

Sarnia Police Service

Department Correspondence

People Serving People

To: Chief Norm Hansen

18 February 2020

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

Re: 2020 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 2020 and December 31 2020 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.

As a result of the All Chiefs Memo # 19-0086, issued on November 28, 2019 all Police Services are required to submit their use of force reports electronically to the Ministry of the Solicitor General.

Under Ontario Regulation 267/18, the Ministry of the Solicitor General, as a public sector organization, is required, by January 1, 2020, to collect police service members' perception regarding the race of individuals in respect of whom a Use of Force Report is completed, and any other

information set out in the report that the police service is legally required to provide to the Ministry, excluding the individuals' names.

Policymakers and practitioners have long been seeking to understand how race intersects with use of force and to investigate whether or not disparities exist. Understanding how systemic factors might have influenced training and policy will help guide how and when we might consider using force and, in doing so, reduce harmful interactions for the police and the public. This information is also being collected for the purpose of identifying and monitoring potential racial bias or profiling in a specific service, program, or function.

The standards set out requirements to collect, analyze and report information to help assess whether there is fair treatment and equitable access to public services and programs, such as:

- Policing services;
- Bail processes;
- High quality education and healthcare; and
- Supports and services for the well-being of children and families.

To support this work, amendments have been made to the Equipment and Use of Force Regulation (RRO 1990, Reg 926) to include an additional section on the officer's perception of race, consistent with Section 40 of the Anti-Racism Data Standards. The name of the officer will not be linked to the race based data when received by the Ministry.

Race is a term used to classify people into groups based principally on physical traits (phenotypes) such as skin colour. Racial categories are not based on science or biology but on differences that society has created (i.e. "socially constructed"), with significant consequences for people's lives. Racial categories may vary over time and place and can overlap with ethnic, cultural or religious groupings.

In collecting this data, we help policy makers and institutions better understand how our systems place us in difficult situations and guide us to understand how we might be better able to remove some of these processes through evidence-based decision making and training. This will bring us in line with the spirit and content of Anti-Racism Act, 2017 (ARA).

Perception of Race

This element of the use of force report records the officer's perception of the race of the subject. Officers should select the box that they feel best describes the race of the subject in their eyes. The perceived race of an individual is not necessarily an indication of racism or differential treatment, and is not intended to perfectly align with how someone views themselves. What the subject believes about their own race should not influence this. If a subject is perceived to be of mixed race, the officer should choose the race category that, in their view, the person most resembles. As such officers should not ask the subject what their race is.

The categories provided by the Ministry of the Solicitor General relating to the race of the subject are;

- Black
- East/Southeast Asian
- Indigenous (First Nations, Métis, Inuit)
- Latino
- Middle Eastern
- South Asian
- White

Further, it is important for officers to understand they are being asked to give their best assessment of an individual, honestly and in good faith, and recording their perception of race in the use of force report is mandatory whenever a use of force report must be completed under the Equipment and Use of Force Regulation.

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 20 Use-of-Force reports were submitted between January 1, 2020, and December 31, 2020. By comparison in 2019 there were 29 Use-of-Force Reports submitted. This figure should be compared to the 28,904 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 90% (2019 – 86%) of all reports; E.R.T. 5% (2019 -7%) and all other units combined submitting the remaining %5.
- Of the 20 reports, 3 involved officers euthanizing critically injured animals, 17 involved officers using some element of force with members of the community.
- Of these 17 reports 8 reports involved 12 white subjects. 7 reports involved 8 subjects who were indigenous or black.
- Of the 20 subjects 12 were armed or believed to armed at the time the decision to use force was made. (75% white 85% black/indigenous)
- Eight or 40% of these use of force actions took place in diminished lighting.

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 Communication, 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.

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. Officers are taught that once compliance begins, the escalation of force must cease. 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 situation and are constantly looking to resolve the occurrence without resorting to the application of use of force. Keep in mind that this usually occurs in a potentially lethal 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 person 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 three times or 15%, (2019 – 7%).

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 their body in a fighting stance or uses threatening language or gestures, they are displaying assaultive behavior.

Officers facing this level of resistance may choose to use Aerosol Weapons to obtain compliance. When properly applied to the aggressor it may 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 two times or 10%, (2019 –0%).

Impact Weapons

When a subject display *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 motor dysfunction. This eliminates the subject's tools for delivering the assault such as his hands and feet, and any weapons they 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%, (2019 – 0%).

Taser X2

The Taser has been operational since 2004. This device is currently deployed throughout all divisions of the Police Service. There are several 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. This is either a single contact or 3-point contact
- 2) **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.
- 3) **Laser (paint the target)**, where the operator draws and arms the Taser. The laser dots are directed at the subject and the officer provides verbal commands to gain compliance. 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. As result for 2020 there were only three incidents where the Taser was deployed directly on the subject, seven incidents of force presence, and five incidents on the use of the laser (paint the target). Note that in the force presence or laser mode, officers do not use the Taser directly on the subject. In twelve incidents our officers were able to de-escalate an assaultive subject without the direct use of force.

For the year 2020 sworn Officers deployed the Taser directly to a subject three times or 15%.

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, assaultive violent non-compliant subjects. The Training Branch noted an improvement in the number and quality of the reports for 2020. There was a decrease of reports for 2020 by 9 reports.

When considering the calls for service 2020, less than .1% of those contacts resulted in some type of Use-of-Force application during those contacts. There were 12 incidents of Taser deployment involving violent subjects which our officers were able to de-escalate without using the Taser directly on the subject. Edged 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. Of the 17 reports that involved an officer directly confronting a violent subject, there were 20 individuals that were armed or believed to be armed at the time the decision to use force was made with either a handgun, rifle or imitation firearm. Please note that these are subjects demonstrating serious bodily harm or death behavior. In every single one of these incidents involving a firearm has the potential to escalate, forcing the officer to defend his or her life or a member of the public. Through restraint, professionalism and de-escalation tactics, the officers are able to prevent this from occurring. When reviewing all of the use of force reports this writer found that all actions by the officers were 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.

With respect to the collection of race data. Everyone deserves to be treated with fairness, respect and dignity, and the Sarnia Police Training Branch is committed to eliminating systemic racism and advancing racial equity. We do this through recruiting, education, policies, and training. In reviewing the 8 reports involving persons of colour, there are zero indications that this was because of racial bias. This writer believes without prejudice that the actions of our officers in every single use of force incident was carried out not because of race but because of the demonstrated violent behaviours of the subject confronting the officer. In light of this the officers of the Police Service 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. We also continue to take a proactive approach with regards to use of force instruction and remain current with use of force training methodologies, techniques and legislation as taught at the Ontario Police College.

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
Cst. Shawn Osborne#140
Chief Instructor

