspector General of Policing of
Ontario

November 7, 2025

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ABOUT THE INSPECTOR GENERAL OF POLICING AND THE INSPECTORATE OF POLICING

The Inspector General of Policing drives improved performance and accountability in policing and police governance by overseeing the delivery of adequate and effective policing across Ontario. The Inspector General ensures compliance with the province's policing legislation and standards, and has the authority to issue progressive, risk-based and binding directions and measures to protect public safety. Ontario's Community Safety and Policing Act embeds protections to ensure the Inspector General's legal role is delivered arm's-length of government.

The Inspector General of Policing leads the Inspectorate of Policing (IoP). The IoP provides operational support to inspect, investigate, monitor, and advise Ontario's police services, boards and special constable employers. By leveraging independent research and data intelligence, the IoP promotes leading practices and identifies areas for improvement, ensuring that high-quality policing and police governance is delivered to make everyone in Ontario safer.

In March 2023, Ryan Teschner was appointed as Ontario's first Inspector General of Policing with duties and authorities under the Community Safety and Policing Act. Mr. Teschner is a recognized expert in public administration, policing and police governance.

For more information about the Inspector General of Policing or the IoP, please visit www.iopontario.ca.

INTRODUCTION

This is a report to the Inspector General of Policing by an inspector appointed by the Inspector General, who has completed an inspection under the *Community Safety and Policing Act, 2019* (CSPA).

OVERVIEW OF INVESTIGATION

The Complaint

In October of 2024, the IoP received a complaint that the Peel Regional Police (PRP) was using the “PepperBall” weapons system in a manner not authorized by the CSPA and its associated regulations.

The Subject Police Service

Name of Police Service: Peel Regional Police

Service Headquarters: 7150 Mississauga Rd., Mississauga, ON

Chief of Police: Nishan Duraiappah

Chief of Police since October 2019

Service Total Strength: (Actual – Authorized not available)

- Sworn 2,516 officers.
- Civilian 1049 Permanent, 150 Temp

Geographic Service Area

- 558.63 Square Kilometers
- Community Population of 1,594,114

Applicable Legislative and Regulatory Provisions

The following regulation was reviewed having regard to the allegations made in the complaint:

Ontario Regulation 391/23: Use of Force and Weapons

1. In this Regulation,

...

“firearm” means a firearm as defined in section 2 of the Criminal Code (Canada) ...and does not include a PepperBall launcher;

...

“less lethal projectile” mean a projectile designed to be discharged from a firearm that is less likely to cause death or serious injury than conventional ammunition and included projectiles that contain a gas.

Other Weapons

10. (1) A member of a police service, or special constable employed by the Niagara Parks Commission, shall not use a weapon other than a firearm on another person unless,

- (a) that type of weapon is identified in Table 2 of this Regulation;**
- (b) the weapon conforms to any additional requirements regarding the weapon set out in Table 2 of this Regulation; and**
- (c) the weapon is used in accordance with any restrictions set out in Table 2 of this Regulation.**

Duty to comply with training requirements

11. (4) A member of a police service, or special constable employed by the Niagara Parks Commission, shall not carry or use a weapon that is not a firearm unless the member is in compliance with the training requirements prescribed by the Minister on the use of that weapon.

Table 2
Additional Requirements for and Restrictions on Use of Weapons

| <i>Item</i> | <i>Column 1 Type of weapon</i> | <i>Column 2 Additional requirements</i> | <i>Column 3 Restrictions on use of weapon</i> |
|-------------|---|---|--|
| ... | | | |
| 5. | <i>PepperBall system, including projectiles containing PAVA</i> | <i>None.</i> | <i>A PepperBall system may only be carried or used by a member of a tactical unit, hostage rescue team or public order team, and only if the member is authorized to carry or use the system by the chief of police.</i> |

Ontario Regulation 87/24: Training

15. (1) The training requirements mentioned in sections 5 and 11 are prescribed in respect of a police officer ... for the purposes of the following subsections of Ontario Regulation 391/23 (Use of Force and Weapons) made under the Act:

...

3. Subsection 11 (4), with respect to the use of weapons that are not firearms, other than conducted energy weapons or PepperBalls, by the officer or special constable.

SUMMARY OF THE INVESTIGATION CONDUCTED

The PRP supplied documentation for this inspection, including:

- email correspondence;
- PRP evaluations and reports relating to the PepperBall system;
- manufacturer's documentation, user manuals and training materials;
- invoices for the launchers, projectiles and associated training;
- material safety data sheets for the projectiles;
- training materials and various certifications for PRP members;
- PRP operating procedures relating to the use of the PepperBall system; and
- Use of Force reports relating to two instances wherein the PepperBall devices were utilized.

Additional Material Collected and Reviewed

Overview

The PepperBall® system is the trademark name for a non-lethal weapon system that fires projectiles from specialized launchers or modified paintball guns. The launchers are designed to be used from a distance up to 150 feet.¹



A variety of projectiles can be used, though the most common type contains a powdered chemical irritant, similar to pepper spray, designed to irritate the eyes and nose, causing temporary incapacitation. When the “PepperBall” hits a target, it bursts, releasing a cloud of irritant that can incapacitate an individual.



PepperBall LIVE™

Other types of projectiles contain a solid polymer for breaking glass, a paint solution for marking suspects, and inert powders used for training purposes.

¹ <https://pepperball.com>



Glass Breaker



Marking



PepperBall InertTM

The PRP-supplied documentation revealed that it has purchased several types of projectiles, including the chemical irritant projectiles and the glass-breaker projectiles. (The glass-breaker projectiles are expressly marked as “not for use on humans or animals.”)

Procurement

The PRP reported that it chose the PepperBall system as a “less lethal” force option to assist in avoiding the use of deadly force on a member of the public. The purported benefits include the mitigation of risk, the minimization of liability, and the assistance it offers in de-escalating deadly force encounters.

It appears that the PRP began exploring the prospective use of the PepperBall systems as early as March 2001, when a PRP officer attended a course on the use of the PepperBall system.

In November 2023, two members of the PRP attended a “Less Lethal” Instructor course in Arizona, where they were introduced to the “high-pressure air systems” that included the PepperBall weapon system.

Internal PRP emails from December 2023 through July 2024 reveal that the PRP began to explore authorizing qualified members of the Tactical and Rescue Unit (TRU) and the Public Order Unit (POU) to obtain and use the PepperBall system. In June 2024, the PRP purchased its first PepperBall launchers, projectiles and associated equipment.

The PRP reported that it did not consult with the Peel Police Service Board prior to deciding the purchase the PepperBall system, as it took the position that the decision represented an “operational decision” which fell within the Service’s authorized purchasing.

Deployment

PRP documentation revealed that at least 18 PRP officers successfully completed the written component of PepperBall training in 2024. A TRU Standard Operating Procedure was developed and a PRP Directive relating to incident response was updated to include the PepperBall system. Finally, a communications update from the Investigative and Emergency Services Command was released in August 2024.

The PRP consulted with the SIU to determine the circumstances in which the police service would be required to notify the SIU where the PepperBall system was deployed. The SIU reportedly took the position that if PepperBall was deployed and one of its projectiles struck a person, the SIU had to be notified. Where the PepperBall was deployed but no person was struck or it was used solely to saturate an area with chemical irritant, there was no requirement to notify the SIU.

The first deployment of the PepperBall system is documented in a September 2024 Use of Force report. The SIU was notified but did not invoke their mandate.

A second deployment of the PepperBall system is documented in a Use of Force report in October 2024. The SIU were not notified as there was apparently no projectile contact with a person and no injuries were suffered.

Only the TRU and POU teams are presently authorized to use the PepperBall weapon system by the PRP.

The PRP continue to use the PepperBall system presently.

The PRP Position

The PRP take the position that the PepperBall weapon system is authorized by the provisions of the CSPA and its regulations.

Ontario Regulation 391/23 “Use of Force and Weapons” (Weapons Regulation) of the CSPA authorizes a variety of firearms and other weapons for use by the police. It describes the technical requirements and training required for each of the respective weapons. (The PepperBall system is a “weapon”, not a “firearm”, as defined in section 2 of the Weapons Regulation.)

Section 10(1)(c) of the Weapons Regulation requires that no weapon shall be used by a member of a police service on another person except in accordance with the restrictions found in Table 2 of the regulation.

Table 2 of the Weapons Regulation restricts the use of the specifically-named PepperBall system to “a member of a tactical unit, hostage rescue team or public order team, and only if the member is authorized to carry or use the system by the chief of police”.

Section 11 of the Weapons Regulation requires that a “member of a police service ... shall not carry or use a weapon that is not a firearm unless the member is in compliance with the training requirements prescribed by the Minister on the use of that weapon.”

To date, there is no prescribed training yet for the PepperBall System.

In the absence of prescribed training, PRP explained their position:

Currently, the Ontario Police College does not provide a PepperBall instructor/armour/user course, nor are there any prescribed training standards. However, two (2) Peel Regional Police members (1 TRU and 1 POU) attended PepperBall Incorporated, in the US, to become certified Instructors/Armourers as per the manufacturer's standard. The two certified Instructors have subsequently trained other TRU and POU members on this less lethal delivery system as an in-service course. It is our understanding that Regulation 391/23 permits the PepperBall system to be carried or used by a member of a tactical unit, hostage rescue team or public order team, if: (1) it is authorized by the Chief of Police; and (2) it is in compliance with any training requirements, that may be prescribed by the Minister on the use of the weapon. The Regulation does not state that the use of the system can only be authorized by the Chief if there are regulated training requirements. It states that in addition to being authorized by the Chief, any regulated training requirements must be complied with.

Given there are no prescribed training to be complied with at this time, it is our understanding that the Regulation permits the use of the PepperBall system as authorized by the Chief. We recognize the Chief's general duty to ensure all officers are trained and generally competent in the use of any weapons or equipment prior to authorization and issuance for use. In this regard, Peel Regional Police has diligently researched the requirements for use of this weapon, including conducting an environmental scan for best industry practices, and determined the PepperBall Inc. training as the most applicable training

course to certify Instructors. This has been and continues to be the practice for other, analogous authorized weapons that are routinely used in Tactical Units and not accompanied by regulated training requirements (including for instance, the Arwen less lethal projectile, tear gas, and aerosol weapons and batons used by Tactical Units that do not meet the requirements in Table 2 of O. Reg. 391/23.) The Ministry and OPC do not provide any training on any of these authorized weapons. The training is provided by the manufacturer or distributor of the authorized weapons. The manufacturer or distributor accredits Tactical personnel as Instructors, who then facilitate training for the Tactical Unit.

In a similar determination to the absence of prescribed certification process for Hostage Rescue teams and Perimeter Control and Containment teams, in which police services have been advised by SOLGEN to continue functions until such new certification is available, PRP has interpreted that policing functions may continue in absence of regulated training that states otherwise. SOLGEN advised: "Until such time as the courses become available, the ministry encourages police services to determine the best training regime for their tactical units. More information will be shared when available."

The prior SOLGEN position referenced by the PRP was provided in a January 2025 email from the Public Safety Division, Ministry of the Solicitor General.² In it, the PRP inquired about the process to renew the statutorily required accreditations for members of its Tactical and Rescue Unit as a "containment, tactical and hostage rescue team". The Ministry responded, in part:

I am confirming that there is currently no prescribed training for Tactical Units and Hostage Rescue Teams specifically under the Community Safety and Policing Act (CSPA, 2019). The only training requirement for Tactical Units and Hostage Rescue Teams under the CSPA is referenced under section 9(1)(6) of the Adequate and Effective Policing General Regulation (O.Reg. 392/23), which states the following:

"At least one member of a tactical unit deployed to an incident must have successfully completed the training prescribed by the Minister for the purposes of this paragraph."

This training can be found in sections 25 of the Training Regulation (O. Reg. 87/24), which is the Basic Crisis Negotiator course delivered by the Ontario Police College (OPC) or the Crisis Negotiators course delivered by Canadian

² Email dated January 10, 2025, from Savio Pereira (SOLGEN) to S/Sgt Sandro Leo (2212)(PRP).

Police College (CPC). Additionally, the training regulation prescribes mandatory training for police officers with responsibility for explosive forced entry. You can refer to section 37 of O. Reg. 87/24 for further details.

Last summer, as posted on the Ontario Regulatory Registry, the ministry indicated that future prescribed courses may include Basic Tactical Operator courses for containment teams, tactical units and hostage rescue teams. The OPC is currently in the process of developing the curriculum for these courses in partnership with the sector through a Community of Practice. Until such time as the courses become available, the ministry encourages police services to determine the best training regime for their tactical units. More information will be shared when available.

Additionally, adequacy standards, procedural and equipment related requirements for Tactical Units and Hostage Rescue Teams is covered under the Adequate and Effective Policing General Regulation (O. Reg. 392/23).

PRP Training

In June 2024 and prior to its purchase, the PRP dispatched two members to attend a “Less-Lethal Instructor’s Course” at the National Tactical Officers Association in June 2024 in Arizona. There, the PepperBall system was evaluated and the members certified as instructors for other PRP members.

INVESTIGATION FINDINGS

- 1) The Peel Regional Police have purchased and are in possession of the “PepperBall” weapons system.**
 - a) Correspondence received from General Counsel of the PRP, dated January 10th, 2025, confirms in writing that the Chief of the PRP, “has authorized the use of the “PepperBall” less lethal system.”
 - b) The PRP procured the “PepperBall” weapons system on June 24th, 2024.
- 2) The Peel Regional Police have relied on the following supporting legislation in the Use of Force and Weapons Regulations, and other portions of the CSPA to support their purchase.**
 - a) The PRP report that it is their understanding that Regulation 391/23 permits the “PepperBall” system to be carried or used by a member of a tactical unit, hostage rescue team or public order team, if it is authorized by the Chief of Police, and if it is in compliance with any training requirements that may be prescribed by the Minister on the use of the weapon. The PRP report that their interpretation of the regulation is that it does not state that the use of the system can only be authorized by the Chief if there are regulated training requirements. The PRP report that their interpretation of the regulation is that it states that in addition to being authorized by the chief, any regulated training requirements must be complied with.
 - b) PRP report that they view the “PepperBall” use and training to a similar situation which currently exists with the absence of a prescribed certification process under the CSPA for Hostage Rescue teams and Perimeter Control and Containment teams. PRP reports that police services have been advised by the Ministry of the Solicitor General to continue functions until such new certification is available. PRP has interpreted that policing functions may continue in absence of regulated training that states otherwise. PRP report that the Ministry of the Solicitor General has advised: “Until such time as the courses become available, the ministry encourages police services to determine the best training regime for their tactical units.

3) The Peel Regional Police have secured the following training for the officers authorized to use the “PepperBall” weapons system.

- a) The Ontario Police College (OPC) does not provide a “PepperBall” system instructor/armourer/user training to police officers, nor are there any prescribed training standards. The OPC does however, allow members of Corrections to attend the OPC with their own instructors and use the OPC facilities to train on the operation of the “PepperBall” weapons system.
- b) The PRP report that they recognize that the Chief has “a general duty to ensure all officers are trained and generally competent in the use of any weapons or equipment prior to authorization and issuance for use.” To support this, the PRP report that they have “diligently researched the requirements for use of this weapon, including conducting an environmental scan for best industry practices.” The PRP have determined “the “PepperBall” Inc. training as the most applicable training course to certify their instructors.”
- c) The PRP have two officers, one from the Tactical Response Unit, and one from the Public Order Unit who attended “PepperBall” Incorporated training course, in New York, to become certified Instructors/Armourers as per the manufacturer’s standard. These members received training on June 17th and 18th of 2024.
- d) The PRP report that the two qualified members were certified as instructors by “PepperBall” Inc have returned to PRP and have since trained other members of the Tactical Response Unit and Public Order Unit on the use of the “PepperBall” system as part of an in-service training course.
- e) The PRP provided evidence that on July 12th, 2024, a total of eighteen PRP officers were qualified as operators. The PRP have also qualified an additional ten officers as operators on October 3rd, 2024, through an in-service training course.
- f) The PRP have provided evidence that they have added two additional instructors who were certified on April 3rd, 2025, (after this investigation commenced) through a course provided by “PepperBall” Inc in London Ontario.
- g) The PRP currently have a total of 33 members trained with a breakdown of 4 instructors, 16 TAC operators and 13 POU operators.

4) The Peel Regional Police have deployed the “PepperBall” weapons system.

- a) The PRP report that they have deployed the “PepperBall” System in two circumstances involving subjects in crisis, in which it was deemed appropriate.

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