



NIAGARA REGIONAL POLICE SERVICE

Police Services Board Report

PUBLIC AGENDA

Subject: Annual Report – Use of Force – January 1 to December 31, 2021
Report To: Chair and Members, Niagara Police Services Board
Report Date: 2022-04-20

Recommendation(s)

The Niagara Regional Police Services Board receives this report for information.

Key Facts

- The purpose of this report is to provide the Board with the necessary and required information pursuant to the By-law relating to procedures and processes on police Use of Force.
- By-law 346-2014, A By-law Respecting Use of Force was enacted in response to the Provincial Adequacy Standards AI-012 Use of Force.
- By-law 346-2014 contains provisions requiring the Chief of Police to report specific information in order to ensure compliance with the legislative guidelines.

Financial Considerations

There are no financial implications relating to the recommendation in this report.

Analysis

This By-law details specific requirements that are to be reported as follows:

The Chief shall develop for the Board's review an annual study on the use of force/training issues, which shall disclose the following information and be made available to the community:

- a) Use of force trends and the Service response to such trends, as disclosed by the procedures referred to in 4.2.1 and 4.2.2 above and in accordance with Appendix A;
- b) all matters in which Part B of the use of force report was retained for more than 30 days in accordance with 4.2.3 above, the reasons therefore, and the action taken in respect of Members in connection with the retained report;
- c) in respect of training whether use of force training meets or exceeds Ministry standards as amended from time to time;

- d) in respect of training the number of members who did not successfully complete the required training, the reasons for not so doing and the remedial action taken;
- e) a summary of all reports made pursuant to 4.4.1. and 4.4.2 regarding the discharge of firearms;
- f) a summary of Service policy reports and follow-ups in accordance with 4.6 above;
- g) a summary of the disposition of revolvers made pursuant to 4.7 above;
- h) the nature of critical incident trauma aftercare available pursuant to 4.8 above and the number of Members using the aftercare arrangements;
- i) Service compliance with equipment standards of the Ministry as amended from time to time;
- j) a summary of Service policy regarding disposition of old equipment and comment on Service compliance with the policy, and;
- k) anticipated changes in the cost of any of the above matters to be considered in the budget for the ensuing year, which information shall also be included in the training program budget submitted to the Board.

The following is a detailed response to each of the above noted requirements:

- a) **Use of force trends and the Service response to such trends, as disclosed by the procedures referred to in 4.2.1 and 4.2.2 above and in accordance with Appendix A:**

Section 4.2.1 and 4.2.2 mandates written procedures to ensure that the following incidents involving the use of force are documented, when used outside of a training environment:

- the discharge of a firearm;
- the drawing of a handgun in the presence of members of the public;
- use of a weapon other than a firearm, including aerosol weapons, conducted energy weapons and batons; and,
- applications of force which result in injury requiring medical attention

The Service's General Order 053.22 governs all use of force by members. All reporting requirements are contained within this order. These procedures are in compliance with the Police Services Act; Regulation 926 and the Policing Standards Manual AI-012.

Use of Force Analyst Report:

In 2021, officers of the Niagara Regional Police Service responded to over 148,000 calls for service. Of those incidents, 186 encounters between officers and members of the public occurred in circumstances that required the completion of a Use of Force Report, as mandated by Ontario Regulation 926.

Use of Force Reports are broken into two classifications: Individual Reports and Team Reports. Individual Report refers to the submission of a Use of Force Report by an individual officer and may include reports prepared by an immediate supervisor in cases where the officer is incapable of submitting a report. Each officer who administers force

meeting the threshold in Regulation 926 must submit an individual report, unless they qualify as a member of a team. A Team Report is completed by a leader of a specialist team, such as the Tactical Team, in place of individual reporting by each member. Therefore, one incident (call for service) can result in multiple Use of Force Reports being submitted. Out of the 186 identified encounters resulting in submission of Use of Force Reports, 33 were Team Reports.

In 2021, there were approximately 186 Use of Force Report submissions. For comparison purposes, there were 168 Use of Force Report submissions in 2020, 137 in 2019 and 140 in 2018.

The increase in Use of Force Reports has been paralleled with the rise in armed persons, which has been a trend for the last four years and continued in 2021 with 139 armed persons, compared to 127 in 2020. Although there were not as many subjects armed with firearms in 2021, there was a significant rise in the number of subjects armed with knives or edged weapons with 52 identified incidents, up from 29 incidents in 2020.

Over the last several years we have seen more prevalence of suspected gang activity and violent incidents throughout the Region. The number of times that officers have had to use force or draw and point their service firearms or long guns correlates with the violent situations that have occurred in the Region and the number of armed subjects they encountered.

In 2021, there was a decrease in the number of subjects armed with firearms, however the number remains high at 54. In 2020 we saw a large increase in the number of subjects armed with firearms with 80 reported incidents. In 2019 there were only 5 and 13 in 2018. In 2021, 54 subjects were armed with firearms which were identified as semi-automatic (40); rifle (6); shotgun (4) and revolver (4). Further, the use of replica firearms/airsoft weapons used by subjects during incidents was reported 6 times, down from 7 in 2020. Often these replica firearms and airsoft weapons look identical to real firearms, which result in police drawing their firearm and responding as if the weapon is a real firearm.

Situations with subjects who are known to be armed result in heightened vigilance when it comes to executing search warrants. Any time a subject has been identified as being armed, or possibly armed, the Tactical Unit must be involved in the entry to a premise. In 2021 they were involved in 33 use of force incidents.

The CEW remains the most reliable and utilized use of force option for police officers. In 2021, it was effective 90% of the time which is within the historical ranges of 90%-93%. Other use of force options, aside from the firearm, have seen a decline in the rates of use. This may be attributed to the consistent efficacy of the CEW as well as the limited time for recovery and minimal injury resulting from its use.

The Niagara Regional Police Service Training Unit continues to monitor trends in the community that result in the use of force and report as required in accordance with the Police Services Act. The Training Unit is committed to developing and delivering training

that is relevant, realistic, repeatable, and responsible to ensure police officers are confident and competent in their commitment to ensuring public safety.

Race

In 2020, the Ministry of The Solicitor General implemented a new use of force report. The goal was to capture statistics on use of force across the province through electronic submission of the use of force reports.

One of the changes to the report was an identified need to capture statistics regarding race involved in use of force encounters. The statistics are based on the “perceived subject race”, from the officer’s observations. The following were identified by the Ministry as the race categories: Black, East/Southeast Asian, Indigenous, Latino, Middle Eastern, South Asian, and Black.

In 2021, Niagara Regional Police officers encountered 244 subjects in 186 reported incidents of use of force. The subjects were identified as follows:

Race Data:	2021	2020
Black	39	58
East/Southeast Asian	1	5
Indigenous	4	5
Latino	8	8
Middle Eastern	11	21
South Asian	1	2
White	175	141

Empty Hands Techniques

The use of Empty Hands skills can be broken down into soft and hard techniques. Soft techniques are used to control a subject who exhibits behaviour ranging from passive resistant to serious bodily harm or death. They include techniques such as; joint locks and manipulation, restraint techniques during handcuffing, and grounding techniques that are used to bring a subject to the ground. Hard techniques are those that involve striking a subject and can include; punches, kicks, elbows, knees, and brachial stuns. The goal in using these and other use of force options is always to stop a threat or potential threat as quickly as possible with minimal injury to all involved parties.

In 2021, Empty Hands techniques were reported 45 times compared with 49 times in 2020. Empty Hands "hard" techniques were utilized in 16 occurrences and were only 62.5% effective. Empty Hands "soft" techniques accounted for the remaining 29 usages and were effective 72% of the time.

Aerosol Weapon

Oleoresin Capsicum (OC) spray has been an approved use of force option of the Niagara Regional Police Service since 1994. OC spray is 100% organically based and is classified as an inflammatory agent designed to psychologically and physically impair a subject with no long-lasting effects. The degree of effectiveness varies greatly and ranges from mild discomfort to total incapacitation. These factors are dependent on the subject's mindset and physical condition. Factors such as; intoxication by alcohol or drugs, excited delirium or mental health illness may also reduce its effectiveness. Police officers using OC spray also have to be aware of cross-contamination (officers being affected by the OC back-spray), de-contamination (the need to flush the affected areas of the subject), and the ability of a subject to overcome the effects if they close or cover their eyes to decrease exposure.

In 2021, there were 2 reported deployments of OC spray by police officers in the course of their duties, which were reported to be 50% effective. In 2020 OC was also used 2 times with 100% effectiveness. The last reported use of OC spray prior to 2019 was in 2015 where there were seven 7 deployments with 86% effectiveness. This marked decrease in usage may be attributed to the concerns mentioned above or may be due to another use of force option being used as a more appropriate tool given the situation.

Impact Weapon

The Impact Weapon, or ASP baton, may be used when a subject displays a minimum of assaultive behaviour. Sworn officers are issued with an expandable metal baton. These tools are used to strike major muscle groups, where large bundles of nerves respond by causing temporary muscle dysfunction. This eliminates or reduces a subject's ability to use their hands and feet in an assaultive manner. The pain that results will also assist in achieving compliance. When a subject is holding onto an object to resist, the Impact Weapon may be used to pry the subject loose. This is referred to as a soft application.

In 2021, the Impact Weapon was used 1 time in a soft application, and it was effective. There were no reported uses of the Impact Weapon in a hard or striking fashion during 2021. For comparison purposes, there were 2 uses of the Impact Weapon in a soft application in 2020. It is anticipated that the Impact Weapon usage will remain low as other options, such as the CEW, are proving to be more effective.

Conducted Energy Weapon (CEW)

In 2015, all front-line police officers within the Service received CEW training to be able to carry the CEW as a use of force option. CEW's are intended for use on subjects exhibiting behaviour that ranges from Assaultive to Serious Bodily Harm or Death. The CEW may also be used when taking into account the totality of circumstances, the officer believes there is an imminent need to control a subject.

The CEW can be used in three different ways:

1) Demonstrated Force Presence (DFP)

The CEW is drawn in the presence of a subject and is either sparked or the laser light is pointed at them. This type of application can be used towards subjects exhibiting resistant behaviour. DFP is utilized in attempts to gain subject compliance and de-escalate situations.

2) Dart Probe

The CEW utilizes a cartridge that contains 2 probes. When fired, the 2 probes travel to the intended target, tethered by 2 insulated wires designed to deliver an electrical charge that affects both the sensory and motor neurons of the central nervous system. This type of deployment is very effective resulting in neuromuscular incapacitation. A larger probe spread will often result in greater effectiveness. A failed deployment may be the result of one or more probes missing the target, thick or heavy clothing, small probe spread or device malfunction.

3) Drive-Stun

The drive-stun involves direct contact between the CEW and subject. Due to the short distance between the contacts on the CEW, the drive-stun relies primarily on pain compliance as it only targets the sensory neurons. As with any technique that relies on pain compliance, the drive-stun may be ineffective on subjects that are intoxicated by drugs or alcohol, emotionally disturbed, suffering from excited delirium, or simply impervious to pain.

Annual CEW In-Service Training incorporates enhanced academic and practical scenario training supplemented by material from the Ontario Police College and Master CEW working committee. Training also addresses common and uncommon deployment issues identified in CEW reports.

In 2021, the CEW was drawn and utilized 61 times in relation to 44 incidents. This is due to multiple officers choosing the CEW as an option at the same incident. This is up from 2020, where the CEW was drawn and utilized 46 times.

The 61 usages are broken down; accordingly, 31 were Dart Deployments, 21 were used as Demonstrated Force Presence and 9 were used in a Drive-Stun mode. There was a variety of types of calls where the CEW was used, 18 of them involving subjects armed with weapons. Of these 18 incidents involving weapons; 1 was a domestic; 6 were armed person(s) and 11 were Mental Health Act related calls.

Weapons were involved in 41% of the calls where a CEW was utilized. 13 of those incidents involved knives and 1 involved pepper spray. The other incidents involved a variety of weapons such as a pipe, table leg, fire extinguisher and a guitar. There were also 2 incidents in which a CEW was successfully used against an aggressive dog.

CEW Data

YEAR	DART DEPLOYMENT	DRIVE STUN	DEMONSTRATED FORCE PRESENCE
2021	31	9	21
2020	18	5	23
2019	24	9	23
2018	30	1	21

Historical (usage) Success Rate

The CEW has a high historical success rate of 90-93 %. The success rate for 2021 CEW usages is 90% and within historical norms.

Firearm

In 2021, there were 77 Use of Force report submissions where police officers drew their handgun in the presence of the public, during the course of their duties. As stated above, the reporting criteria in these instances require a police officer to submit a Use of Force report when a handgun is drawn in the presence of the public. Police officers reported 80 incidents where a firearm was pointed at a subject. The criteria for reporting in these incidents require police officers to submit a Use of Force report whenever a firearm is pointed at a person and includes; handgun, shotgun, or rifle. It should be noted that the 80 incidents where officers pointed their firearms were not all separate incidents and some involved multiple officers pointing their handguns at the same subject or multiple subjects. There were 18 occurrences of police officers discharging their firearm in 2021. 17 of those incidents involved police officers discharging their firearm to end the suffering of a critically wounded animal. There was 1 occurrence that involved an officer discharging their firearm at a subject causing a fatal injury to the subject. This matter was investigated and cleared by the SIU.

Firearm Data

YEAR	FIREARM DRAWN	FIREARM POINTED	FIREARM DISCHARGED
2021	77	80	18
2020	66	85	12
2019	27	39	19
2018	19	44	20
2017	12	52	33

Use of Force reporting captures data concerning weapon use by subjects during interactions with police officers when force is used. In these instances, police officers

document the type of weapon, nature of any injuries and where the weapon was located during the interaction. In 2021, police officers encountered 139 armed subjects, compared with 127 armed subjects in 2020. Of the 139 armed subjects; 52 were armed with a knife or edged weapon, 54 were in possession of a firearm, 1 subject was armed with a crossbow and 7 had baseball bats. Police officers also encountered subjects who were armed with weapons of opportunity. These included a fire extinguisher, guitar, propane tank, motor vehicle, and coyote spray. Lastly, Police officers reported 6 encounters with subjects armed with replica handguns.

In many of the calls for service, police officers received information that a subject was armed and were able to plan and act accordingly to diffuse the situation safely, however, police officers also responded to many incidents with limited information, only to encounter an armed subject on arrival. For these reasons, police officers always need to remain vigilant and cautious, for their own safety and the safety of others, during any community interaction.

The number of armed subjects police officers encountered in 2021 rose again, for the third year in a row. One trend that remains constant is the encounter of armed subjects at mental health related calls. 17 use of force reports were submitted in relation to mental health calls in 2021, down from 22 in 2020. These incidents are particularly challenging in that police are tasked with trying to de-escalate a potentially dangerous situation while trying to extend help to a person in crisis. De-escalation tactics have varied effectiveness depending on the situation, but they do not eliminate the use of force when it is justified and necessary. Annual In-Service Training has evolved to address these concerns and incorporates specific use of force skills training as well as judgment and de-escalation scenarios to deal with the increasing number of mental health calls for service.

b) all matters in which Part B of the use of force report was retained for more than 30 days in accordance with 4.2.3 above, the reasons therefore, and the action taken in respect of Members in connection with the retained report;

As per section 4.2.3 there were no incidents in the reporting period where Part B of the Use of Force report was retained for more than the 30 days due to a determination that a member required additional training.

c) in respect of training whether use of force training meets or exceeds Ministry standards as amended from time to time;

Use of Force training is scheduled and conducted in a manner that meets or exceeds Ministry Standards. Officers participate in Use of Force certification/recertification at least once every 12 months. The members of the Training Unit regularly review and amend their prepared lesson plans pertaining to instruction and evaluation of members involved in Use of Force certification/re-certification. This ensures that all of the training standards meet, or exceed, the Ministry standards.

d) in respect of training the number of members who did not successfully complete the required training, the reasons for not so doing and the remedial action taken;

Every year a small number of members are unable to participate in use of force training due to medical restrictions. In accordance with section 4.3.5 of the By-law, and the Police Service Act, those members are not deployed to positions that require use of force capabilities until their medical conditions allow them to receive the required use of force training. Of all those members who participate annually in use of force training, there is generally a small percentage, typically in the firearms requalification, that are required to make a second attempt to achieve the training standard. They are afforded that opportunity to do so as soon as possible, usually the same day. During the reporting period all active-duty members were able to achieve the training standard at first attempt or following remedial opportunities.

e) a summary of all reports made pursuant to 4.4.1. and 4.4.2 regarding the discharge of firearms;

Section 4.4.1 states that "*The Chief shall ensure that all reports on investigations of death or injury resulting from the discharge of a firearm made pursuant to section 13(1) of Regulation 926 are submitted to the Board within thirty (30) days of such incident occurring*".

Section 4.4.2 states that "*The Chief shall immediately cause an investigation and file a report to the Board where a member, by the discharge of a firearm in the performance of his or her duty, kills or injures another person*"

In 2021, an incident involving multiple police officers from the Service and a subject resulted in one Service firearm being discharged with the subject being fatally wounded. This matter was investigated by the SIU and cleared.

f) a summary of Service policy reports and follow-ups in accordance with 4.6 above;

Section 4.6 of Police Services Board By-law 346-2014 refers to issuing firearms to auxiliary members. Section 11(1) of Regulation 926 of the Police Services Act permits "*the chief of police or a superior officer, a member of an Ontario police force.... who is accompanying and supervising an auxiliary member of the police force may issue to the auxiliary member a firearm, except a revolver, if he or she believes, on reasonable grounds, that they are entering into a situation in which it is necessary that the auxiliary member be armed to protect against loss of life or serious bodily harm.*"

There were no incidents during this reporting period where an auxiliary member was issued a firearm.

g) a summary of the disposition of revolvers made pursuant to 4.7 above;

During the reporting period no revolvers were destroyed.

h) The nature of critical incident trauma aftercare available pursuant to 4.8 above and the number of Members using the aftercare arrangements;

General Order 009.10 entitled Psychological Wellness Programs sets out policy and procedures with respect to the Critical Incident Response Team and Peer Support Team. The teams provide support to any member and their families who have experienced the negative effects of stress from an employment related critical incident.

Further, General Order 254.02 entitled Reintegration Program sets out policy and procedure for supporting members in dealing with the natural stress of critical incidents and exposure to stressful events. Support is provided through delivery of a program integrating exposure, drills and scenarios that have been individualized to the needs of each participating officer and their situation.

For statistics on their responses please refer to the Board report submitted by Member Support.

i) Service compliance with equipment standards of the Ministry as amended from time to time;

There were no amendments to equipment standards during this reporting period.

j) a summary of Service policy regarding disposition of old equipment and comment on Service compliance with the policy;

The disposal of Service firearms is initiated by the Training Unit, or Quartermaster Stores. Disposal is conducted by the Firearms Officer and the procedure is consistent with that prescribed for seized or received firearms, as set out in General Order 035.13 entitled Evidence and Property Management.

k) anticipated changes in the cost of any of the above matters to be considered in the budget for the ensuing year, which information shall also be included in the training program budget submitted to the Board;

The Police Services Act is currently being reviewed for amendments and may contain changes to the Use of Force model and training regime with respect to situational de-escalation. At this point the impact on training costs would be speculation but it is anticipated that regulated training time will be increased.

Alternatives Reviewed

Not applicable.

Relationship to Police Service/Board Strategic Priorities

To comply with the Board By-law 346-2014.

Relevant Policy Considerations

- Police Services Board By-law 346-2014 (revised)
- Police Services Act of Ontario Regulation 926.
- Provincial Adequacy Standard AI-012
- NRPS General Order 053.22.

Other Pertinent Reports

7.13.2021.03.25 – Annual Report – Use of Force – January 1 to December 31, 2020

This report was prepared by Constable Andrew Watson, Training Unit Instructor and Use of Force analyst in consultation with Staff Sergeant Paul Koscinski, Training Unit and reviewed by Inspector Todd Waselovich, Labour Relations and Career Development and Superintendent David Meade, Executive Services. Recommended by Bill Fordy, Deputy Chief, Support Services.



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Appendices

Not applicable.