

# Sarnia Police Service

## Department Correspondence

*People Serving People*

**To:** Chief P. Nelson

30 January 2017

**From:** Constable R.S. Osborne  
Chief Instructor Sarnia Police Training Branch

**Re:** 2016 Annual Use of Force Report

### INTRODUCTION

The following information identifies statistical data gathered from use of force reports submitted by members of the Sarnia Police Service between January 01 2016 and December 31 2016 these statistics are used to develop policy and training programs in the area of use of force.

Ontario Regulation 926, Police Services Act requires members to submit a use of force report in the following situations:

- 14.5 (1) A member of a police force shall submit a report to the Chief of Police or Commissioner whenever the member,
- (a) 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;
  - (b) uses a weapon other than a firearm on another person; or
  - (c) Uses physical force on another person that results in an injury requiring medical attention.

After submission, the member's immediate supervisor reviews the use of force report. It is then forwarded to the Inspector in charge of that Division for review. The report is then directed to the Training Branch. If a need for other training or counseling is identified it is then provided to the member involved. The member may also request a debriefing of the incident with the Training Officer to identify any specific individual training requirements.

As per the regulation after a thirty-day period, part B is removed from the document. Part A is retained for a period of two years. This information is used for statistical purposes or for the development of training and policy.

## **NOTEWORTHY STATISTICS**

Attached to and forming part of this report are tables and graphs produced from the use of force Reports. These are self-explanatory and will assist in understanding the enclosed information.

A total of 23 (2015 - 25) use of force reports were submitted between January 01 2016 and December 31 2016. This figure should be compared to the 1999 persons arrested and the 24,126 calls members responded to during the same time period. Each arrest requires some form of force because handcuffs are almost always used; however reports are not submitted for application of handcuffs. Situations where use of force reports was submitted occurred less than .01% of encounters with the public. A single call for service may result in a number of reports being submitted, (e.g. five officers respond to a gun call and point their firearm, and then five reports would be submitted).

Officers assigned to uniform patrol submitted 52% (2015 – 76%) of all reports; E.R.T. 30% (2015 - 24%) and all other units combined submitting the remaining 18%.

Our officers faced a variety of assaults during which they were required to protect themselves and members of the public.

Two (2) encounters involved the assailant being armed with a firearm, One (1) with a baseball bat, One (1) Bicycle seat post and Five (5) with an edged weapon.

Twelve (12) 52% of these use of force actions took place in diminished lighting. In six (6) or 26% of the incidents alcohol was involved.

Fifteen (15) 65% of these use of force actions where officers drew, pointed or discharged firearms to destroy an animal.

Thirteen (13) 56% of these occurrences involves the direct use of the Taser. This use of force application was conducted by sworn Police Officers of the Sarnia Police Service.

These figures reveal that uniform patrol officers are by far the most likely members to face situations requiring the use of force. Regardless of this fact, every sworn officer is required to be requalified in the use of force within a twelve month period. This training includes the use of Tactical Communications, Empty Hand Techniques, Aerosol Weapons, Impact Weapons, Judgment, Firearms, Police Vehicle Operations and Academics.

The mission of the responding Officer(s) is;

- Protection and Preservation of life.
- De-escalate the incident using appropriate force in accordance with legislation.
- Keeping in mind the safety of the responding Officers, members of the public and the subject.

## **OFFICER PRESENCE, TACTICAL COMMUNICATIONS, AND TACTICAL CONSIDERATIONS**

The first level of force identified in the model is Officer Presence. Each time an Officer attends an incident his or her presence has an influence on the situation. When an Officer responds to an incident, he or she must assess various aspects of the immediate situation. There are at least six different conditions that can characterize a situation. Each of these may become part of the Officer's assessment. Each officer brings varying factors to the situation. Gender, age, size, strength, skill, experience, proficiency, fitness all influence the response option selected by each Officer. As a result the force option appropriate for one Officer may differ from one selected by another under similar circumstances.

Tactical Communications are a level of force used by Officers from the beginning of their involvement in an incident and continue until its conclusion. Each Officer must use effective communications when dealing with members of the public. The importance of communicating effectively increases when force is being used because when using pain as a means of compliance, the subject must continually be told what is expected of him. When compliance begins the Officer must begin to reduce the force being used. It is always the subject who determines the level of force used.

Tactical considerations are described as the following:

- Disengage and consequences\*
- De-escalation\*
- Officer appearance
- Uniform and equipment
- Number of officers
- Availability of backup
- Availability of special units and equipment: canine, tactical, helicopter, crowd management unit.

Each one of the above have an impact on the type and amount force used. An Officer's appearance can dictate the outcome of an incident, long before he has to use force.

\*Disengage and consequences could be a situation where the Officer may decide to wait for back up before entering a dwelling or stopping a vehicle. Conversely in the case of an active killer in a school the Officer may not have the luxury of disengaging.

Officers are trained to use either of these options or a combination of them to enhance their presence during situations. They are also trained to use them to their tactical advantage to increase the safety of the public and themselves.

\*All Officers are trained in de-escalation. This means that the Officer(s) are constantly assessing the need to use force and what application of force is appropriate with the demonstrated behaviors of the subject before them. Keep in mind that this usually occurs in a very toxic environment where the Officer must make these decisions immediately without the luxury of time.

## **EMPTY HAND TECHNIQUES**

Once physical force is necessary, empty hand techniques are the lowest level of force available. Virtually every arrest made requires empty hand techniques because taking physical control is a necessary component of each arrest. Service policy requires that as a general rule persons in custody be handcuffed prior to being transported. This requires a minimal amount of force even with a compliant subject.

Empty hand techniques may be used to control any level of resistance. Even when other options are used, empty hand techniques eventually become a factor when handcuffing or transporting the subject.

Empty hand techniques are broken into two categories, soft and hard. Soft techniques include holds, arm bars, controlling techniques, and pressure points. Hard techniques include strikes with hand, fist, elbow, knee, leg or foot. There is no requirement to submit a use of force report when empty hand techniques are used unless they result in an injury where medical attention is required. For this reason the number of reported cases where Officers used empty hands is low.

Some statistics have been gathered because empty hands are used in conjunction with other techniques and therefore are included when Use of Force Reports for those other categories are submitted.

**Empty Hand Techniques were used Six (6) times or 26%, (2015 – 4%).**

## **AEROSOL WEAPONS**

When a subject displays “Active Resistance” behavior he or she uses muscle energy to resist the lawful commands of an Officer. Examples include pulling away, holding onto an object, walking or running away, refusing to submit arms for handcuffing etc. “Assaultive Behavior” is defined as muscle energy directed towards a person. When a subject angles his body in a fighting stance or uses threatening language or gestures he has begun to display assaultive behavior.

Officers facing this level of resistance may choose to use Aerosol Weapons to obtain compliance. When properly applied to the aggressor it will cause the eyes to involuntarily close. This affords the Officer time to assess and plan what should be done to obtain the compliance of the subject.

The effectiveness of aerosol spray is reduced when used on persons under the influence of alcohol, narcotics or when mental illness is a factor.

**Aerosol spray were used One (1) times or 4%, (2015 –16%).**

## **IMPACT WEAPONS**

When a subject displays “Active Resistance” he or she uses muscle energy to resist the lawful commands of an Officer. Examples include pulling away, holding onto an object, walking or running away, refusing to submit arms for handcuffing etc. “Assaultive Behavior” is defined as muscle energy directed towards a person. When a subject angles his body in a fighting stance or uses threatening language or gestures he has begun to display assaultive behavior.

Impact weapons may be used in these situations. Sworn service members are issued with an expanding metal baton. These tools are used to strike major muscle groups where large bundles of nerves respond by causing temporary muscle dysfunction. This eliminates the subject's tools for delivering the assault such as his hands and feet and any weapons he may hold. The pain which results may also assist in achieving the objective of compliance; this would be described as impact weapons hard. When a subject is holding onto an object to resist arrest the impact weapon may be used to apply a joint lock to unlock the subjects grip. This is referred to as impact weapon soft application.

**Impact Weapons were used two (2) times or 8%, (2015 – 28%).**

### **TASER X26/X2**

Since June of 2004 the Sarnia Police ERT has been deploying the Taser. Since July of 2006 the Sarnia Police Patrol Sergeants have been deploying the Taser. In April 2016 half of the sworn Police Officers were trained in the use of the Taser. These Officers carry this force option on their duty belt while deployed operationally. The Sarnia Police Service deploys model X2 and X26 Taser.

There are three ways that a Taser is deployed they are:

- 1) **Use of probes** which are deployed from a cartridge attached to the Taser. The probes are designed to enter either the clothing or skin and remain in place by the use of small barbs on the end of the probes.
- 2) **Push stun** where the operator presses the muzzle of the Taser either directly against the skin or clothing and activates it with the cartridge in place.
- 3) **Force presence**, where the operator draws the Taser, and provides the subject with a command then simply activates the Taser allowing the subject to see the device operate. This option is given only under controlled circumstances and is a last ditch effort to gain compliance without using it directly on the subject.

**For the year 2016 sworn Officers deployed the Taser thirteen (13) times or 56%, (2015 - 28%)**

### **CONCLUSION**

These numbers reflect the type of incidents that our Officers attend and are put in a position where they have to use force. Appropriate levels of force are being applied during encounters with aggressive or non-compliant subjects. The Training Branch noted an improvement in the number and quality of the reports for 2016. There was a decrease of reports for 2016 by 2 reports.

When considering the 1999 arrest for 2016 less than .01% of those contacts resulted in some type of use of force application during those arrests. However if you were to take the number of use of force reports for 2016 (23) and compare it to the number of calls for service in 2016 (24,126) the percentage of times that our Officers are involved in a use of force situation with a member of the public is less than .09%.

There were 13 incidents of Taser use for 2016. This was an increase in the use of the Taser from 2015 (7) times. Following the Ministry of Community Safety and Correctional Services revised use of force guideline and training standards to support Conducted Energy Weapon use that permits a Chief of Police to train all sworn Police Officers in the use of the CEW. The Training Branch in April of this reporting year provided CEW training to members of the Service which increased the deployment of the number of Officers and devices in an operational capacity. This meant more Officers had a Taser available when dealing with a subject demonstrating assaultive, serious bodily harm or death behavior, ultimately saving lives. When considering this point keep in mind that the general public is well aware that our Officers carry the Taser as well as the individuals who choose to act in a manner where Police have to attend and intervene in a use of force application. The presences of an Officer with a holstered Taser are often times able to diffuse these situations before they escalate. The number of times where a Taser was used directly on a subject for this reporting year was 13 times. When reviewing the use of this device the writer found that it was used in accordance with Canadian Law, Provincial Statute and the Use of Force Training Standards for the Province of Ontario as well as best practices within our profession.

One statistic that consistently remains high from year to year is the number of incidents involving subjects armed with a real or replica firearm(s) or edged weapon(s). Of the 23 use of force reports submitted for 2016, fifteen (15) of them involved the subject believed to be or actually armed with a weapon. This obviously presents a clear and present danger to our Officers who in light of this still maintain their professionalism in these often dangerous and volatile arrests.

During this reporting year there were four incidents where members had to discharge there service pistols to humanly destroy animals.

The Training Branch is committed to training excellence. We continue to be vigilant in monitoring these use of force incidents and use of force reports to ensure that the training protects and provides our Officers with the proper equipment and tactics to keep them and the citizens of Sarnia safe.

Our Officers are committed to de-escalating these situations and to provide the most peaceful resolution for all that are involved. Ultimately it is the subject and his or her actions that make the final decision for these incidents. Our officers should be commended for their professionalism and use of restraint during all use of force encounters.

Yours in Training

Pc. Shawn Osborne#140  
Chief Instructor