

PUBLIC

THE REGIONAL MUNICIPALITY OF YORK
POLICE SERVICES BOARD

REPORT OF THE CHIEF OF POLICE

APRIL 27, 2016

2015 Use of Force Statistics

RECOMMENDATIONS

1. That the Board receive this report pursuant to Use of Force Board Policy No. 01/10; and
2. That the Board write to the Ministry of Natural Resources and Forestry and the nine local municipalities in The Regional Municipality of York to advise that York Regional Police will no longer be responding to animal complaints related to sick or injured animals that do not pose a risk to public safety unless the animal is related to a motor vehicle collision and that the Ministry and local municipalities should ensure that they have the capacity to respond to complaints related to sick or injured animals within their respective jurisdictions.

SYNOPSIS

As per the Board's Use of Force Policy No. 01/10, a summary of the statistical information collected along with identified trends and issues related to Use of Force during 2015 are contained in this report.

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND

Police officers are authorized to use a range of use of force options in response to an event or incident in order to protect life, preserve the peace, prevent crimes, maintain order and apprehend suspects. When an incident occurs and an officer uses any of these force options, a Use of Force Report must be completed. Depending upon the number of officers involved, there may be several Use of Force Reports submitted for each incident. The Use of Force Report provides a province-wide standardized method for the collection of local data by individual police services from use of force incidents that occur as a result of the day-to-day operations of a police service.

The authority and direction to collect use of force information are found in the Policing Standards Manual (AI-012), the *Police Services Act* (O. Reg. 926 s. 14.5) and York Regional Police Use of Force Procedure (AI-012/ AI-014). In accordance with the Policing Standards Manual and the *Police Services Act*, York Regional Police Use of Force Procedure (AI-012/ AI-014) states, in part, the following:

A member shall submit a Use of Force Report when:

- a) *a member draws a handgun 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 Conductive Energy Weapon is unholstered and displayed in the demonstrated force presence mode; or*
- d) *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.*

After a Use of Force Report is submitted by an officer, the member's immediate supervisor reviews it. The report is then forwarded to the Training and Education Bureau and then to the Use of Force Review Committee. The Use of Force Review Committee is comprised of the Officer-in-Charge of the Training and Education Bureau, a Staff Sergeant in the Training and Education Bureau, a Sergeant in the Use of Force Unit, the Use of Force Training Analyst, a Duty Inspector and a Patrol Sergeant.

York Regional Police Use of Force Procedure (AI-012/ AI-14) sets out the duties of the Use of Force Review Committee as follows:

The Use of Force Review Committee shall:

- a) *meet quarterly and review a Use of Force summary;*
- b) *evaluate procedures relating to:*
 - (i) *drawing, exhibiting and discharging of a firearm; and*
 - (ii) *use of force.*
- c) *evaluate training methods;*
- d) *annually produce a Use of Force Study that provides critical use of force data and trends which does not contain information that identifies reporting police officers;*
- e) *direct the findings of the Use of Force Study to:*
 - (i) *the Chief of Police;*

- (ii) the Deputy Chief of Operations; and
- (iii) the Deputy Chief of Administration.

The Training and Education Bureau compiles the data collected from the Use of Force Reports and this information is used to establish trends and identify problems that may be corrected through training or other administrative procedures.

Summary of the 2015 Use of Force Study

The review of the 2015 Use of Force Study revealed a number of significant increases when compared to prior years. A high level explanation attributes the increases to the humane dispatch of animals; a change in Conducted Energy Weapon reporting requirements; and the increase in weapon and edged weapon encounters. The following is a detailed summary of the 2015 Use of Force Study:

- In 2015, York Regional Police members attended a total of 239,017 calls for service. These calls included traffic stops, citizen generated calls for service and officer initiated contacts. Of these calls for service, 293 resulted in the submission of Use of Force Reports. Consequently, only 0.12 percent of police interactions with the public resulted in a Use of Force Report being submitted. In comparison, 165 incidents were submitted in 2014. There was a 56.3 percent increase of the number of incidents requiring Use of Force Reports from 2014 to 2015.
- There were 429 Use of Force Reports filed in 2015, involving a total of 457 officers. In 2014, there were 254 Use of Force Reports submitted, involving a total of 277 officers. This change reflects a 59.2 percent increase in the number of reports filed and a 60.6 percent increase in the number of involved officers.
- There was an increase in the humane dispatch of injured animals (81 incidents in 2015 compared to 29 incidents in 2014), displaying firearms (129 incidents in 2015 compared to 88 incidents in 2014) and displaying a Conducted Energy Weapon (CEW) (32 incidents in 2015). It is important to note that in 2014 there was no mandatory requirement to report the displaying of a CEW in the presence of the public. This accounts for 32 of the CEW incidents being reported that would not have been reported in 2014. The displaying of CEW effectively worked to de-escalate incidents and minimize the potential for violence to the community and officers.
- In 2015, there were 140.7 incidents requiring Use of Force Reports for every 100,000 demands for service. In 2014, there were 74.8 incidents requiring Use of Force Reports for every 100,000 demands for service. This increase of 65.9 incidents per 100,000 demands can be attributed to changes in CEW reporting and an 88.1 percent increase in the humane dispatching of injured animals. The increase can also be attributed to a higher number of citizen generated calls for service related to assault, break and enter, domestic disputes, other disturbances and emotionally disturbed persons.
- The types of calls for service resulting in use of force were varied in 2015 as it was in 2014. The percentage of calls that officers responded to that resulted in the submission of a Use of Force Report is as follows in Chart 1:

Chart 1

	Types of Citizen Generated Calls for Service		
	2014	2015	Variance (%) 1 Year
Animal	29	81	179.3
Assault	1	6	500.0
Break and Enter	5	10	100.0
Domestic Dispute	10	28	180.0
Emotionally Disturbed Person	19	42	121.1
Homicide	0	0	0.0
Other Disturbances	7	13	85.7
Robbery	7	4	-42.9
Search Warrant	3	5	66.70
Suspicious Persons	5	7	40.0
Traffic Stop	7	11	57.1
Weapons	40	51	27.5
Other*	32	35	9.4
Total Incidents	165	293	77.57

*Other includes: Theft of Vehicle, Wanted Person, Intoxicated Person, Drugs and various other arrests.

- In 2015, 79.1 percent of all use of force incidents involved more than one officer. In 2014, 81.6 percent of all use of force incidents involved more than one officer; this represents a 2.5 percent decrease over last year.
- Members draw their firearms when they believe on reasonable grounds that it is necessary to protect against loss of life or serious bodily harm, or to destroy an animal. In 2015, firearms were drawn and pointed at a person 162 times, compared to 125 times in 2014. This represents a 29.6 percent increase. The types of incidents reported include; weapons calls, silent 911 calls, robbery calls, break and enter calls, armed and suspicious person calls, high risk search warrants and high risk vehicle stops.
- In 2015, 81 incidents resulted in 163 firearm rounds being discharged. In all but one of the incidents firearms were discharged to humanely dispatch injured animals. In one incident, a bear was dispatched due to the risk to public safety. In 2014, 31 incidents resulted in 53 firearm rounds being discharged. In 2014, two of these incidents where firearms were discharged were done so to protect officers and the public and 29 incidents were to humanely dispatch injured animals.
- In 2015, 72 use of force incidents involved a suspect armed with a weapon, compared to 56 use of force incidents in 2014. This represents a 77.7 percent increase in the number of use of force incidents involving suspects armed with weapons.
- In 2015, officers encountered suspects armed with a weapon in 72 of 293 use of force incidents which represents 24.6 percent. The most common weapons encountered were edged weapons at 52.8 percent and firearms at 23.6 percent. Comparatively, in 2014 officers encountered suspects armed with a weapon in 56 of 165 use of force incidents

which represents 33.9 percent. The most common weapons encountered were edged weapons at 32.1 percent and firearms at 25.0 percent.

- In 2014, the Ministry of Community Safety and Correctional Services changed legislation allowing all trained members the authority to carry CEWs. This change also required that in 2015 the display of a CEW required a Use of Force Report. As a result, in 2015 there was a significant increase in the number of CEWs deployed on a regular basis on the front line (from 15 to 30 CEWs per District). The increased use of the CEW can also be attributed to an increased presence as a use of force de-escalation tool for front line officers. The number of incidents where officers encountered weapons, which includes edged weapons and responded to calls where the subject was reported as an assaultive emotionally disturbed person, have increased. In 2015, officers were confronted with edged weapons a total of 38 times versus 18 times in 2014 representing a 111.11 percent increase.
- In 2015, CEWs were used (displayed and discharged) a total of 65 times by front line officers and members of the Emergency Response Unit (ERU) compared to 21 times in 2014. This represents an increase of 209.5 percent. It should be noted that prior to 2014 only trained members from the Emergency Response Unit, front line Supervisors and front line members acting in a supervisory role were authorized to carry CEWs.
- In 2015, there was 293 Use of Force reports filed of which 42 (14.3 percent) related to interactions with assaultive emotionally disturbed persons. In 15 incidents (5.1 percent) the CEW was discharged and 13 incidents (4.3 percent) the CEW was displayed. In 2014, there was 165 Use of Force reports filed of which 19 (11.5 percent) related to interactions with assaultive emotionally disturbed persons. In 6 incidents (3.6 percent) the CEW was discharged and 2 incidents (1.2 percent) the CEW was displayed.
- In the absence of a CEW, there would have been an increased risk to officer safety, and the likelihood that lethal force would have been the only option suitable to officers being confronted / attacked by a subject with an edged weapon would have been greater. During interactions with emotionally disturbed persons the CEW has also shown to be an effective de-escalation tool allowing officers to resolve incidents without having to escalate to another level of force.

The chart below illustrates the variety of use of force options that were employed by officers during the past two years:

Chart 2

Use of Force Option	Type of Force Used		Variance (%) 1 Year
	2014	2015	
Firearm Discharged	36	81	125.0
Firearm Pointed at Person	125	162	29.6
Handgun Drawn	88	129	46.6
Aerosol Weapon	6	6	0.0
Impact Weapon – Hard	6	8	33.3
Impact Weapon – Soft	0	2	200.0
Empty Hand – Hard	30	39	30.0
Empty Hand – Soft	33	78	136.4
Conducted Energy Weapon	21	65	209.5
Canine	8	5	-37.5
Other*	15	9	-40.0
Total	368	602	63.6

*Other includes: Items of opportunity that were accessible to the officer in an emergent situation that were not issued or listed equipment. Examples include; tables, chairs and Muzzle Blast (a Less Lethal Powder Dispersion deployed by the ERU).

- In 2015, there were four officers injured in use of force incidents, compared to two officers in 2014. This represents a 100 percent increase. In each of these instances, the officer's injuries were minor in nature.
- In 2015, 64 subjects were injured in use of force incidents, compared to 28 subjects in 2014. This represents a 128.6 percent increase in injuries to subjects. This increase in the number of reported injuries to subjects in 2015 were minor in nature as a result of probe removals from CEW deployments.
- In 2015, 90.7 percent of the use of force incidents involved uniform personnel and 9.3 percent of officers assigned to plain clothes duties. In 2014, 93.7 percent of the use of force incidents involved uniform personnel and 6.3 percent of officers assigned to plain clothes duties.
- In 2015, the largest percentage (33.1 percent) of use of force incidents took place on a roadway.
- In 2015, 47.1 percent of all use of force incidents took place between 6:00 pm and 3:00 am.

Trending and Solutions

The summary above shows significant increases in some use of force categories in 2015. These trends were provided to the Training and Education Bureau by the Use of Force Review Committee in order to adapt practical skills training where required. This is often conducted through firearms skills, defensive tactics and scenario-based training exercises, that emphasize de-escalation and communication. This skills-based training is delivered on the Annual Uniform Requalification Training Program. Through data gathered from the Use of Force Reports, the

Training and Education Bureau is able to provide officers with the knowledge and skills based training required to protect the public and themselves. Training has been adjusted in 2016.

The following areas were noted as trends in Use of Force categories for 2015 and solutions have already been implemented by the Training and Education Bureau.

Empty Hand – Soft – There was a 136.4 percent increase in Empty Hand – Soft (physical control) from 2014 to 2015.

- The increase can be attributed to officers using physical control as a de-escalation method, as opposed to using a higher level of force option. De-escalation techniques continue to be a focus of practical skills training.
- Solution - a continued focus on the use of Empty Hand – Soft techniques as an effective tactical option along with other various de-escalation techniques which include; tactical repositioning and communication.

Conducted Energy Weapon – There was a 209.5 percent increase in the reported use of the Conducted Energy Weapon from 2014 to 2015. This increase is attributed to the following trends:

- The change in reporting requirements from 2014 to 2015. (In 2015, a report was required when a CEW was displayed in the presence of the public).
- The change in legislation in 2014 to include all trained front line members to use a CEW. That has allowed an increased number of CEW units available to front line officers.
- The increase in weapon and edged weapon encounters and the number of emotionally disturbed persons responded to, where a CEW was either displayed or discharged.
- Solution - training related to the appropriate deployment and use of the CEW as a less-lethal use of force option and as a de-escalation tool.

Handgun Drawn – There was a 46.6 percent increase in handguns drawn from 2014 to 2015.

- The increase can be attributed to the higher percentage of edged weapons (52.8 percent) and firearms (23.6 percent) encountered in 2015 over 2014 where officers chose to access their firearm as a use of force response.
- Solution - continued and expanded de-escalation training and CEW training to ensure officers have various options available to them when responding to a subject armed with an edged weapon.

Firearms Discharged – There was a 125 percent increase in firearms discharged from 2014 to 2015.

- The increase can be attributed to the outbreak of canine distemper in the wildlife population and officers having to humanely dispatch an animal as a result of a call for service.

- Solution - continued and expanded training related to the appropriate methods to humanely dispatch an injured animal that poses a risk to public safety.

The Use of Force Review Committee will continue to review all Use of Force Reports and assess the circumstances and outcomes for trends and patterns. This information will be integrated into various training opportunities as required to ensure members are properly prepared to deal with situations that arise requiring the appropriate tactical considerations.

The 2015 Use of Force Study clearly shows that there are significant increases due to the dramatic increase in the number of incidents where police have been called upon to dispatch injured animals for humane reasons. Although use of force regulations under the *Police Services Act* permit the use of police firearms to do so, police firearms are not meant to be used as primary tools for wildlife management. In addition to being an inefficient use of police resources, the routine use of armed police officers to dispatch sick or injured animals may give rise to officer and public safety concerns.

In a majority of the calls to service regarding a sick or injured animal, York Regional Police has contacted the local municipality or the Ministry of Natural Resources and Forestry for assistance. This has proven to be a futile endeavor as the common response is nonattendance. This is because the responsibility for the control of animals has been abdicated and the public is told to call the police. This is an irresponsible practice that should be addressed. It is incumbent on these agencies to provide the required expertise and services in a timely fashion that are necessary to deal with sick and injured animals that do not pose a risk to public safety.

Recommendation

As such it is recommended that the Board write to the Ministry of Natural Resources and Forestry and the nine local municipalities in The Regional Municipality of York to advise that York Regional Police will no longer be responding to animal complaints related to sick or injured animals that do not pose a risk to public safety unless the animal is related to a motor vehicle collision and that the Ministry and local municipalities should ensure that they have the capacity to respond to complaints related to sick or injured animals within their respective jurisdictions. A sample letter is attached as Appendix A.

In conclusion, the review of the processes and methods that York Regional Police employ in reporting and dealing with use of force incidents are in compliance with the Policing Standards Manual, the *Police Services Act* and York Regional Police Use of Force Procedure (AI-012).

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Accessible formats or communication supports are available upon request