

The Regional Municipality of York Police Services Board

Public Board Meeting
April 27, 2022

Report of the Chief of Police

2021 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 2021 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 includes 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 reportable 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 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 revise 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 compiles and retains 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 2021, members of York Regional Police had 434,822 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, 230 individual incidents resulted in the use of force, or 0.05% of all police interactions involved mandatory use of force reporting. Although 230 incidents were deemed to be use of force encounters, 412 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 at the same incident. Additionally, an incident that involves multiple subjects could also generate multiple Use of Force Reports.

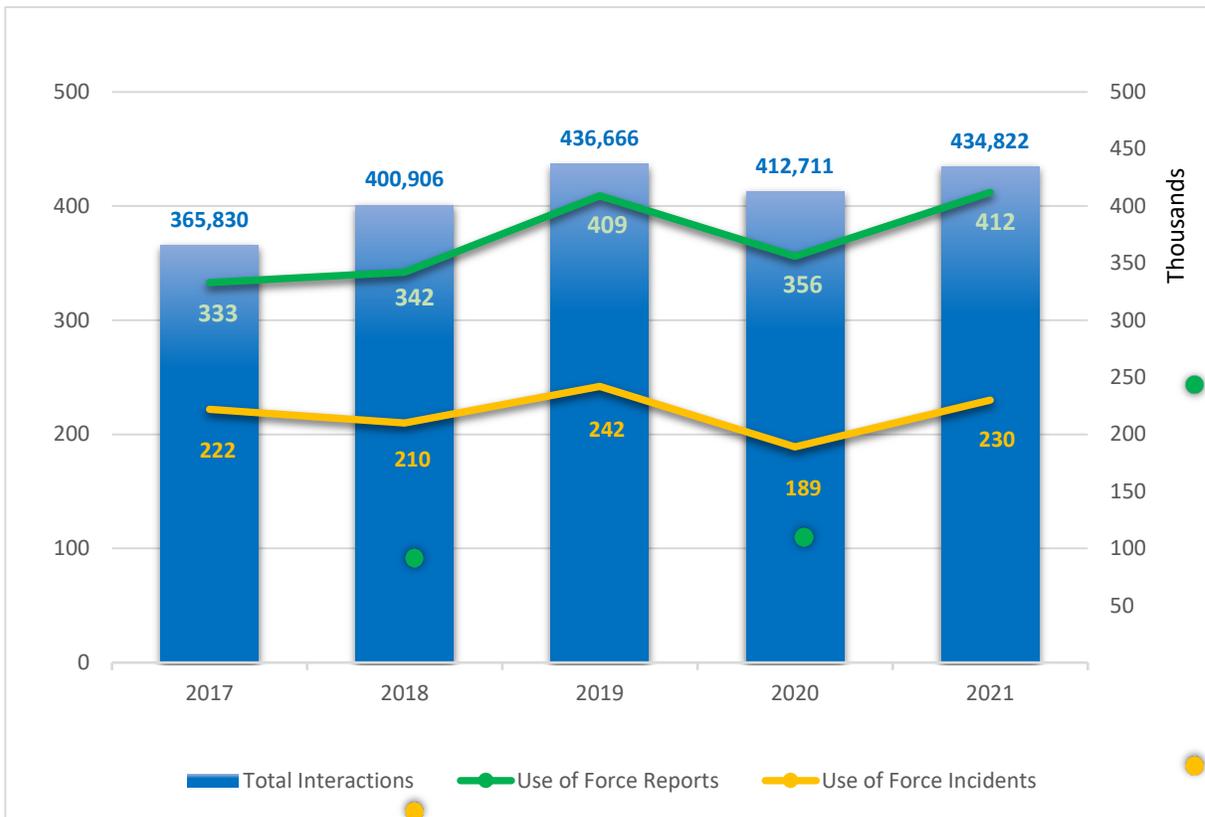
In the 2020 Use of Force Annual Report, 473,969 police interactions were reported. Further review and refined methodology identified that the number of police interactions in 2020 was in fact 412,711. All data presented in this report reflects the new methodology to ensure consistency and accurate data analysis. The methodology and data collection pertaining to the number of use of force incidents and number Use of Force Reports did not change.

In 2021, York Regional Police recorded an additional 41 use of force incidents. Based upon the total police interactions, 2021 saw use of force incidents increase by 0.005%. This increase can be attributed to several factors, including an increase in total police interactions and a notable increase in calls where animals had to be humanely dispatched. In 2021, total police interactions increased by 22,111 representing a 5.4% increase from the previous year. The notable increase in the humane dispatching of animals accounts for 26.8% of the additional use of force incidents.

For comparison purposes to the previous year, 412,711 police interactions resulted in 189 individual use of force incidents; or 0.045% of all police interactions involved mandatory use of force reporting. In 2020, 356 Use of Force Reports were generated by police officers. While use of force incidents and reports have moderately increased from 2020, the statistics are in line with 2019 figures. One explanation for the moderate increase in use of force incidents can be attributed to the easing of COVID-19 public health restrictions and increased public mobility. As COVID-19 lockdowns eased, overall police interactions and calls for service returned to pre-pandemic levels. A five-year comparison of the total number of incidents where Use of Force Reports were submitted is illustrated in Figure #1.

Figure #1

USE OF FORCE INCIDENTS VS. TOTAL INTERACTIONS

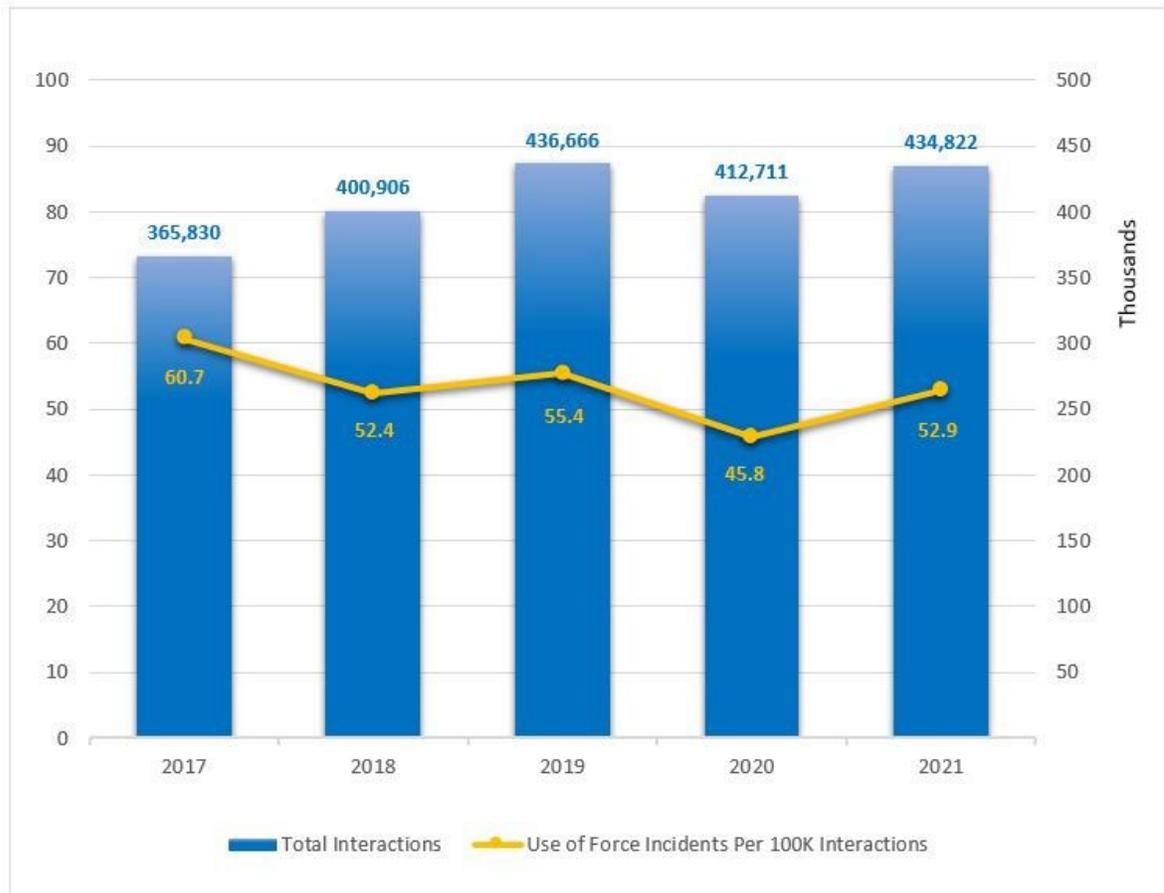


USE OF FORCE INCIDENTS PER 100,000 INTERACTIONS

In 2021, there were 52.9 incidents requiring Use of Force Reports for every 100,000 police interactions. This compares to 45.8 incidents per 100,000 in 2020, a 15.5% increase from that year. The five-year trend for use of force incidents per 100,000 interactions is illustrated in Figure #2. The comparison shows incidents per 100,000 interactions are returning to rates that were observed prior to 2020, when the total number of police interactions were similar.

Figure #2

USE OF FORCE INCIDENTS PER 100,000 INTERACTIONS

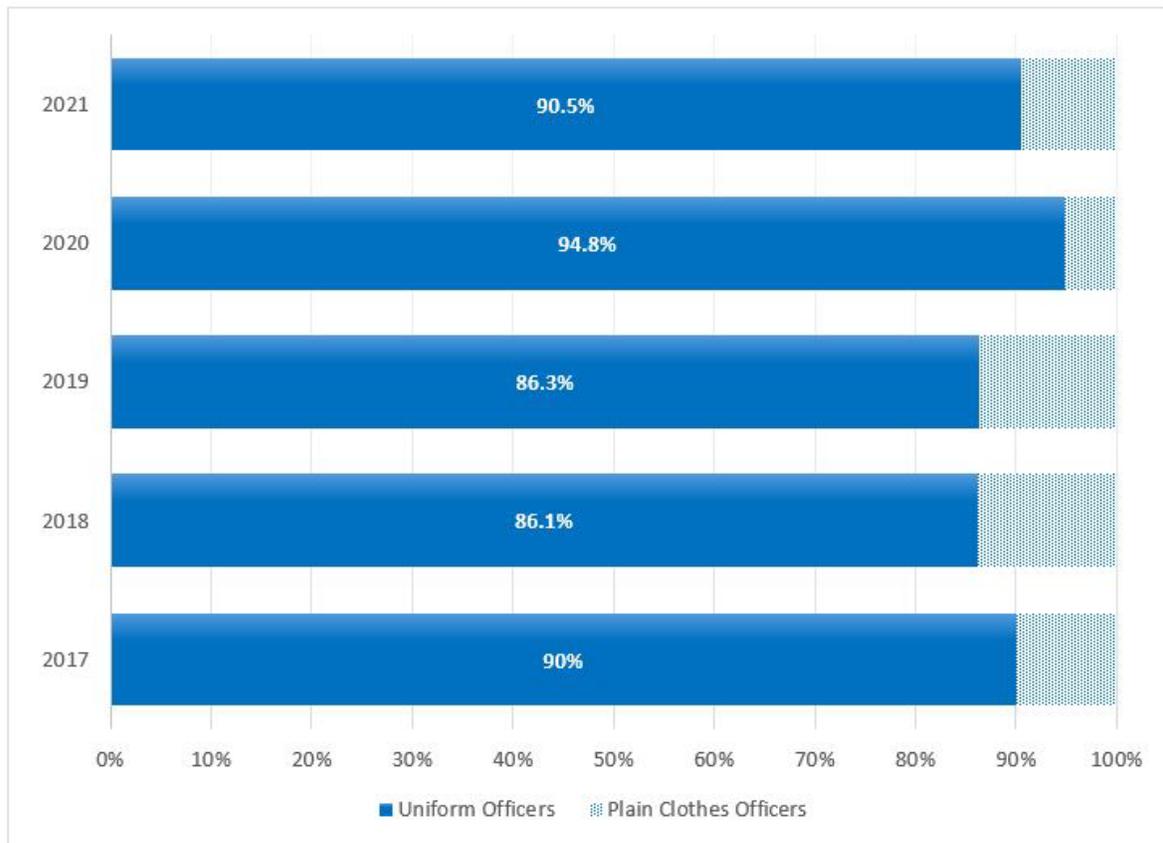


UNIFORM OFFICERS VS. PLAIN CLOTHES OFFICERS

In 2021, 90.5% of all Use of Force Reports were submitted by frontline uniformed officers (includes Emergency Response and Support Units). The remaining 9.5% of reports came from Plain Clothes Officers in specialized units. The previous year, those percentages were 94.8% and 5.2% respectively. The previous year, those percentages were 94.8% and 5.2% respectively. A five-year comparison of these statistics is illustrated in Figure #3. The majority of use of force incidents continue to be encountered by frontline uniformed officers.

Figure #3

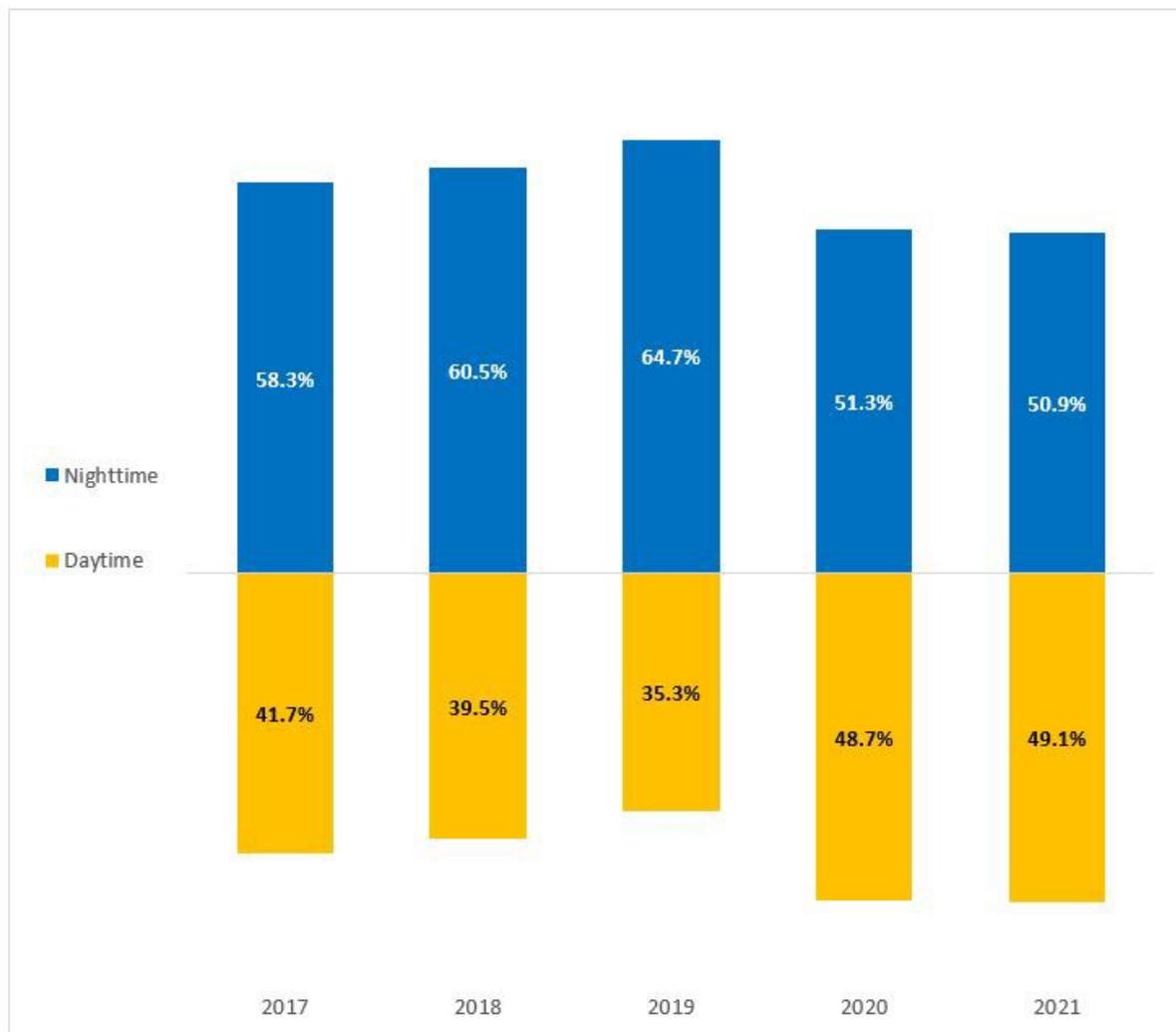
UNIFORM OFFICERS VS. PLAIN CLOTHES OFFICERS



NIGHTTIME VS. DAYTIME

In 2021, a total of 50.9% of use of force incidents occurred during the nighttime hours between 6:00pm and 6:00am. Nighttime use of force incidents comprised 51.3% in 2020. A five-year comparison of these trends is illustrated in Figure #4. The comparison shows that use of force incidents occurred more frequently at night prior to the COVID-19 pandemic. However, in 2020 and 2021, use of force incidents occurred more evenly during nighttime and daytime hours.

Figure #4
NIGHTTIME VS. DAYTIME



CALL TYPES

The types of calls for service resulting in the use of force varied in 2021 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. Calls for service where weapons were involved have consistently been the reason for the most use of force incidents, as shown in Table #1. The table also highlights a reduction in use of force incidents related to persons with mental illness in crisis. One factor that may have resulted in this reduction is the continued police training and emphasis on crisis intervention, de-escalation and mental health awareness.

Table #1
CALL TYPES

Type of call	2017	2018	2019	2020	2021	2020-2021 Variance
Animals	24	18	11	12	23	92%
Assaults	7	2	2	6	1	-83%
Break and Enters	17	10	13	7	7	0%
Domestic Disputes	19	21	17	17	23	35%
Other Disturbances	9	6	7	6	10	67%
Persons with Mental Illness in Crisis	21	31	29	24	12	-50%
Robberies	11	11	15	10	9	-10%
Search Warrants	3	2	3	1	2	100%
Suspicious Persons	7	5	13	3	6	100%
Traffic Stops	10	9	8	12	18	50%
Weapons	48	62	76	68	73	7%
Other*	46	31	48	23	46	100%
Total	222	210	242	189	230	22%

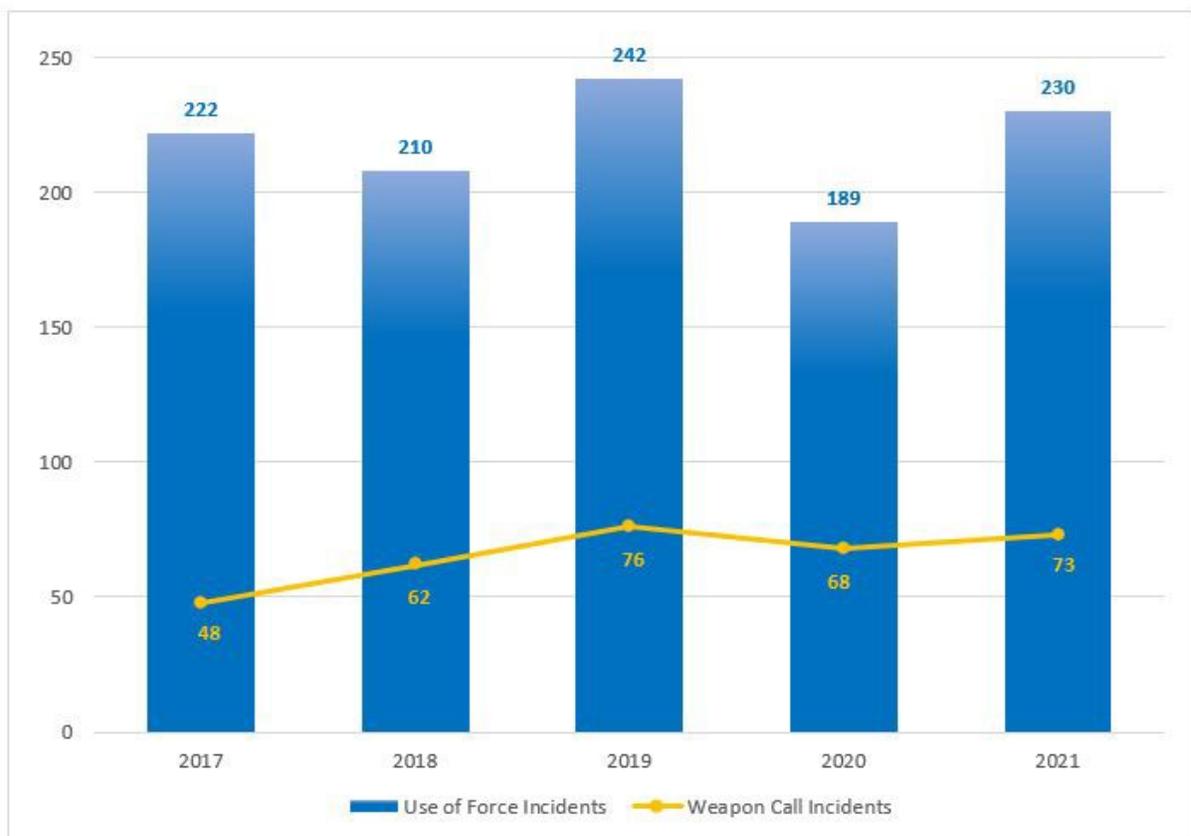
*Other includes Theft of Vehicle, Wanted Person, Intoxicated Person, Unintentional discharges and various other arrests.

WEAPON CALL TYPES

Members draw their firearms when they reasonably believe that it is necessary to protect themselves or the public against the threat of serious bodily harm or death. Most use of force incidents occur when officers respond to weapon related incidents. Typically, the subject is believed to be armed with a weapon, a weapon was involved in the incident or a weapon is likely expected. In 2021, 73 use of force incidents occurred from officers responding to weapon related calls. The incidents in this category rebounded from the reduction seen in 2020, and is more consistent with the incidents observed in 2019. The increase in these types of incidents is expected, considering the 5.6% increase in overall police interactions. A related impact factor for the overall increase could be attributed to the easing of COVID-19 lockdowns and overall increase in public activities and mobility.

Figure #5

WEAPON CALL INCIDENTS VS. TOTAL USE OF FORCE INCIDENTS

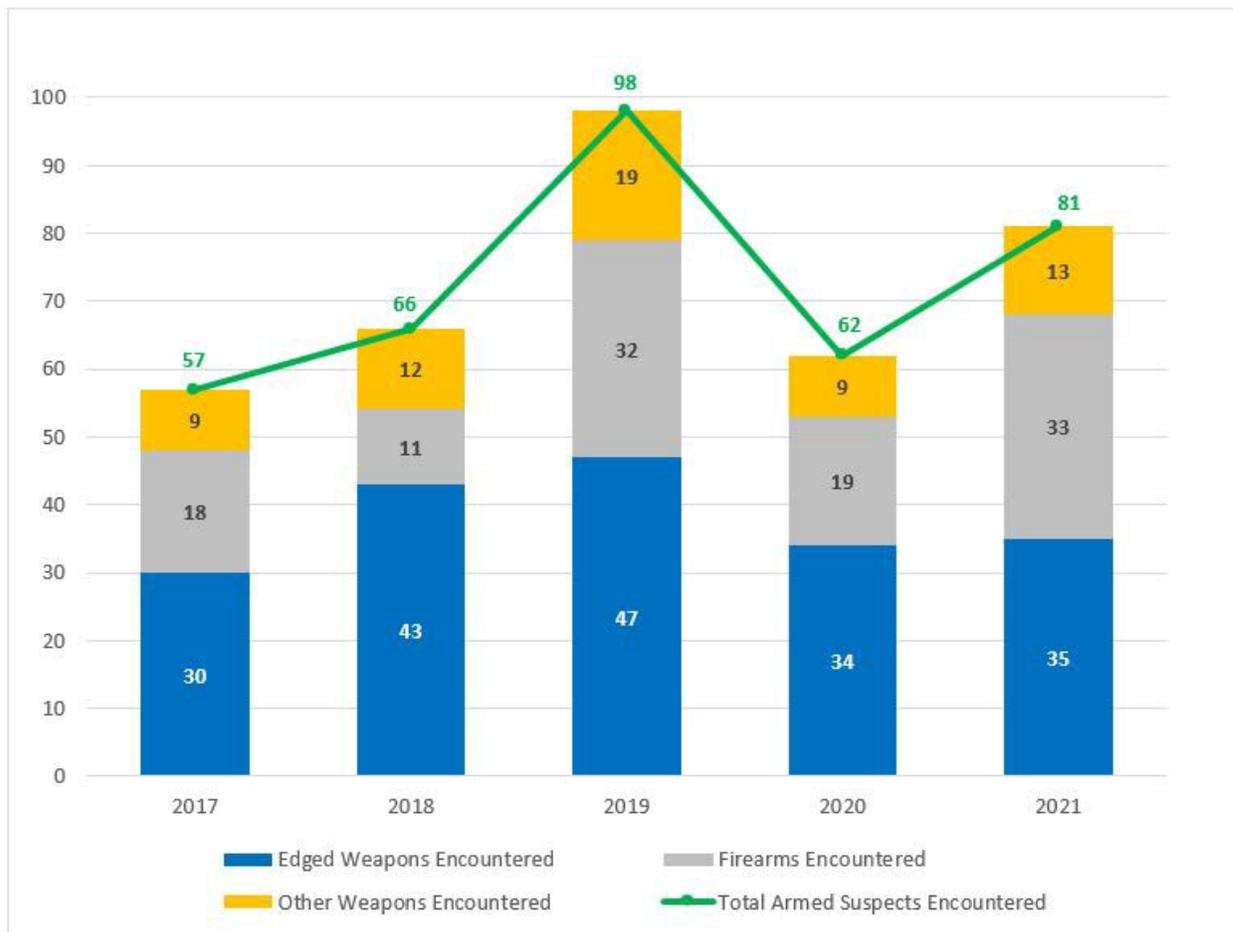


INCIDENTS WITH ARMED SUBJECTS

In 2021, 81 of the 230 separate incidents involved officers encountering armed subjects, compared to 62 incidents in the previous year. The most common weapons encountered in 2021 incidents were edged weapons (43.2%) and firearms (40.7%), while other weapons such as baseball bats and tools comprise the remainder (16.1%). In comparison to 2020, incidents involving subjects armed with firearms increased by 73.6%. Overall, in 2021, incidents involving armed subjects increased by 30.6%.

Figure #6

INCIDENTS WITH ARMED SUBJECTS



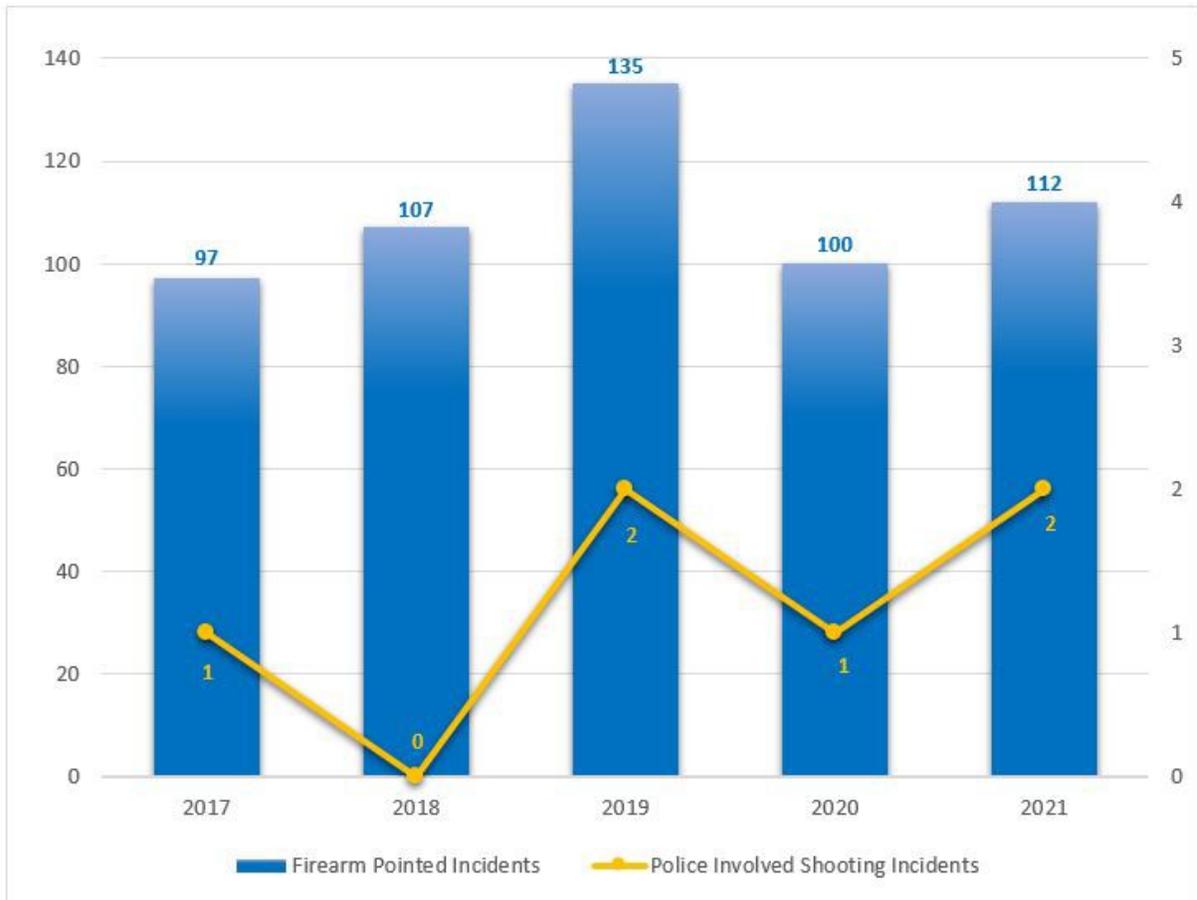
USE OF FORCE OPTIONS

Point or Discharge Firearm

In 2021, there were 112 incidents where officers drew their firearms and pointed them at a subject. Of these incidents, two resulted in police shootings. In one incident, officers shot a subject armed with a knife who had stabbed multiple victims. The subject did not survive the shooting. In the second incident, an armed robbery subject had threatened to shoot bank employees. The subject was shot by police after pointing his firearm at officers. This subject was injured, but survived the event. Comparatively, in 2020, there were 100 incidents and one police shooting. The five-year data shown in Figure #7A indicates 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

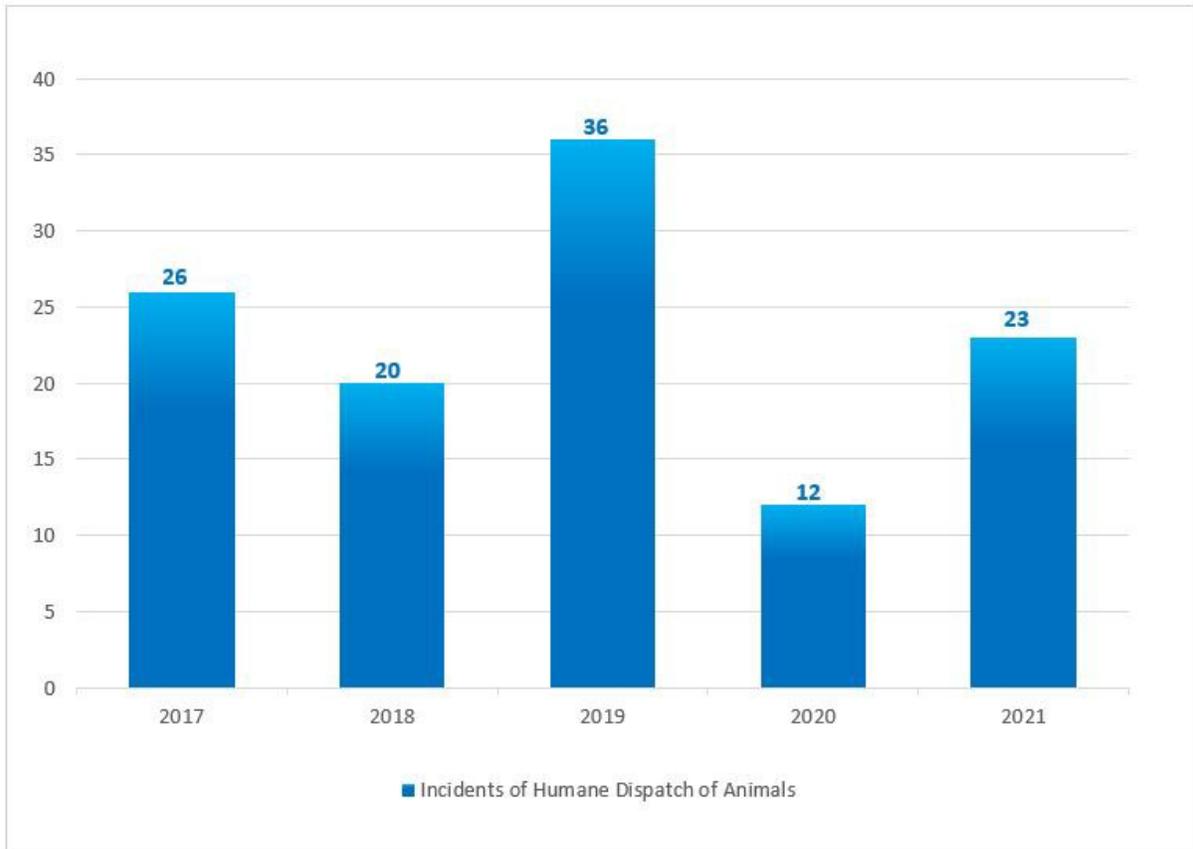


Humane Dispatch of Injured Animals

In 2021, there were 23 incidents where police officers discharged their firearms to humanely dispatch injured animals. In 2020, 12 incidents involved the humane dispatching of animals. The five-year data shown from Figures #7A in comparison to Figure #7B, highlights that when police officers are required to discharge their firearms, it is primarily for the purpose of humanely dispatching injured animals.

Figure #7B

HUMANE DISPATCH OF INJURED ANIMALS

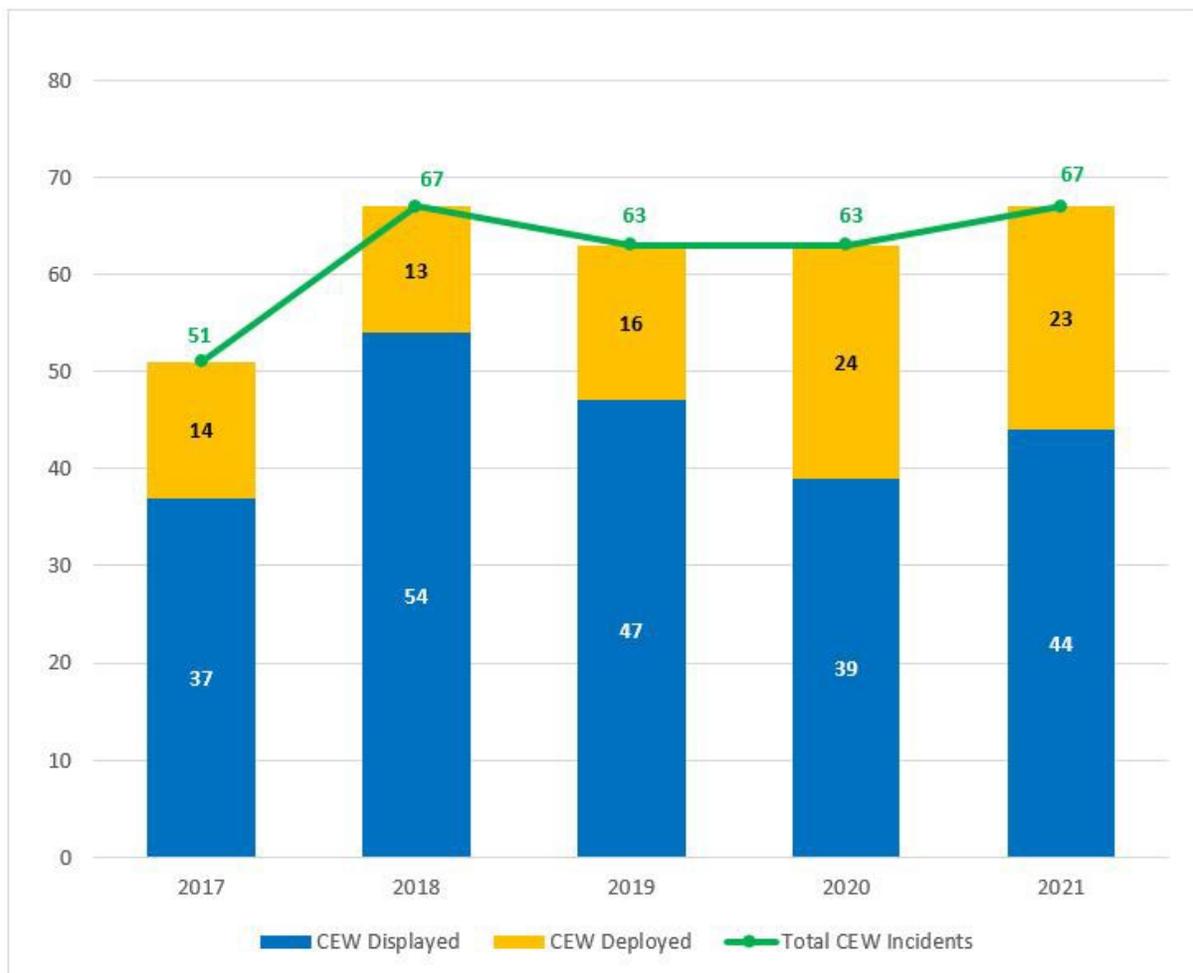


Conducted Energy Weapon

Officers continue to be trained to utilize the Conducted Energy Weapon (CEW). The CEW 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 de-escalating volatile incidents. In 2021, the CEW was utilized 67 times by either uniformed frontline officers or members of the Emergency Response Unit. Of the 67 occasions, demonstrated force presence mode was employed 44 times, meaning officers displayed the CEW but did not physically apply it on a subject. On 23 occasions, the CEW was applied on a subject through drive stun, or probe deployment modes. Figure #8 illustrates that over a five-year period CEW deployments have relatively remained consistent. In addition, Figure #8 highlights that merely displaying the device continues to be effective.

Figure #8

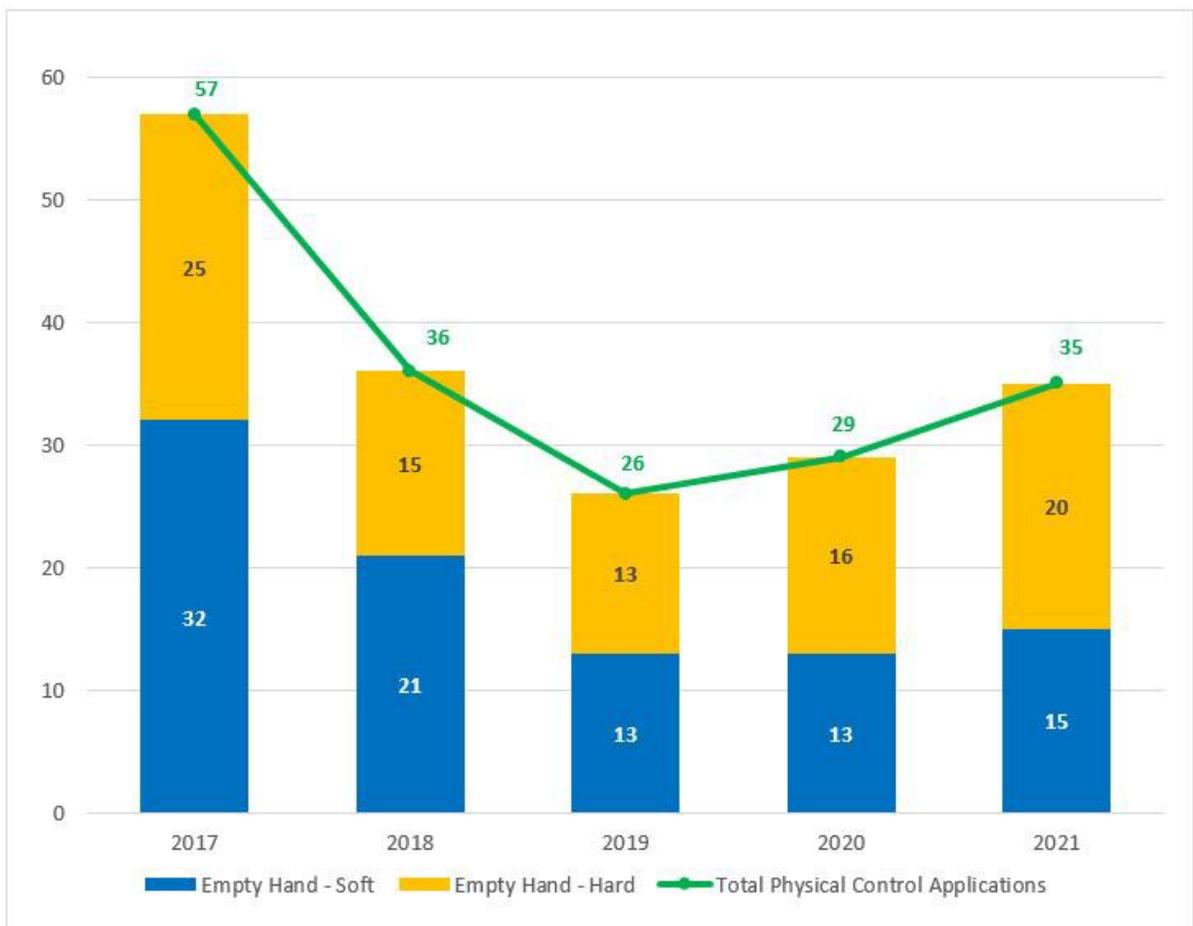
CONDUCTED ENERGY WEAPON



Physical Control

Physical Control refers to the application of physical force upon a subject. The mere act of escorting a subject or placing them in handcuffs are examples of physical control, but they do not require a Use of Force Report to be submitted. Use of Force Reports are mandated if the subject requires medical attention. For example, if an officer strikes and/or grounds an assaultive subject, and the subject sustains an injury that requires medical attention, a Use of Force Report must be submitted. In 2021, there were 22 incidents where physical control applications were applied on 23 subjects. A total of 35 police officers submitted Use of Force Reports for their applications of physical control. Hard empty hand techniques (strikes or grounding a subject) accounted for 20 applications, while 15 involved soft empty hand techniques (using leverage to pry an arm or leveraging joints). Figure #9 illustrates a slight increase in physical control applications since 2018.

Figure #9
PHYSICAL CONTROL

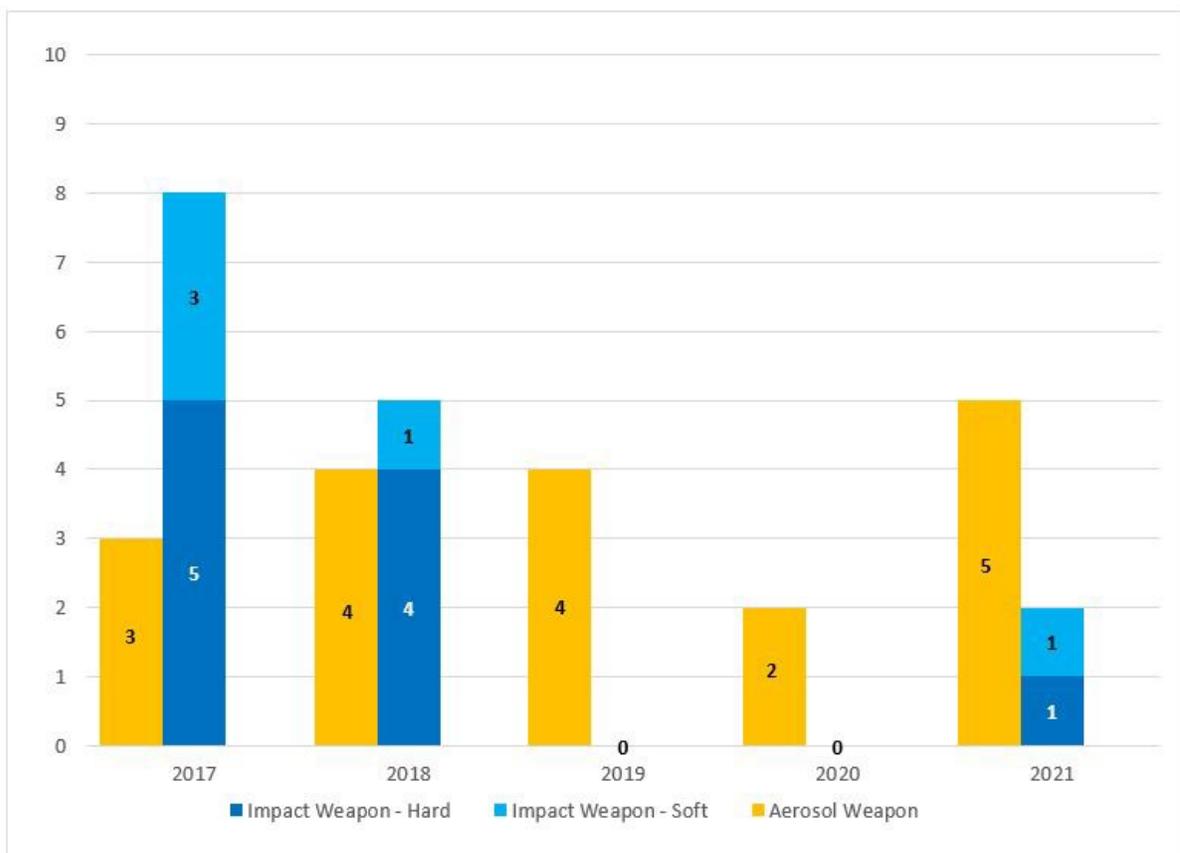


Impact Weapons and Aerosol Weapons

Impact weapons (batons) can be deployed in two ways; hard (strikes) and soft (used to pry a limb such as an arm). There were two baton applications in 2021. In one incident, the baton was used as a leveraging tool to pry an arrested subject's arm out from under his body. In the second incident, the baton was used as a defensive tool against an assaultive subject. Oleoresin capsicum (pepper spray) is an aerosol weapon that was utilized on five occasions in 2021, and on two occasions in 2020. The previous four-year data for these weapons illustrates a consistent declining trend in these use of force options. While year five, 2021, saw a slight increase in the use of Impact and Aerosol Weapons, there were no applications of Impact Weapons in 2019 and 2020. The information in Figure #10 shows that officers are rarely relying upon these options. Of all the 2021 Use of Force Reports (412), only seven (1.6%) are related to the use of an Impact Weapon or Aerosol Weapon.

Figure #10

IMPACT WEAPONS AND AEROSOL WEAPONS

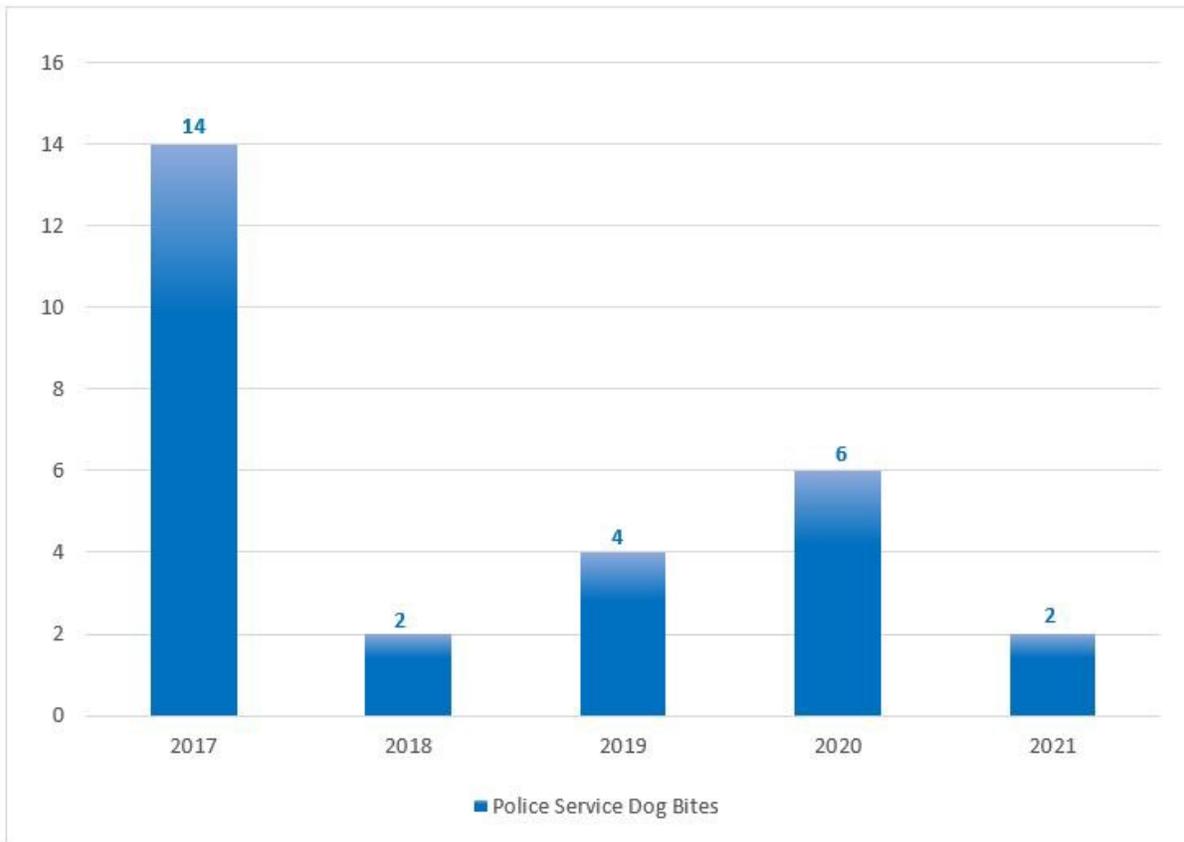


Police Service Dogs

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 2021, there were two incidents where Police Service Dogs were utilized to support criminal apprehensions, a decrease from six incidents in 2020. Although Police Service Dogs are deployed for many reasons, only applications that result in dog bites or damaged clothing of subjects are reported under the regulations. Figure #11 illustrates a significant reduction in Police Service Dog bites since 2018. The data also shows that dog bites are quite rare when criminal apprehensions occur.

Figure #11

POLICE SERVICE DOG BITES



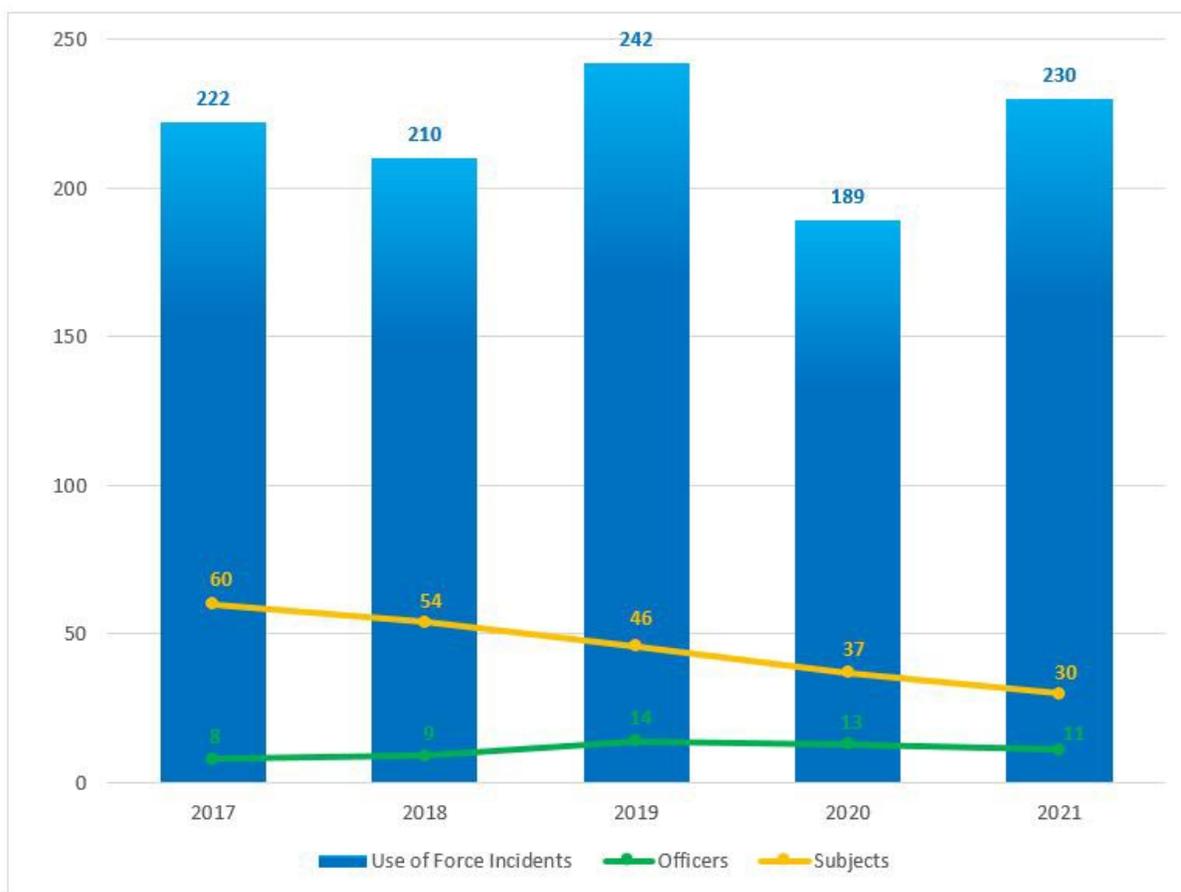
INJURIES AND SUBJECT RACE DATA

Officer Injuries vs. Subject Injuries

In 2021, a total of 11 officers and 30 subjects were injured during use of force incidents. In 2020, 13 officers and 37 subjects were injured. Figure #12 illustrates a five-year trend of fewer subjects sustaining injury, compared to a slight increase in officers being injured during use of force incidents. The exception to the trend is 2021, where officer injuries decreased in comparison to the previous two years. Figure #12 additionally highlights that although use of force incidents have increased in comparison to 2020, injuries to subjects has declined. One explanation for this is that officers are applying the most appropriate use of force option, and they are effectively communicating and de-escalating situations.

Figure #12

OFFICER INJURIES VS SUBJECT INJURIES



Perceived Subject Race

As of January 1, 2020, under the *Anti-Racism Act*, police services are 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 an individual as perceived by the officer in respect of whom a Use of Force Report is prepared, must be 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 races 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 race of the same subject as two different 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 2021, Use of Force Reports were submitted where 270 subjects were involved. Figure #13A illustrates the perceived race of these subjects. Of the 270 subjects, 119 (44%) were armed with either a firearm, edged weapon or other type of weapon (tool, baseball bat etc.), whereas the remaining 151 (56%) subjects were unarmed. Some examples of when use of force is reported on unarmed subjects include: officers drawing on or pointing their firearm at a subject whom they believe is armed, but is later found to be unarmed; demonstrating or deploying a CEW or using physical control (soft or hard empty hand techniques) on a subject who is assaultive or about to cause serious bodily harm or death to another person (i.e. choking or strangulation); or where the subject is injured and/or requiring immediate medical attention. Medical attention could range from a subject requiring first aid from a self-inflicted injury, to necessary emergency care or hospitalization. Figure #13B illustrates armed versus unarmed subjects within each perceived race category.

Figure #13A
PERCEIVED SUBJECT RACE

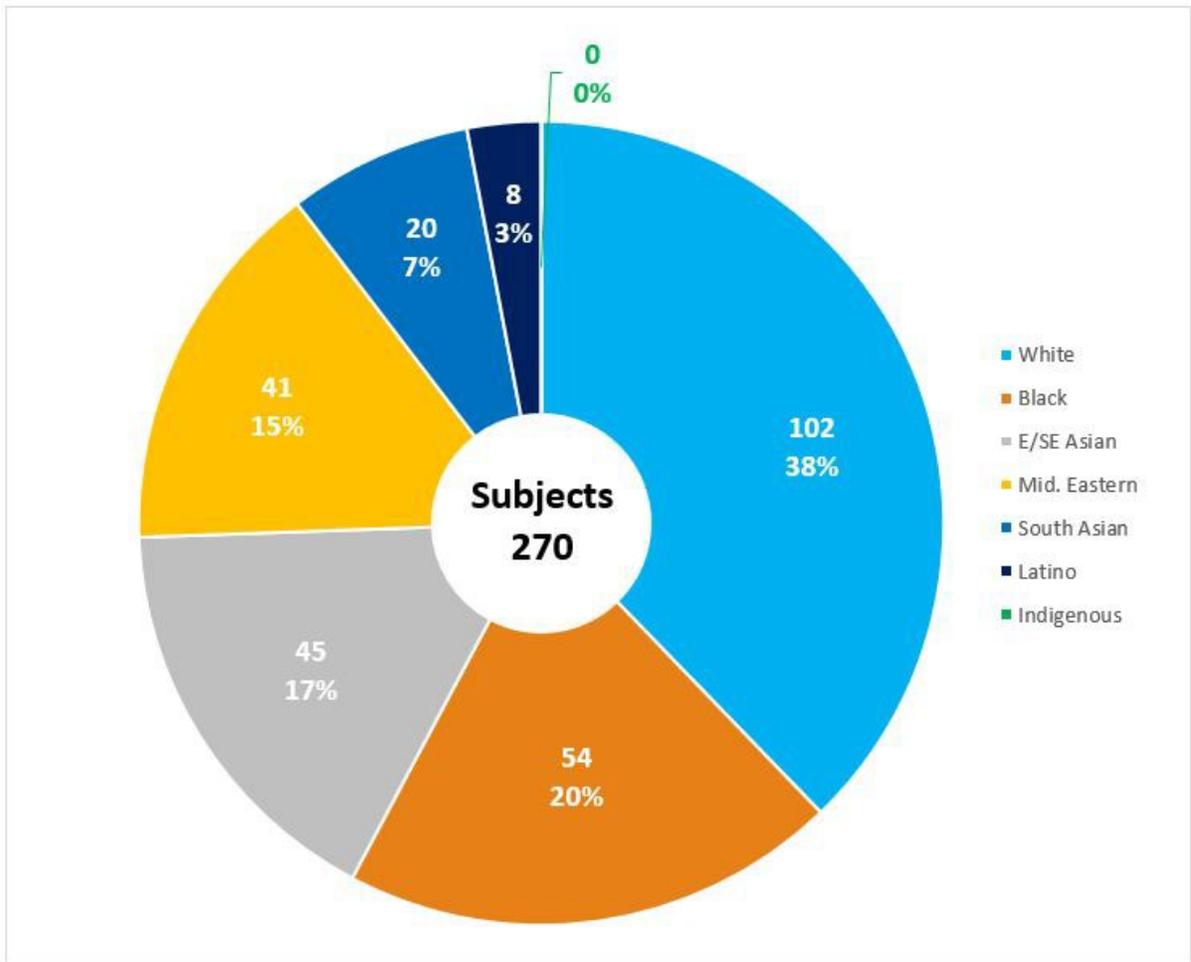
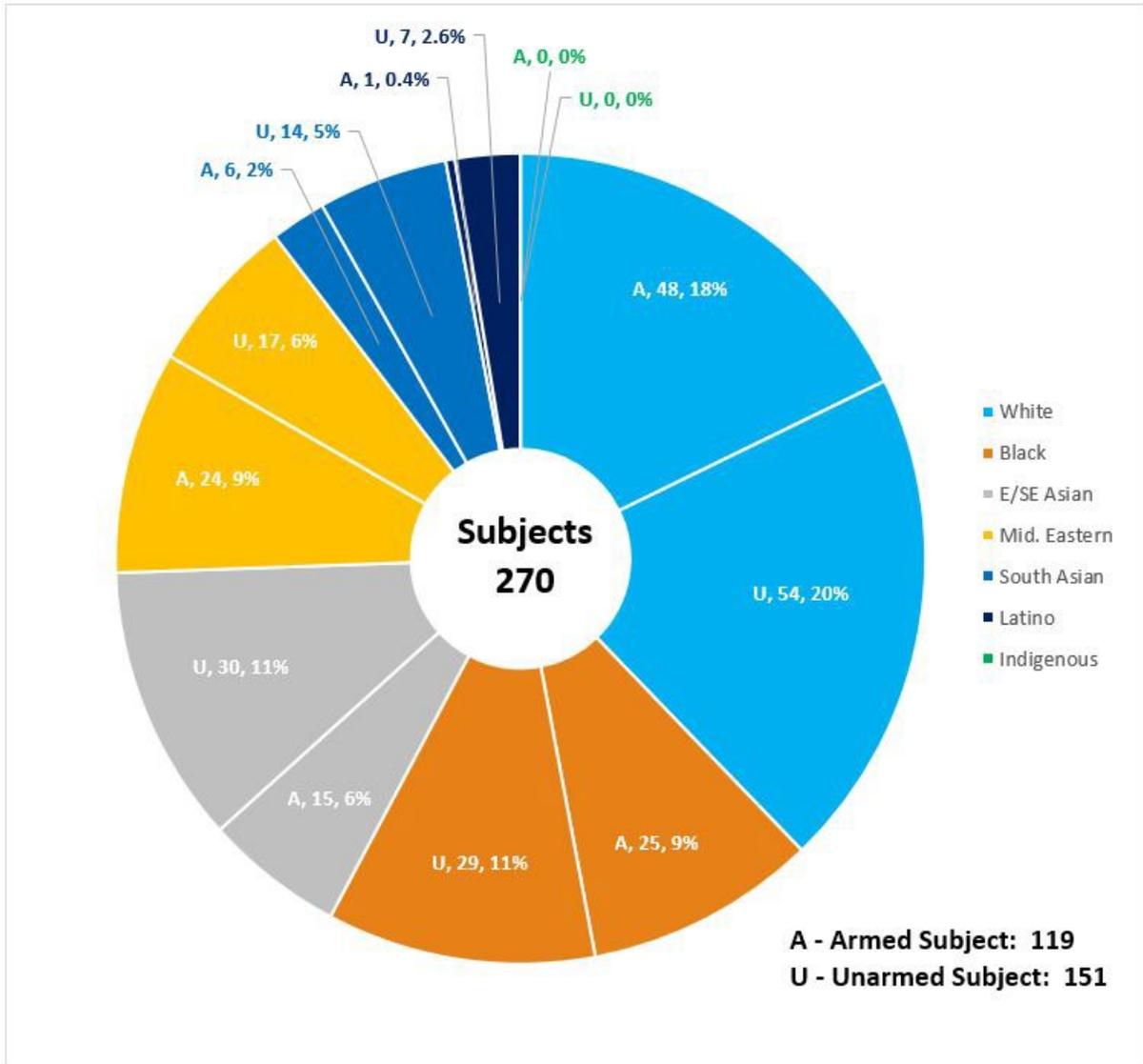


Figure #13B

PERCEIVED SUBJECT RACE - ARMED VS. UNARMED



5. Financial

There are no financial implications.

6. Conclusion

The data in 2021 revealed that all police interactions and use of force incidents increased between the police and the public. The increase in use of force incidents is marginal, and the data is consistent with 2019 trends that existed prior to the 2020 COVID-19 Pandemic.

The majority of the use of force incidents involved frontline uniform officers who were responding to weapon related calls. The weapon related calls typically involved subjects who were either armed with an edged weapon or a firearm. There were 112 incidents where police officers pointed their handgun or rifle at a subject, but only two situations where officers were forced to discharge their firearm against a person.

The CEW continues to be an effective tool, as subjects often comply when it is used in demonstrated force mode. When required, police officers are continually choosing to use physical control tactics over impact weapons and aerosol weapons. Despite increases in use of force incidents, subject injury continues to decline.

The data shows the distribution of perceived race for all subjects that force was applied to in 2021. Of the seven race categories, Whites comprised the largest group and distribution, Blacks being the second highest, and East/Southeast Asian being third. The data breaks down these categories into armed and unarmed subjects perceived by race.

Credible and accurate data collection is critical to inform police training. The information is used to identify, monitor and address improvements of officer skill and ability, which impacts individuals and the community. For the second year, data surrounding the people involved in use of force incidents with police was collected, and continues to support our efforts to address any potential racial bias or profiling. Business intelligence and analytics have been implemented, and will enhance our capacity to better analyze our data and improve reporting and inform police training.

York Regional Police continues to train officers to resolve incidents with minimal application of force, when force is necessary. Based on the 2021 use of force data, training has been designed with a continued emphasis on de-escalation, critical decision making, encounters with armed subjects and interacting with individuals in crisis. York Regional Police will continue to leverage community and educational partnerships to further develop 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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