

The Regional Municipality of York Police Services Board

Public Board Meeting
April 14, 2021

Report of the Chief of Police

2020 Use of Force Annual Report

1. Recommendation

That the Board receive this report pursuant to Use of Force Board Policy No. 01/14.

2. Summary

As per the Board's Use of Force Policy No. 01/14, the 2020 annual use of force statistics are contained within this report.

3. Background

The *Criminal Code of Canada* authorizes police officers in the province of Ontario to use force, while engaged in the lawful execution of their duty. Under Section 25 officers are permitted to use as much force as necessary if they act on reasonable grounds. Regulation 926 of the *Police Services Act*, specifically outlines the types of firearms and weapons that

police officers are permitted to carry; and include mandatory training qualifications in the use of force and firearms. The regulations further address reporting requirements when officers apply force or draw their firearm. As of January 1, 2020, under the Anti-Racism Act, police services are now required to collect data on the perceived race of those subjects involved in use of force incidents. Police Services in Ontario are mandated to complete province-wide standardized Use of Force Reports electronically, for collection by the Ministry of the Solicitor General.

MANDATORY REPORTING REQUIREMENTS

When an officer has displayed or applied force or utilized a force option as defined by regulation, the officer must complete and submit an electronic Use of Force Report. Individual officers who are involved in the same incident must each complete separate reports if they have applied reportable force. Emergency Response Units and Public Order Units are permitted to complete and submit a single electronic Use of Force Report detailing the teams' combined use of force.

A member shall submit a Provincial Use of Force Report when:

- (a) a handgun is drawn 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. A member of the public includes a suspect or arrested person;
- (b) a member uses a weapon other than a firearm on another person;
- (c) a member uses physical force on another person, not in relation to training conducted by the Training and Education Bureau, that results in an injury requiring medical attention; and
- (d) when a member deploys a Conducted Energy Weapon (CEW) on a person or an animal or displays the CEW in the Demonstrated Force Presence Mode.

After completing the electronic Use of Force Report, the officer submits the electronic copy to their supervisor who is required to review and approve the report. The supervisor then forwards the electronic report to their commander and the Practical Skills Unit Training Analyst. The Training Analyst then reviews the report and ensures the submission is made to the Ministry of the Solicitor General. Data from all Use of Force Reports is then reviewed by the Use of Force Review Committee to establish trends, identify training needs or to refine operational policies. The Use of Force Review Committee is comprised of the Officer-in-Charge of the Training and Education Bureau, the Staff Sergeant, Sergeant and Training Analyst from the Practical Skills Unit, a member of the Real Time Operations Centre, a Sergeant from the Risk Management Unit and a Patrol Sergeant.

The Training and Education Bureau retains and compiles data collected from all service-wide Use of Force Reports. As of January 1, 2020, the information will also be used to identify, monitor and address potential racial bias or profiling, while maintaining the privacy and protection of any individuals included.

4. Analysis

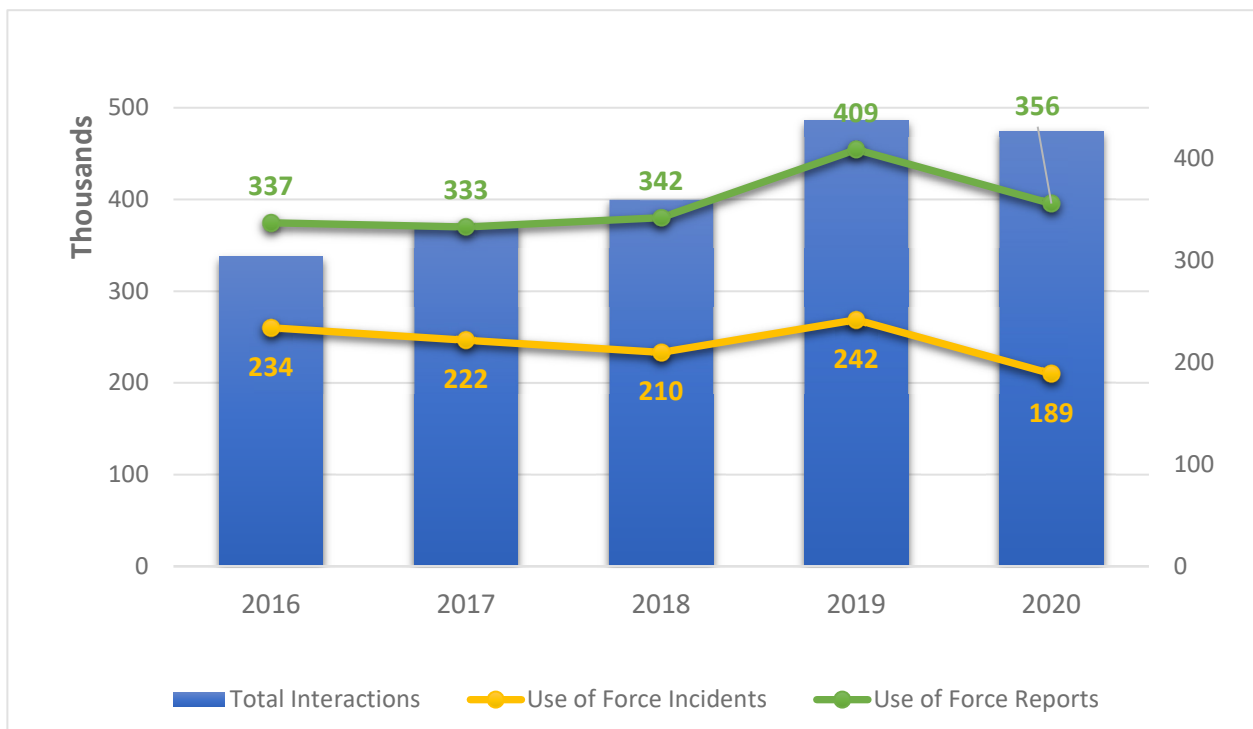
USE OF FORCE INCIDENTS VS. TOTAL INTERACTIONS

In 2020, members of York Regional Police had 473,969 interactions with members of the public. These included traffic stops, citizen generated calls for service and officer initiated contacts. Of the total interactions with the public, 189 individual incidents resulted in use of force; or 0.04% of all police interactions involved mandatory use of force reporting. Although 189 incidents were deemed to be use of force encounters, 356 Use of Force Reports were generated by police officers. A use of force incident is an occurrence, event or interaction with the public that generates mandatory use of force reporting. A single incident with one subject could generate two or more reports if multiple officers applied force on a single subject. Additionally, an incident that involves multiple subjects could also generate multiple use of force reports.

In comparison to the previous year, 486,027 police interactions resulted in 242 individual use of force incidents; or 0.05% of all police interactions involved mandatory use of force reporting. 409 Use of Force Reports were generated in 2019 by police officers. A five-year comparison of the total number of incidents where Use of Force Reports were submitted is illustrated in Figure #1. The data shows that the number of use of force incidents relatively remained consistent since 2016. However, in 2020 the number of use of force incidents noticeably decreased. One explanation of this drop can be attributed to the COVID-19 Pandemic, provincial lockdowns and reduced calls for service from 2019.

Figure #1

USE OF FORCE INCIDENTS VS. TOTAL INTERACTIONS

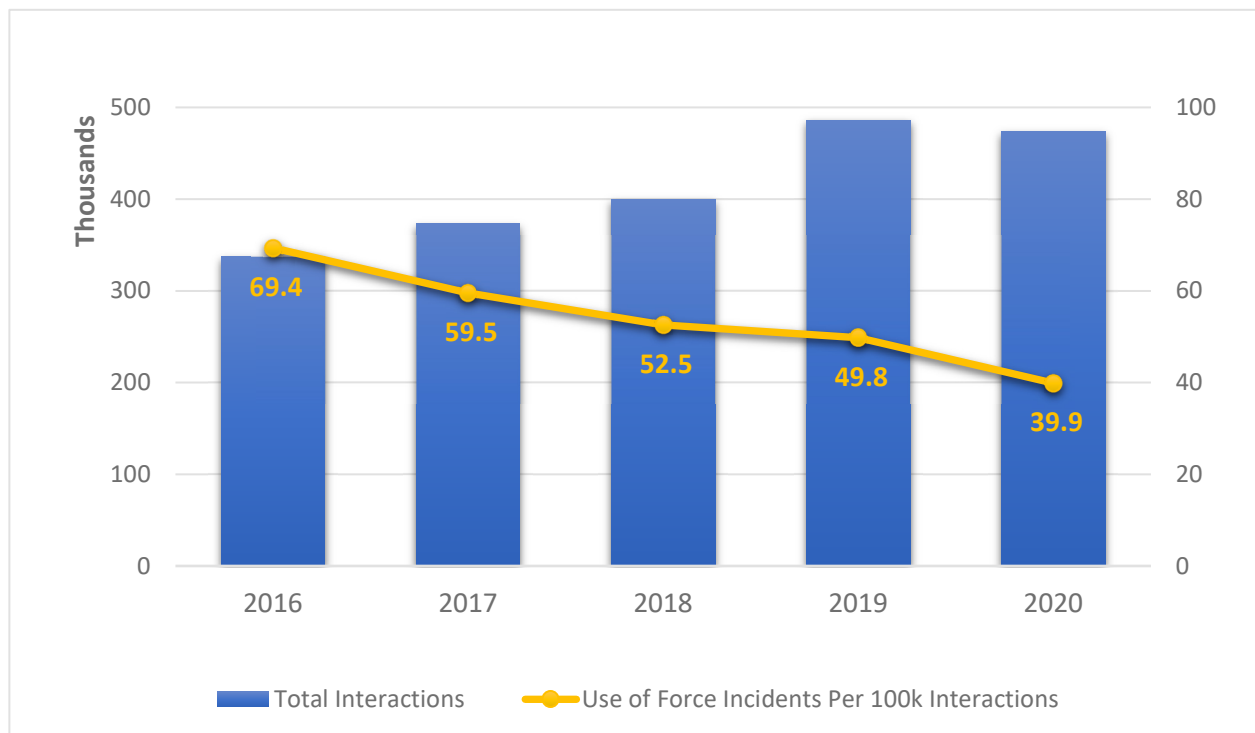


USE OF FORCE INCIDENTS PER 100,000 INTERACTIONS

In 2020, there were 39.9 incidents requiring Use of Force Reports for every 100,000 police interactions. This compares to 49.8 incidents per 100,000 in 2019, a 19.9% decrease from that year. The five-year trend for use of force incidents per 100,000 interactions is illustrated in Figure #2. The comparison shows a notable downward trend. This decrease can be attributed to previous and recent emphasis on de-escalation and crisis intervention training for police officers. Officers are now provided with more training and skills to resolve volatile situations with less force and in many cases with peaceful resolution.

Figure #2

USE OF FORCE INCIDENTS PER 100,000 INTERACTIONS

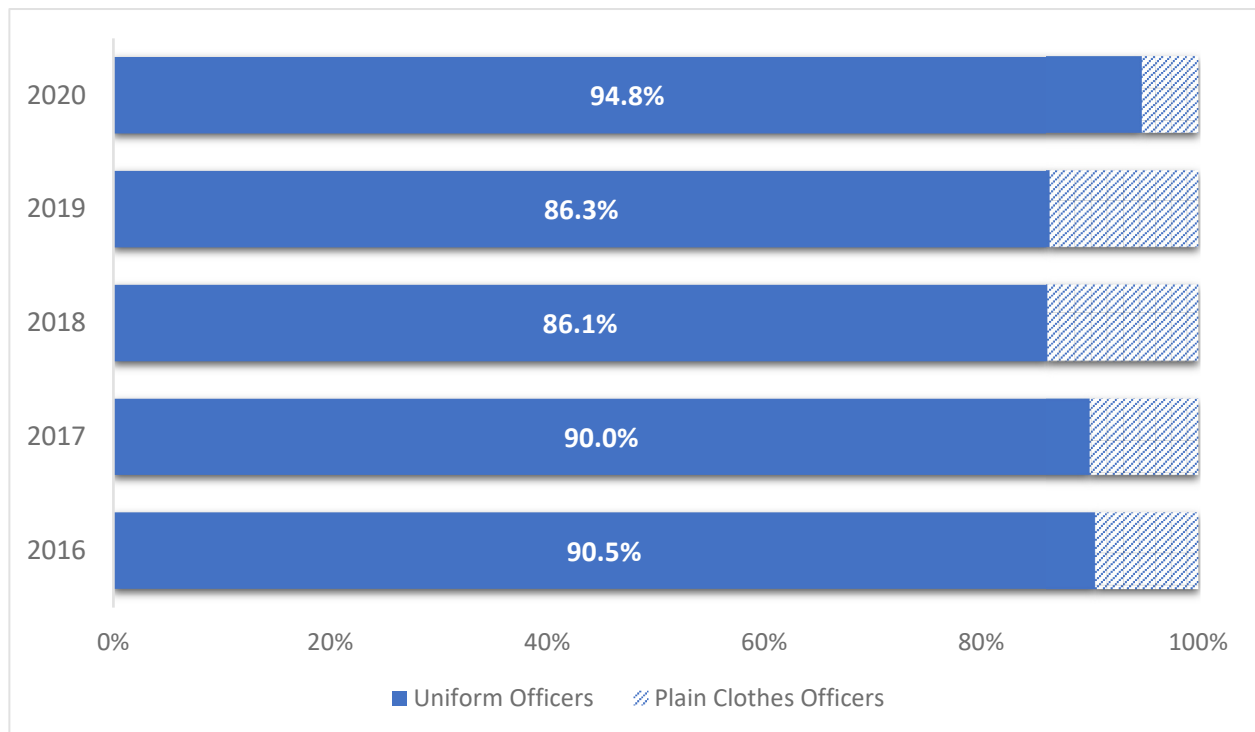


UNIFORM OFFICERS VS. PLAIN CLOTHES OFFICERS

In 2020, 94.8% of all Use of Force Reports were submitted by frontline uniformed officers (includes Emergency Response and Support Units). The remaining 5.2% of reports came from Plain Clothes Officers in specialized units. The previous year, those percentages were 86.3% and 13.7% respectively. The previous year, those percentages were 86.3% and 13.7% respectively. A five-year comparison of these statistics are illustrated in Figure #3. The majority of use of force events are encountered by frontline uniformed officers.

Figure #3

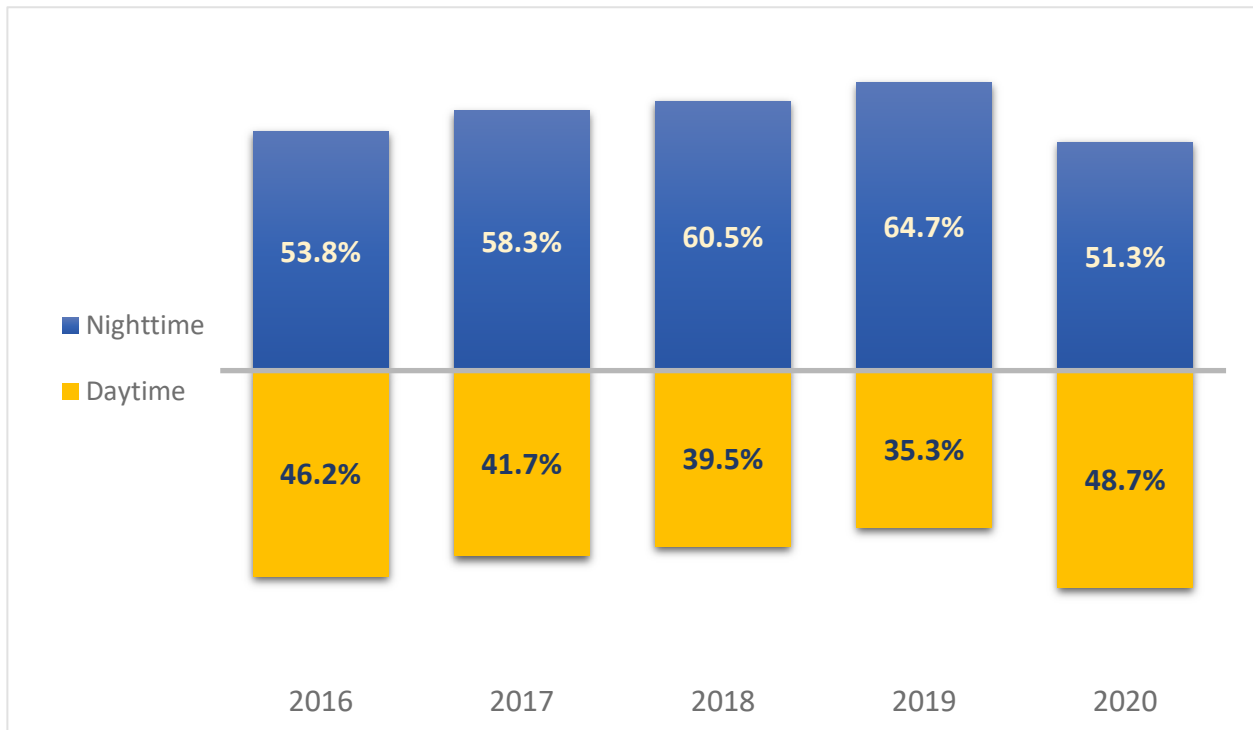
UNIFORM OFFICERS VS. PLAIN CLOTHES OFFICERS



NIGHTTIME VS. DAYTIME

In 2020, a total of 51.3% of use of force incidents occurred during the nighttime hours between 6:00 pm and 6:00 am. Nighttime use of force incidents comprised of 64.7% in 2019. A five-year comparison of these trends are illustrated in Figure #4. The comparison shows a relatively consistent distribution of force incidents occurring during the night and daytime hours.

Figure #4
NIGHTTIME VS. DAYTIME



CALL TYPES

The types of calls for service resulting in use of force varied in 2020, as they have in previous years. Such calls include officer initiated contact with the public, for example traffic stops; and citizen generated calls for service and assistance. Officers responding to calls for service where weapons are involved have consistently been the reason for most use of force incidents, as shown in Table #1.

Table #1
CALL TYPES

Type of call	2016	2017	2018	2019	2020	2019-2020 Variance
Animals	44	24	18	11	12	+9%
Assaults	2	7	2	2	6	+200%
Break and Enters	21	17	10	13	7	-46%
Domestic Disputes	12	19	21	17	17	0%
Other Disturbances	12	9	6	7	6	-14%
Persons With Mental Illness in Crisis	35	21	31	29	24	-17%
Robberies	7	11	13	15	10	-33%
Search Warrants	2	3	2	3	1	-67%
Suspicious Persons	3	7	5	13	3	-77%
Traffic Stops	6	10	9	8	12	50%
Weapons	48	48	62	76	68	-11%
Other*	42	46	31	48	23	-52%
Total	234	222	210	242	189	-22%

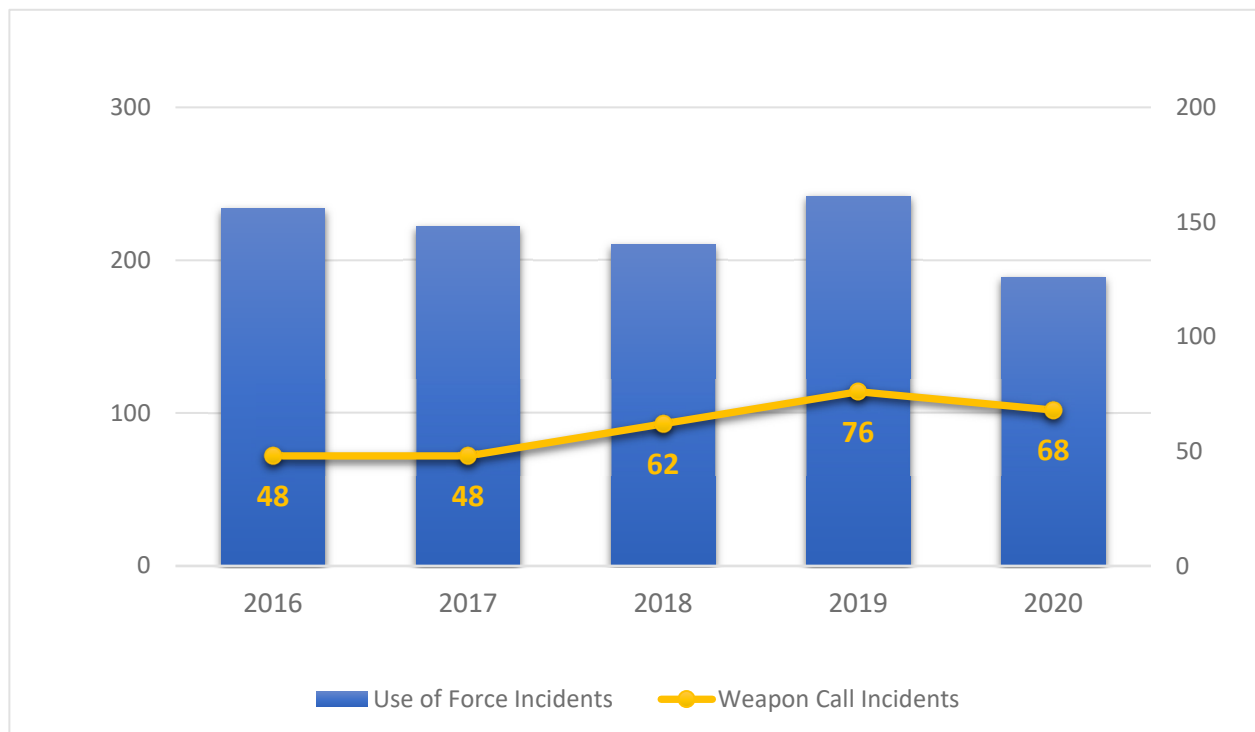
*Other includes Theft of Vehicle, Wanted Person, Intoxicated Person, Unintentional discharges and various other arrests.

WEAPON CALL TYPES

Members draw their firearms when they reasonably believe that it is necessary to protect themselves or the public, against loss of life or serious bodily harm. Most use of force incidents occur when officers respond to weapon related incidents. Typically, the suspect is believed to be armed with a weapon, a weapon was involved in the incident or a weapon is likely expected. In 2020, 68 use of force incidents occurred from officers responding to weapon related calls. Granted, in six of those incidents, weapons were not found or recovered. Although there was a decline in 2020, the five-year trend reveals a steady increase from previous years, as illustrated in Figure #5. The decline in this particular category is consistent with other categories from 2020. One impact factor for the overall decline could be attributed to the COVID-19 Pandemic.

Figure #5

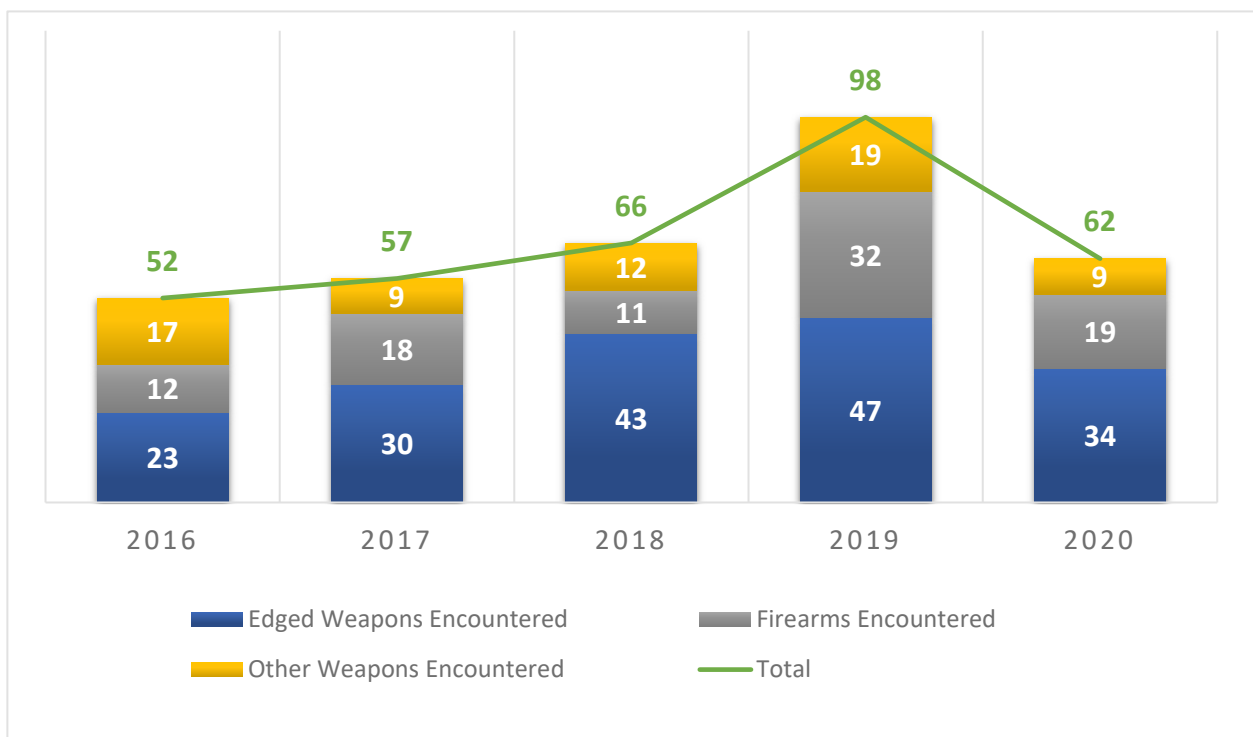
WEAPON CALL INCIDENTS VS. TOTAL USE OF FORCE INCIDENTS



INCIDENTS WITH ARMED SUBJECTS

In 2020, 62 of 189 separate incidents involved officers encountering armed subjects, compared to the previous year with 98 incidents. The most common weapons encountered in those 2020 incidents were edged weapons (54.8%) and firearms (30.6%), while other weapons such as baseball bats and tools comprise the remainder (14.6%). Marked declines in all categories were noted in 2020, however, the five-year trend reveals a steady increase from previous years, as illustrated in Figure #6. The overall incidents with armed subjects declined by 36.7% from 2019.

Figure #6
INCIDENTS WITH ARMED SUBJECTS



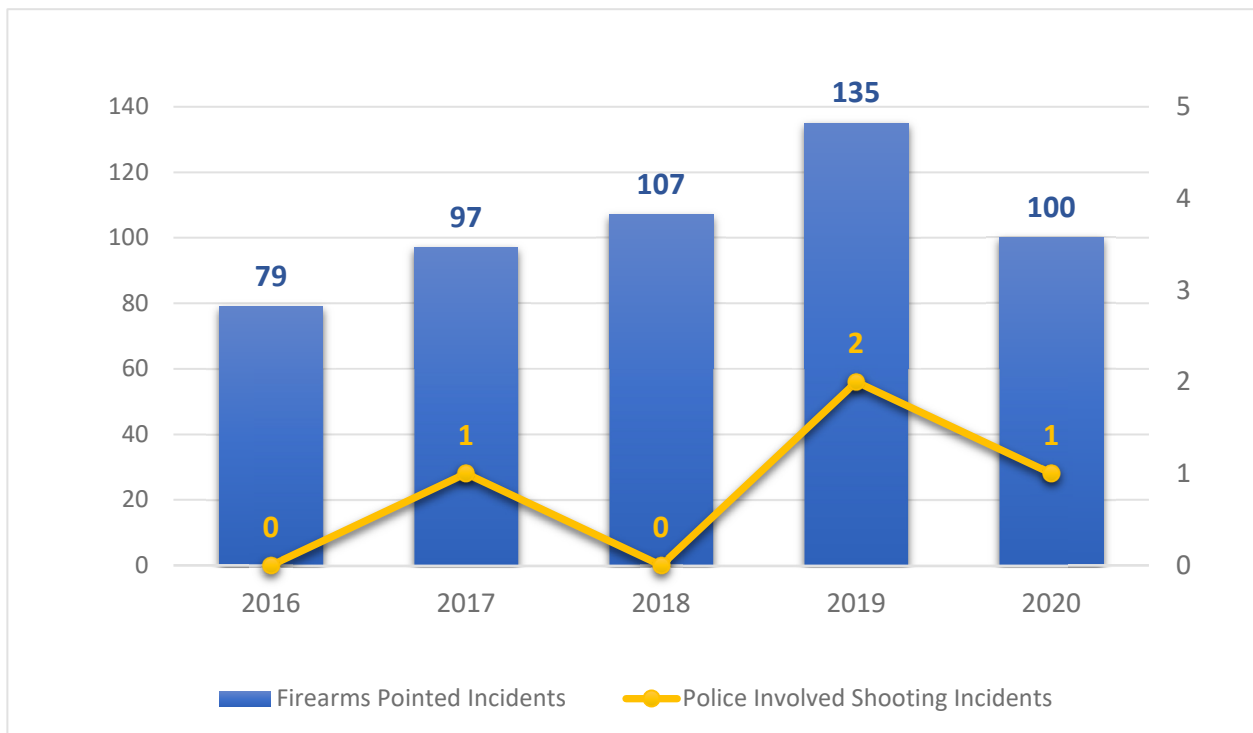
USE OF FORCE OPTIONS

Point or Discharge Firearm

In 2020, there were 100 incidents where officers drew their firearm and pointed it at a subject. Of these incidents, only one included a police shooting. In that incident, police officers encountered a subject armed with a firearm who shot at multiple police officers. Those officers returned fire and discharged their firearm, injuring the subject who later survived. In 2019, there were 135 incidents and two police shootings. The five-year data shown in Figure #7A suggests that the vast majority of police officers are successfully de-escalating dangerous encounters effectively, without having to discharge their firearm.

Figure #7A

POINT OR DISCHARGE FIREARM

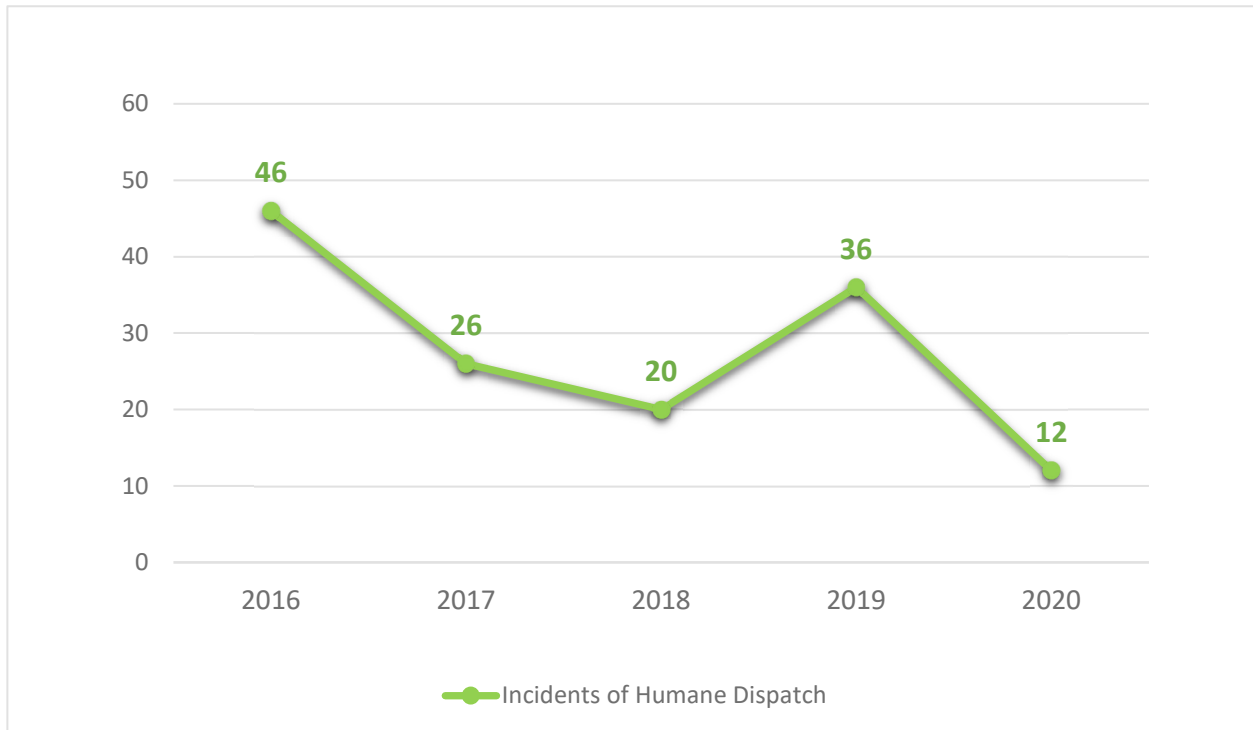


Humane Dispatch of Injured Animals

In 2020, there were 12 incidents where police officers discharged their firearms to humanely dispatch injured animals. In 2019, 36 incidents involved the humane dispatching of animals. The five-year data shown in Figure #7A in comparison to Figure #7B, illustrates that when police officers discharge their firearms, it is likely for the purposes of humanely dispatching injured animals.

Figure #7B

HUMANE DISPATCH OF INJURED ANIMALS

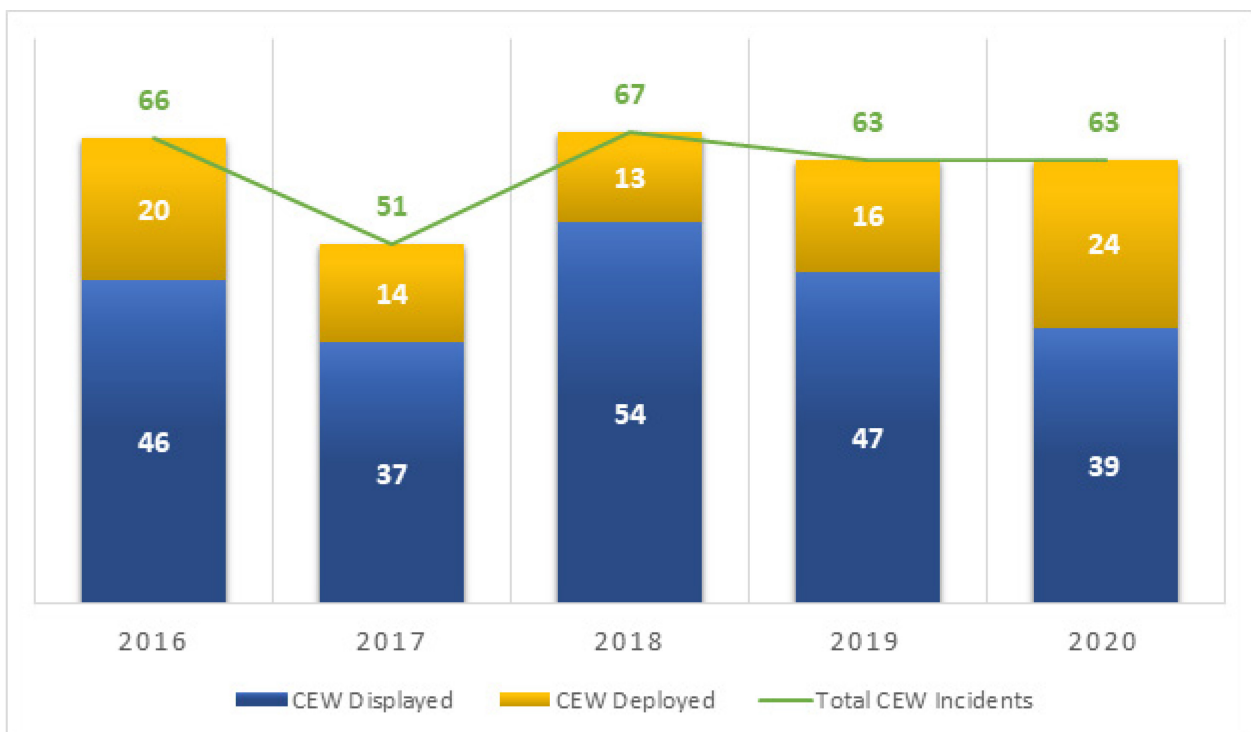


Conducted Energy Weapon

Officers continue to be trained to utilize the Conducted Energy Weapon (CEW). The weapon has been proven to be an effective less-lethal option for police officers. The mere presence and display of the CEW has been shown to be effective in supporting police officers with de-escalating volatile incidents. In 2020, the CEW was utilized 63 times by either uniformed officers or members of the Emergency Response Unit. Of the 63 occasions, 39 involved demonstrated force presence, meaning officers displayed the CEW but did not deploy probes or contact. On 24 occasions, the CEW was deployed on a subject through drive stun or probe deployment. Figure #8, shows that the number of CEW deployments overall remained consistent over a five-year period. The mere display of the weapon consistently shows how effective it is year after year.

Figure #8

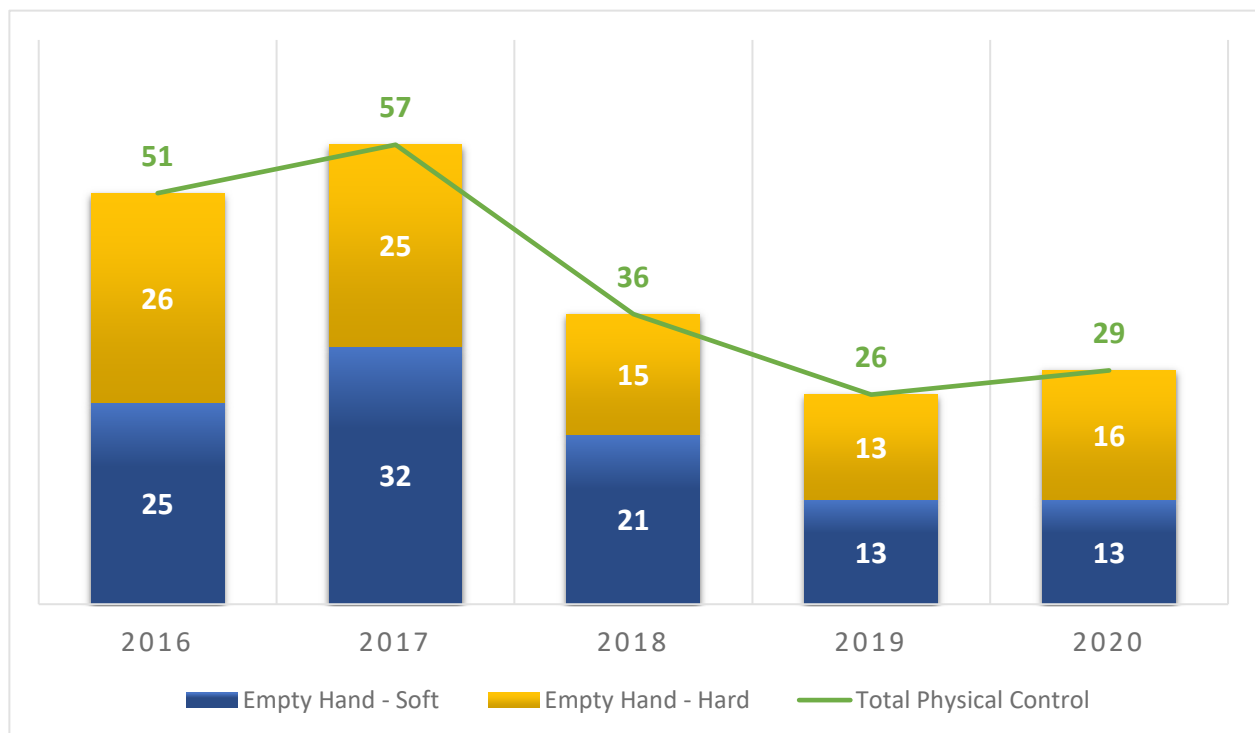
CONDUCTED ENERGY WEAPON



Physical Control

Physical control application refers to an individual officer applying physical force on a subject. Several applications of physical control may be reported for a single incident. For example, if an officer is involved in an altercation where he strikes and grounds the subject, then two physical control applications are reported for the single incident. In 2020, there were 29 reportable applications of physical control. Hard empty hand techniques (strikes or grounding a subject) accounted for 16 applications while 13 involved soft empty hand techniques (using leverage to pry an arm or leveraging joints). Figure #9 illustrates an overall decreasing trend in physical control applications over the past five years.

Figure #9
PHYSICAL CONTROL

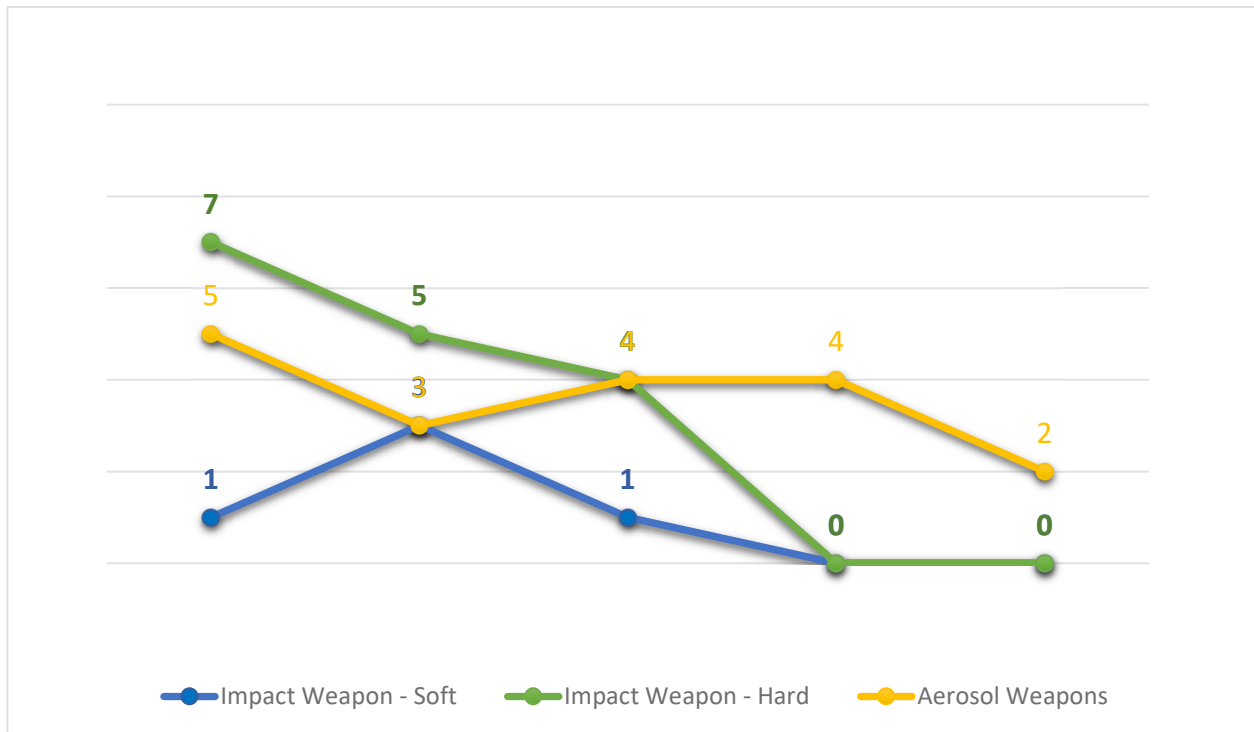


Impact Weapons and Aerosol Weapons

Impact weapons (batons) can be deployed in two ways, hard (strikes) and soft (used to pry a limb such as an arm). There were no applications of impact weapons in 2020 or 2019. Oleoresin capsicum (pepper spray) is an aerosol weapon that was utilized on two occasions in 2020 and in four occasions in 2019. The five-year data for these weapons illustrate a consistent declining trend in these use of force options. The information in Figure #10 shows that officers are rarely relying upon these options.

Figure #10

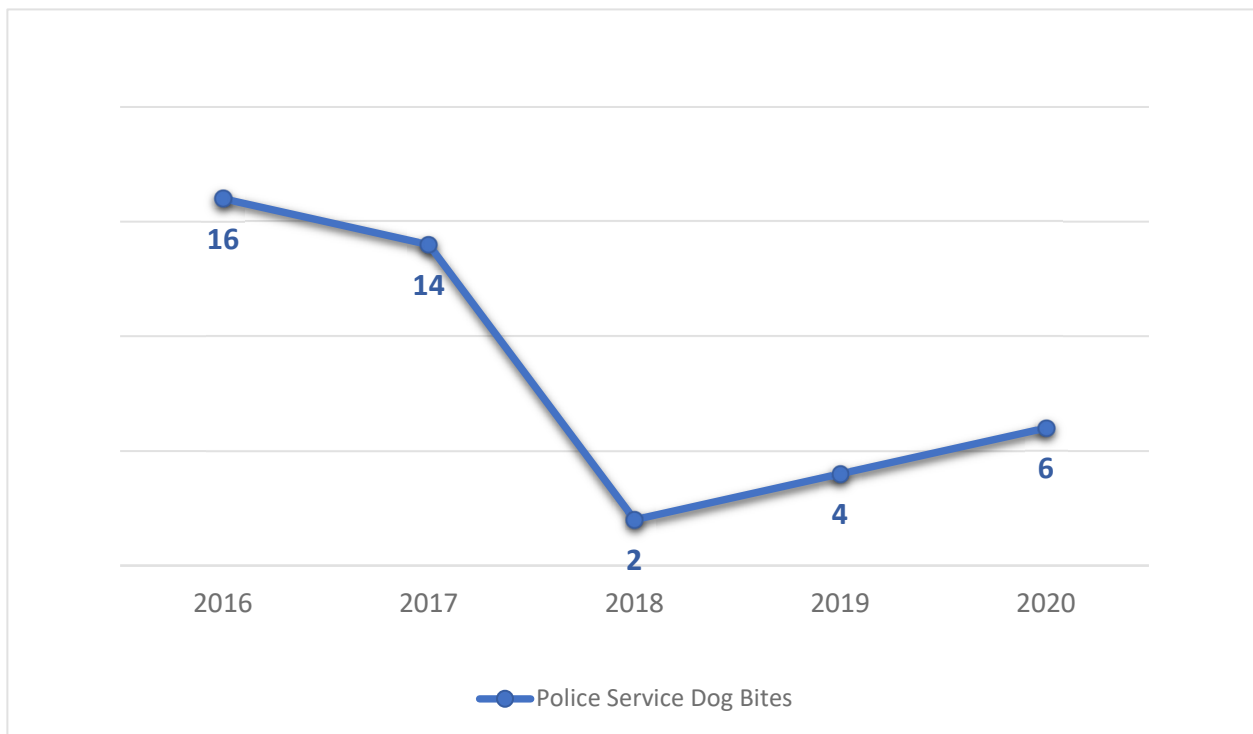
IMPACT WEAPONS AND AEROSOL WEAPONS



Police Service Dogs

Police Service Dogs are trained to provide support in areas such as tracking, building and area searches, evidence searches and criminal apprehension. They may be specially trained in the detection of controlled drugs and substances, human remains, explosives, firearms and ammunition. In 2020, there were six incidents where Police Service Dogs were utilized to support criminal apprehensions. An increase from four incidents in 2019. Although Police Service Dogs are utilized for many reasons, only applications that result in dog bites or damaged clothing of subjects are reported under the regulations. Figure #11 illustrates an overall five-year declining trend in Police Service Dog bites. The data also shows that dog bites are quite rare when criminal apprehensions occur.

Figure #11
POLICE SERVICE DOG BITES



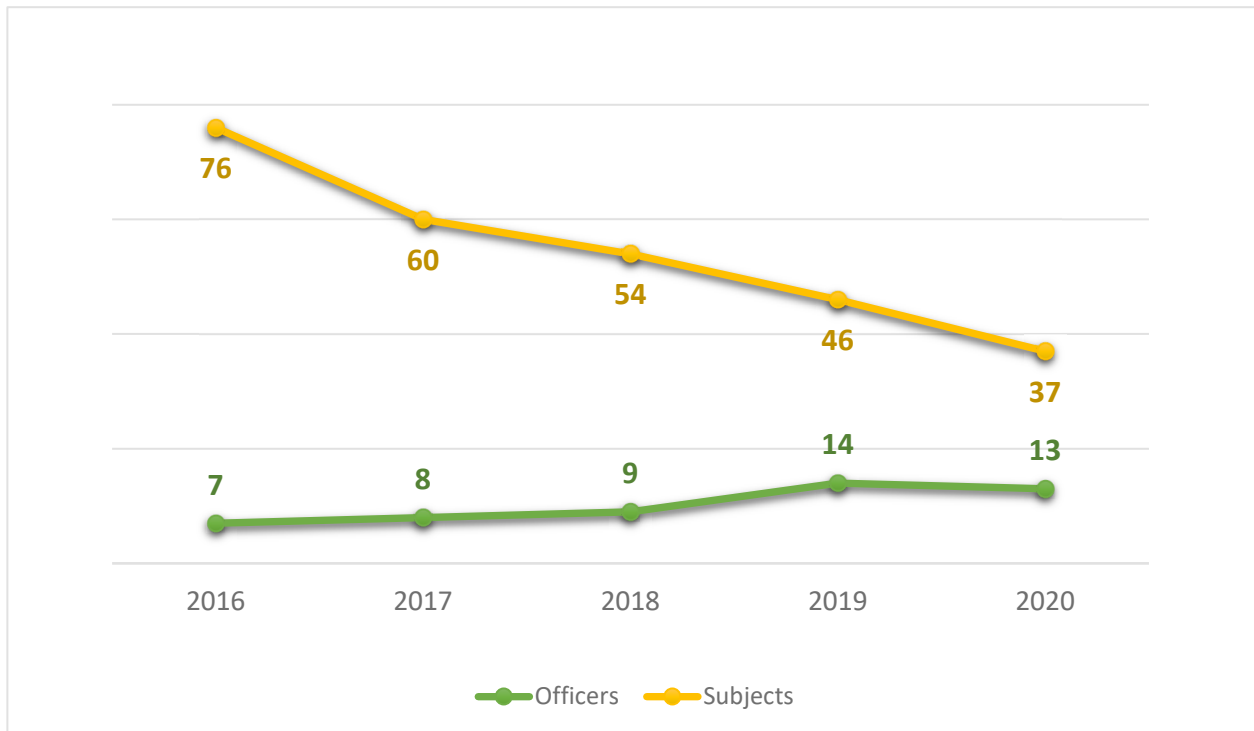
INJURIES AND SUBJECT RACE DATA

Officer Injuries vs. Subject Injuries

In 2020, a total of 13 officers and 37 subjects were injured during use of force incidents. In 2019, 14 officers and 46 subjects were injured. Figure #12 illustrates a five-year trend of fewer subjects sustaining injury compared to the steady increase of officers being injured during use of force encounters. This trend could be attributed to a heavier emphasis for officers to communicate; and de-escalate situations before resorting to force. In some instances officers have wavered in transitioning to force which have led to some officer injuries.

Figure #12

OFFICER INJURIES VS SUBJECT INJURIES



Perceived Subject Race

As of January 1, 2020, under the *Anti-Racism Act*, police services are now required to collect data on the perceived race of those subjects involved in use of force incidents. Police services in Ontario are mandated to complete province-wide standardized Use of Force Reports electronically, for Ministry collection. The race of individuals as perceived by the officer in respect of whom a Use of Force report is prepared is now reported. Names of the subjects are not collected by the Ministry. All information gathered is used to identify, monitor and address potential racial bias or profiling, while maintaining the privacy and protection of any individuals included. Race groups are categorized by the ministry and are divided into seven groups, Black, East/Southeast Asian, Indigenous, Latino, Middle Eastern, South Asian and White.

Variances in reporting perceived race have been recognized. The reporting requirements include identifying the perceived race of the subject at the time that force was applied. Two officers may perceive the same subject in two different race categories, thereby impacting the data. Race categories could be affected by this variance as well as an inflation of the number of subjects overall. In 2020, Use of Force Reports were submitted for 230 subjects. Figure #13A illustrates the perceived race of these subjects. More than half of all subjects (57%) were armed with either a firearm, edged weapon or other type of weapon (tool, baseball bat etc.), whereas the remaining 43% of subjects were unarmed. Some examples of when use of force is reported on unarmed subjects include: officers drawing their firearm or displaying their CEW at a subject whom they believe is possibly armed, but the subject is later found to be unarmed; using physical control (soft or hard empty hand techniques) on a subject who is passively or actively resistant, assaultive or about to cause serious bodily harm or death to another person; or where the subject is injured requiring medical attention. Medical attention could range from a subject requiring first aid from a small cut to emergency care or hospitalization. Figure #13B further shows this data broken down by race.

Figure #13A
PERCEIVED SUBJECT RACE

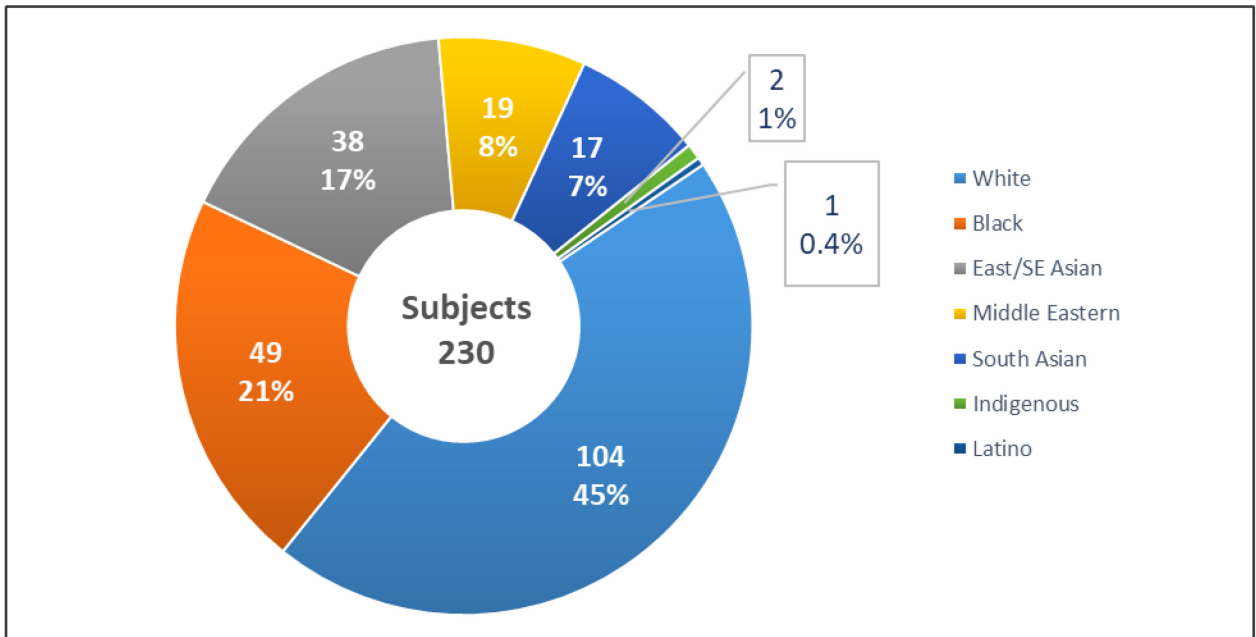
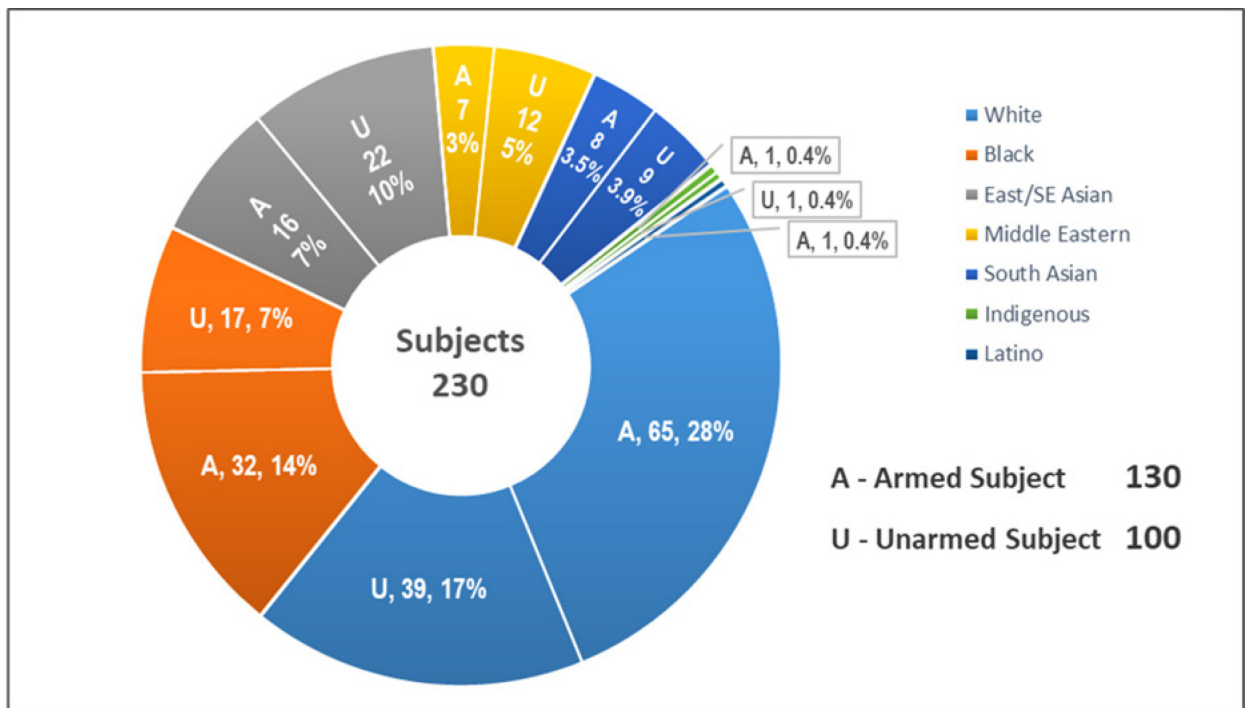


Figure #13B
PERCEIVED SUBJECT RACE - ARMED VS. UNARMED



5. Financial

There are no financial implications.

6. Conclusion

The data in 2020 revealed that use of force incidents decreased between the police and the public. The large majority of those incidents occurred with frontline uniform officers who were responding to weapon related calls, or persons with a mental illness who were in crisis of some sort. The weapon related calls typically involved subjects who were either armed with an edged weapon or a firearm. There were 100 incidents where police officers drew their firearm but only one situation forced them to discharge their firearm back at a subject.

The CEW continues to be an effective tool as subjects often comply from the mere display of the weapon. When required, police officers are continually choosing to use physical control tactics over impact weapons and aerosol weapons. A strong correlation that could explain why more police officers are injured and less subjects are hurt during encounters.

Furthermore, the data shows the distribution of perceived race for all subjects that force was applied to in 2020. Of the seven race categories, Whites comprised of the largest group and Blacks were second highest. The data further breaks down this category by showing the distribution of armed and unarmed subjects by perceived race.

Credible and accurate data collection is critical to inform police training. The information is used to identify, monitor and address police tactics that impact individuals and the community. For the first time ever, data was collected on the people who were involved in use of force incidents with police. This was a progressive step forward in identifying and addressing potential racial bias or profiling. Robust data collection is required beyond standardized Use of Force Reports. Business intelligence and analytics are now being implemented to address this gap and delve deeper into data.

York Regional Police has been training officers to resolve incidents with minimal application of force, when force is necessary. Of the 189 incidents where force was applied, no subjects or police officers suffered catastrophic injuries or loss of life. Based on the 2020 use of force data, further training has been designed with an emphasis on dynamic scenario training, edged weapon encounters, containment, officer judgement, mindfulness, de-escalation techniques and interacting with individuals who are in crisis. As York Regional Police modernize training, future curriculum will include community partners to assist in the development of empathy based, meaningful and unbiased use of force training for officers.

York Regional Police is in compliance with the *Police Services Act*, the Policing Standards Manual, York Regional Police Use of Force Procedure AI 012/AI 014 and the *Anti-Racism Act*.

Accessible formats or communication supports are available upon request.

Jim MacSween B.A.A
Chief of Police

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