

Sarnia Police Service

Department Correspondence

People Serving People

To: Acting Chief Owen Lockhart

13 February 2020

From: Senior Constable R.S. Osborne
Chief Instructor
Sarnia Police Tactical and Academic Training Centre

Re: 2019 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 2019 and December 31 2019 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 Use-of-Force report. 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 29 Use-of-Force reports were submitted between January 1, 2019, and December 31, 2019. By comparison in 2018 there were 34 Use-of-Force Reports submitted. This figure should be compared to the 25,543 calls for service that officers responded to during the same time period. Each call for service exposes officers to the potential necessity to control the situation with a Use-of-Force application. Although our officers do their best to avoid using force on a subject it is the unpredictability of human behaviour that ultimately forces an officer into making these decisions. Situations where Use-of-Force reports were submitted occurred in less than .1% of encounters with the public. A single call for service may result in a number of reports being submitted; for example, five officers respond to a gun call and point their firearm, then five reports would be submitted for one call for service.

- Officers assigned to uniform patrol submitted 86% (2018 – 82%) of all reports; E.R.T. 7% (2018 -5%) and all other units combined submitting the remaining 7%.
- Our officers faced a variety of assaults during which they were required to protect themselves and or members of the public.
- Of these encounters the assailant was armed with the following; six with a firearm, seven with an edged weapon, one with a broom, one with a dog leash.
- Twelve or 42% of these use of force actions took place in diminished lighting.
- One or 3% of these use of force actions where Officers discharged firearms to destroy an animal.
- Five or 17% of these occurrences involved the direct contact with a Taser on a subject. 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, De-Escalation, 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. Routinely each Officer must use effective communications when dealing with members of the public. The importance of communicating effectively increases when force is being used; they direct exactly what is expected of the subject and create positive witnesses. Once compliance is gained the officer must begin to reduce the force being used. It is always demonstrated subject behavior that 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 or she has to use force.

*Disengage and consequences could be a situation where an officer may decide to wait for back up before entering a dwelling or stopping a vehicle. Conversely an incident where imminent harm is inevitable 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 officers 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

If 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, palm heel, 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 two times or 7%, (2018 – 22.5%).

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 sprays were used zero times or 0%, (2018 –0%).

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. Another example when a subject is holding onto an object to resist arrest or “tuck” their hands under their body; 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 zero times or 0%, (2018 – 3%).

Taser X2

The Taser has been operational since 2004. This device is currently deployed throughout all divisions of the Police Service. 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.

Operationally an officer is only required to submit a use of force report when the device is used directly on a subject or force presence. As result for 2019 there were only five incidents where the Taser was deployed directly on the subject, and ten incidents of force presence

For the year 2019 sworn Officers deployed the Taser 15 times or 54%, (2018 - 50%)

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 2019. There was a decrease of reports for 2019 by 5 reports.

When considering the 25,543 calls for service 2019, less than .1% of those contacts resulted in some type of Use-of-Force application during those contacts. There were 15 incidents of Taser deployment for 2019. This was a slight increase in the deployment of the Taser from 2018. Edge weapons are always a concern in considering officer and subject safety. However, during this reporting year more subjects armed themselves with firearms than edged weapons. In the majority of these incidents the Taser proved to be an invaluable less-lethal option for the officer confronted with a subject demonstrating assaultive, serious bodily harm or death behavior. It is important to note that of these 15 deployments there were 10 incidents where the Taser was not directly deployed on a subject and only force presence was required to de-escalate the situation. In all of these incidents the writer believes that without Taser as a less lethal force option the officer would be limited in de-escalating armed and violent subjects. 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 presence of an officer armed with a holstered Taser is often at times able to diffuse these situations before they escalate. 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.

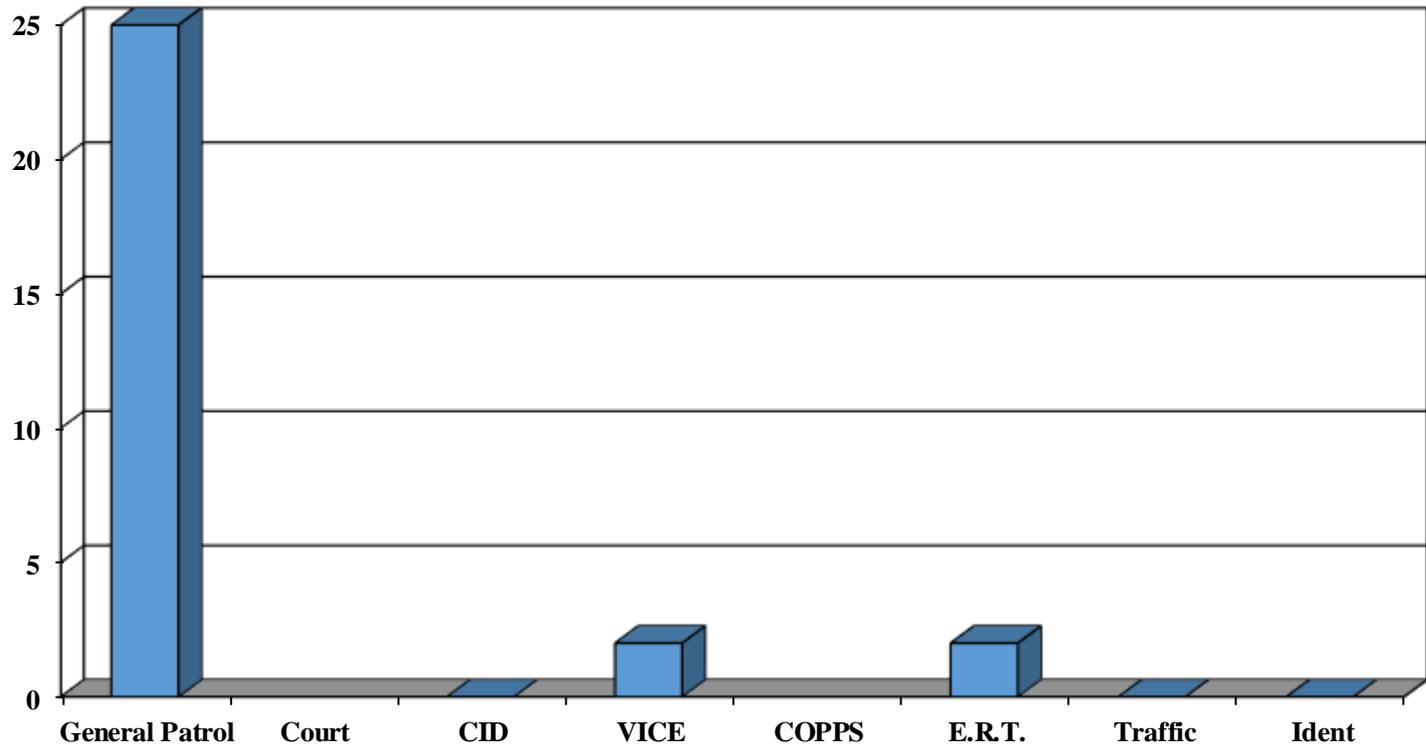
One statistic that consistently remains high from year to year is the number of incidents involving subjects armed with a real or replica firearm(s), or edged weapon(s), or an object intended to do harm to the officer or innocent bystander. Of the 29 Use-of-Force reports submitted for 2019, fifteen of them involved the subject actually armed or they within reach of a weapon. Armed subjects present a level of serious bodily harm or death jeopardy to our officers, who in light of this still maintain their professionalism and are able to de-escalate subjects in these often very dangerous, volatile, and life threatening occurrences.

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.

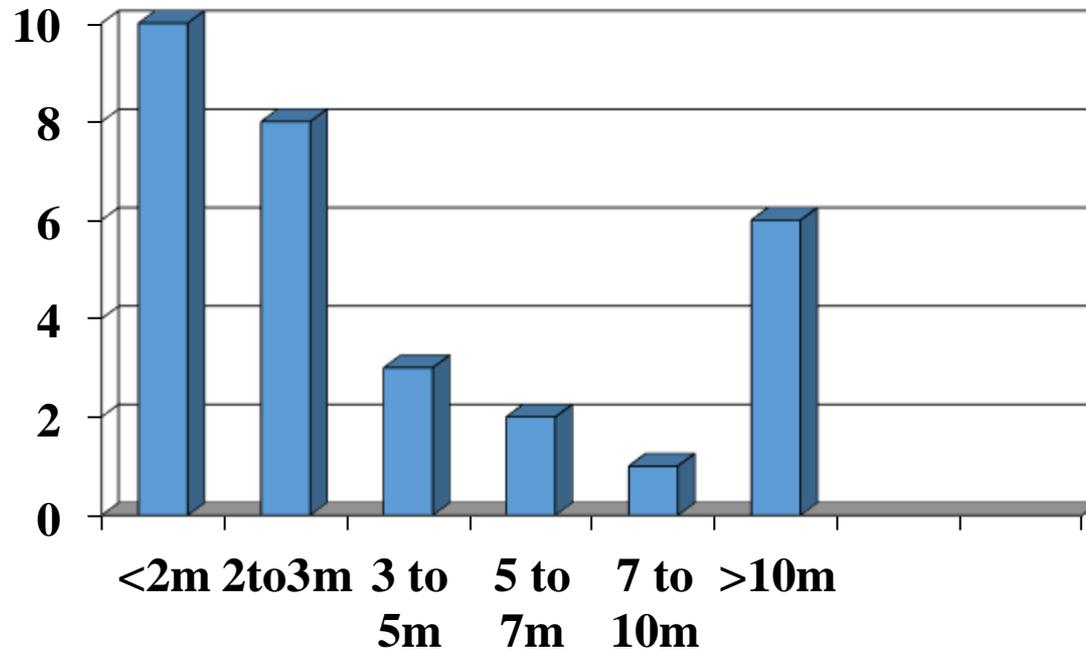
Our officers are committed to de-escalating these situations and to provide the most peaceful resolution for all that are involved. Ultimately it is the subject and their actions that decide the final solution for these incidents. Our officers should be commended for their professionalism and use of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

Respectfully Submitted
Sr. Cst. Shawn Osborne#140
Chief Instructor

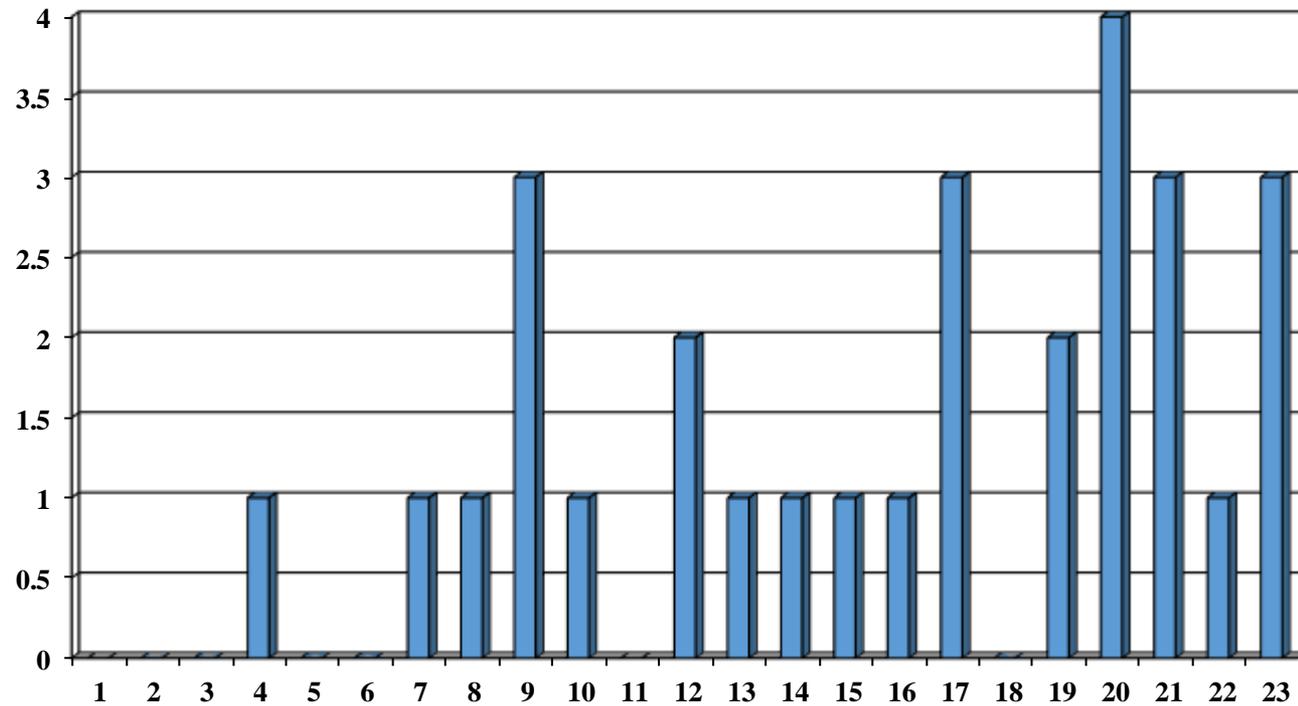
Type Of Assignment



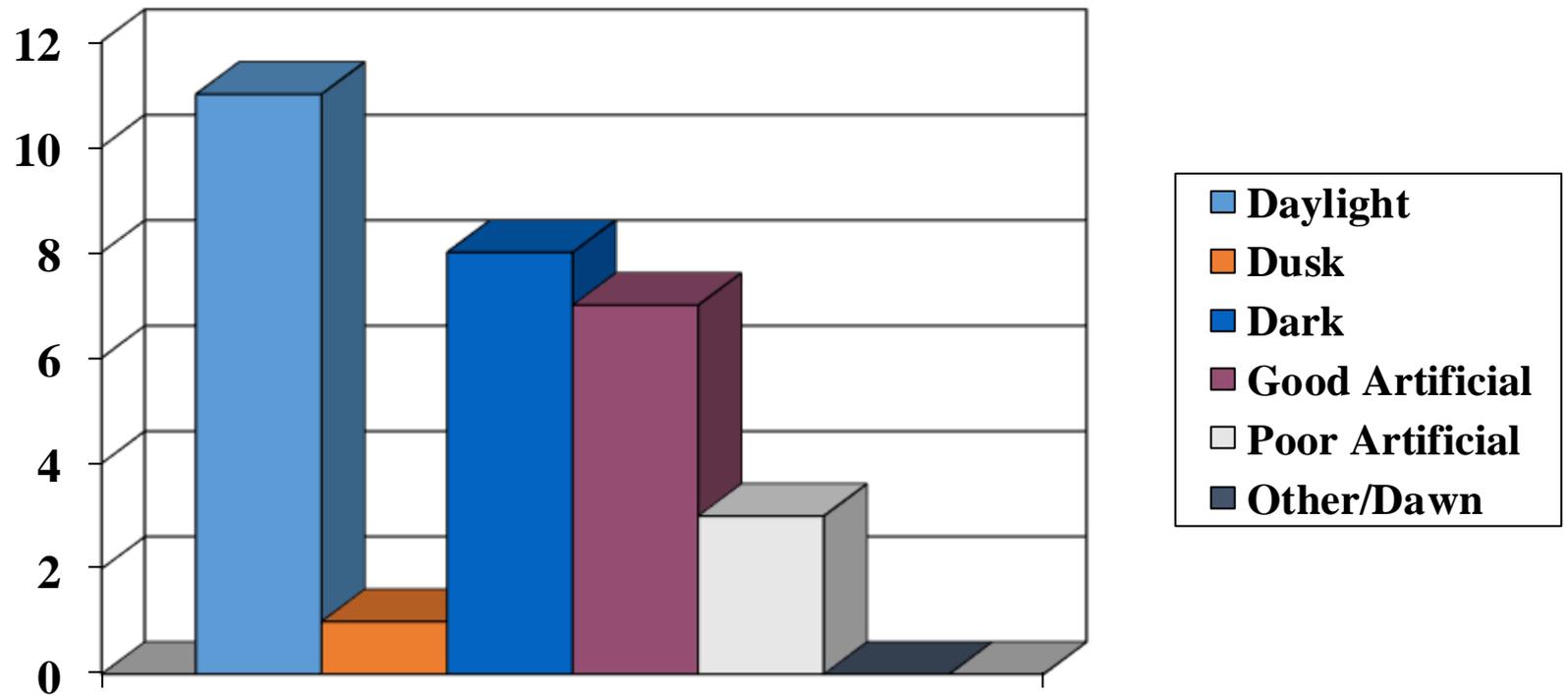
Distance between officer/subject



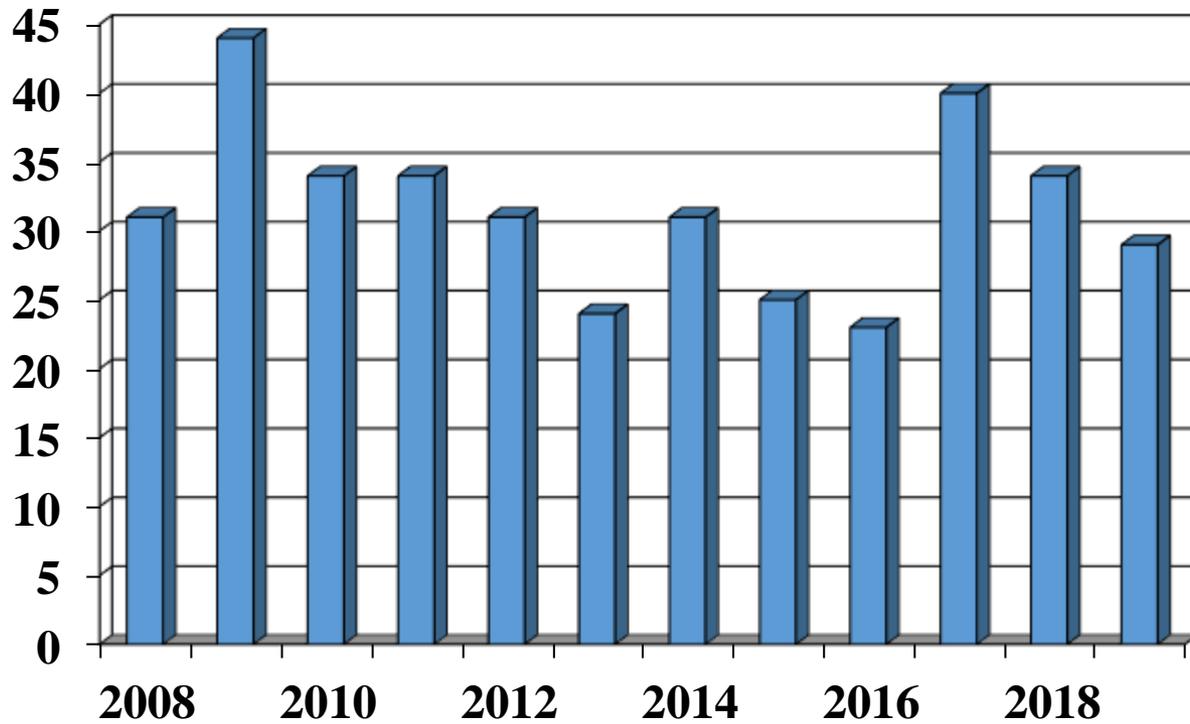
Incidents By Hour Of Day



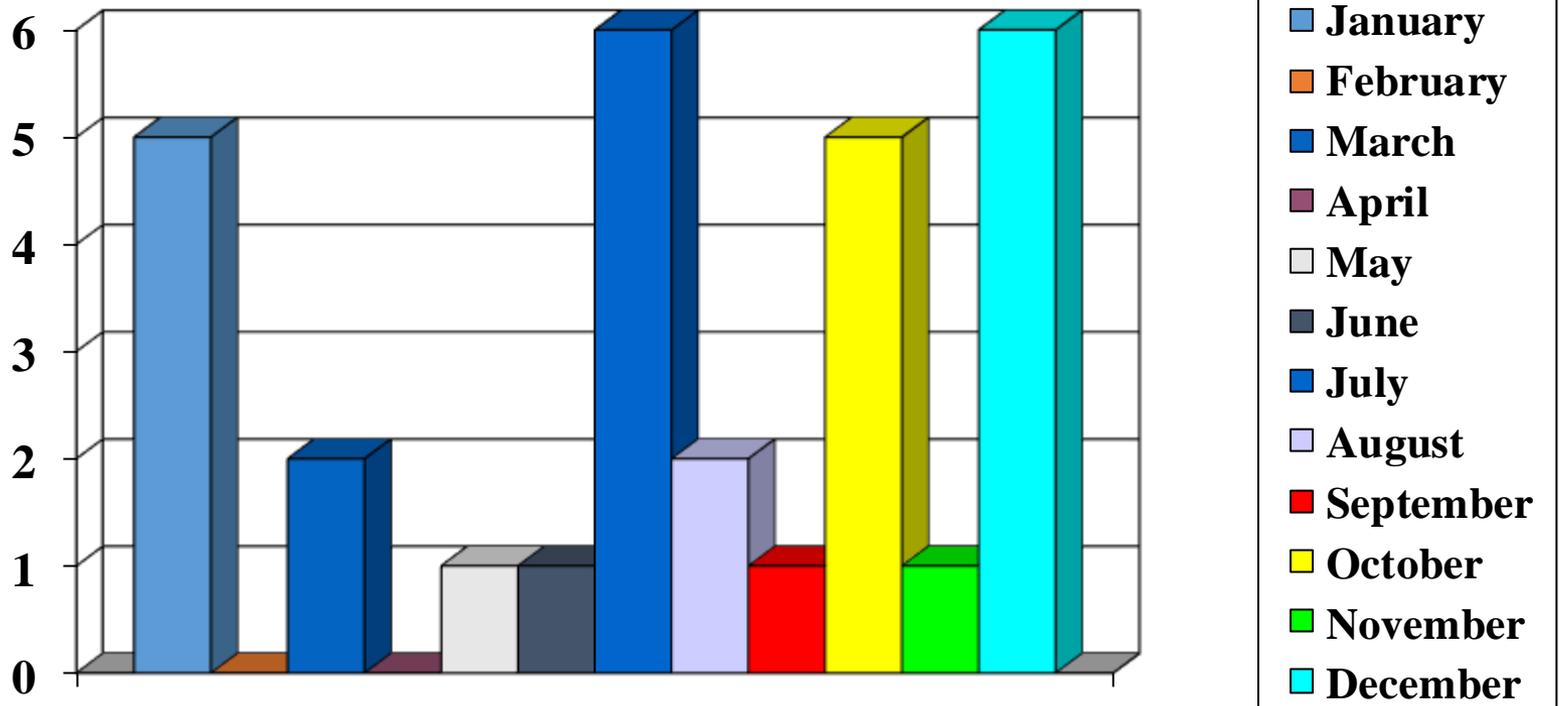
Lighting Conditions



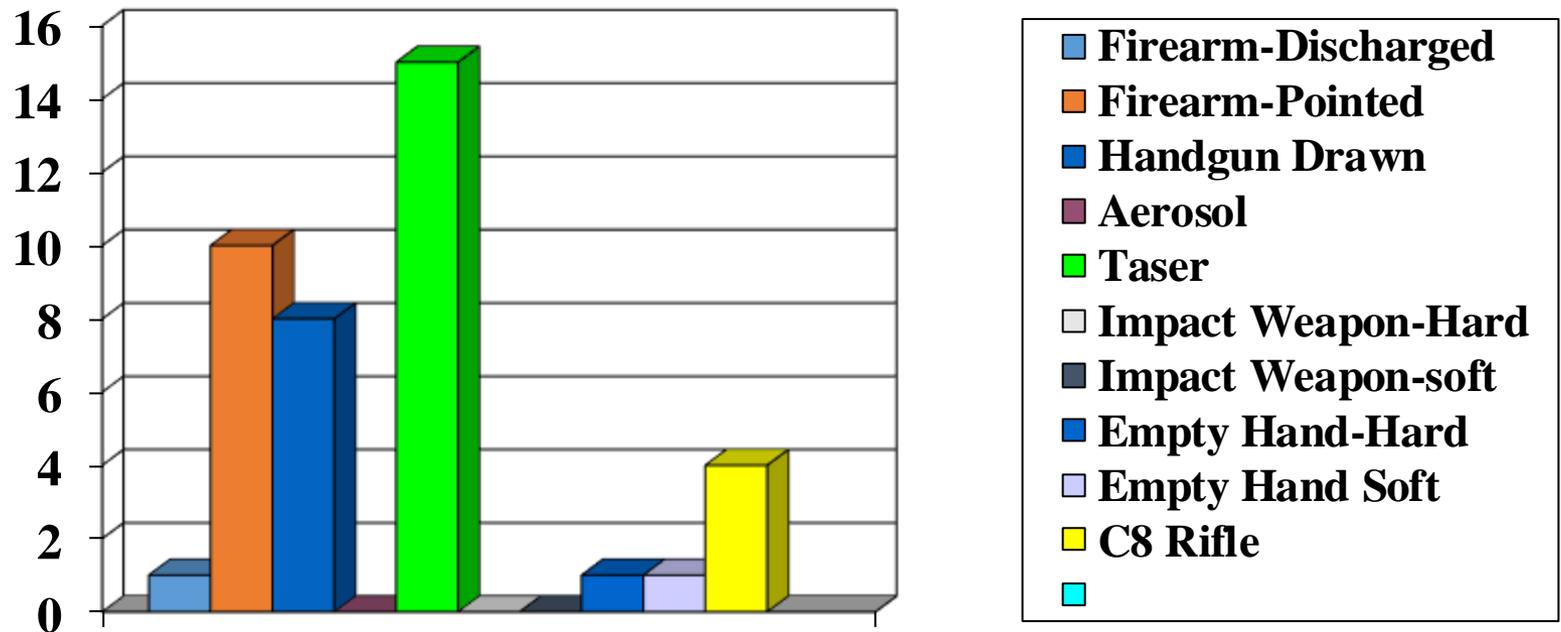
REPORT TOTALS BY YEAR



Reports By Month



Type Of Force Used



Type Of Incident

