



## **HAMILTON POLICE SERVICES BOARD**

### **NOTICE OF MEETING PUBLIC AGENDA**

Thursday, June 23, 2016  
2:00 o'clock p.m.  
Hamilton City Hall  
Council Chambers

Lois Morin  
Administrator

### **AGENDA**

#### **1. CALL TO ORDER**

1.1 Changes to the Agenda

#### **2. PRESENTATIONS & DEPUTATIONS**

2.1 Year End Report: Use of Force – 2015 (PSB 16-089)

#### **3. GENERAL**

3.1 Declarations of Interest

#### **4. CONSENT AGENDA**

##### **4.1 Approval of Consent Items**

That the Board approve and receive the consent items as distributed.

##### **4.2 Adoption of Minutes – May 26, 2016**

The minutes of the meeting held Thursday, May 26, 2016, be adopted as printed.

##### **4.3 Hamilton Police Service Monthly Report (PSB 16-080)**

That the Board direct the Administrator of the Board to refer this report, in its entirety, to the City of Hamilton, for information.

**4.4 For the Information of the Board:**

- a) Budget Variance Report as at April 30, 2016 (PSB 16-079)
- b) Correspondence from the Honourable Yasir Naqvi, Minister, Community Safety and Correctional Services with respect to the submission on police collections of identifying information on behalf of the Hamilton Police Services Board.
- c) Correspondence from Stephen Beckett, Assistant Deputy Ministry, Public Safety Division, Ministry of Community Safety and Correctional Services with respect to O. Reg. 58 / 16 Collection of Identifying Information in Certain Circumstances – Prohibition and Duties: In Force Dates.
- d) Correspondence from the Staff Sergeant Kevin MacBean, Director, Ontario Law Enforcement Torch Run with respect to the 29 year history of the Ontario Law Enforcement Torch Run.
- e) Outstanding Issues as of June 23, 2016

**5. DISCUSSION AGENDA**

**5.1 Request from Mirle (Shekar) Chandrashekar, to Provide a Deputation to the Board**

That the request from Mirle (Shekar) Chandrashekar to provide a deputation to the Board with respect to comments made by Chair Ferguson on May 26, 2016, be approved.

**6. NEW BUSINESS**

**7. ADJOURNMENT**

<p><b>THE POLICE SERVICES BOARD WILL ADJOURN THE PUBLIC PORTION OF THE MEETING AND MAY RECONVENE IN CAMERA FOR CONSIDERATION OF PRIVATE AND CONFIDENTIAL MATTERS.</b></p>
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## HAMILTON POLICE SERVICES BOARD

### - INFORMATION -

**DATE:** 2016 June 23

**REPORT TO:** Chair and Members  
Hamilton Police Services Board

**FROM:** Eric Girt  
Chief of Police

**SUBJECT:** *Year End Report: Use of Force - 2015*  
(PSB 16-089)

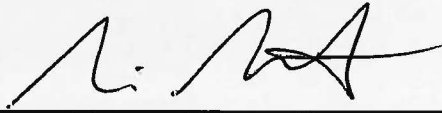
**BACKGROUND:**

Attached you will find the annual Use of Force Report for 2015. This report is completed to capture information forwarded to the Service Armourer/Use of Force Training Sergeant by members who have completed a Use of Force Report.

As per the *Police Services Act* Regulation 926 Sec. 14.5(1) Reports on Use of Force: A member 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 while on duty, or points a firearm, 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.

P&P 1.02 *Use of Force* addresses the member requirements for submitting Use of Force Reports at the Hamilton Police Service.



Eric Girt  
Chief of Police

EG/N. Goodes-Ritchie  
Attachment: *2015 Use of Force Statistical Report*

cc: Ken Weatherill, Deputy Chief, Field Support

# 2015 Use of Force Statistical Report

Prepared by Sergeants Darren  
Murphy & Scott Galbraith

A statistical summary of reported Use of Force Incidents by the  
Hamilton Police Service

**Hamilton Police Service**

**Training Branch**

**Use of Force Section**



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## **2015 Use of Force Statistical Report**

### **Introduction**

This report will provide a statistical summary of reports of Use of Force incidents that occurred in 2015; where a particular Use of Force option was utilized by a member of the Hamilton Police Service. The report will also compare the number of 2015 Use of Force incidents with the number incidents from the years 2000 to 2014. The report will also compare the total number of force options used in 2015 to the total force options used in the years 2008-2014. In addition this report will focus upon Use of Force incidents by Service Branch (i.e. Patrol, Support or other) and by officer's years of service, as well breaking down 2015 incidents into the following categories: incidents per month, incidents per day of the week and incidents per time of day. The source material for the data is Use of Force reports and/or Hamilton Police Service Conducted Energy Weapon (CEW) reports submitted by the involved officer(s). All data prior to 2005 was provided by the Professional Standards Branch.

As per the Ontario Police Services Act Regulation 926 Sec. 14.5(1) Reports on Use of Force and Hamilton Police Service Policy and Procedure 1.02, Use of Force Reporting, Hamilton Police Service members shall complete and submit Hamilton Police Service Use of Force Reports to the Chief of Police, through their Command Officer, prior to the completion of their shift, as follows:

Parts A and B of the Use of Force Report are required whenever the Member:

- a. Draws a handgun in the presence of a member of the public, excluding a Member of the Police Service while on duty, points a firearm at a person, or discharges a firearm other than on a Police Range; in the course of a training exercise, target practice or ordinary firearm maintenance, in accordance with Service Policies and Procedures;
- b. Uses a weapon other than a firearm on another person, with the exception of a weapon other than a firearm used on another Member of a Police Service in the course of a training exercise in accordance with Service Policies and Procedures;
- c. Uses physical force on another person that results in an injury requiring medical attention, with the exception of physical force used on another Member of a Police Service in the course of a training exercise in accordance with Service Policies and Procedures; or
- d. Handles a Police Service Dog where the dog bites a suspect or any member of the public as the result of the involvement of the Canine Branch.
- e. While operational as a Mounted Unit Officer, uses the equine to apply force to a member of the public that results in an injury requiring medical attention.

Parts A, B of the Use of Force Report and parts C, D of the CEW report are required whenever the Member deploys a Conducted Energy Weapon (CEW) in the cartridge deployment mode.

Parts C and D are required whenever the Member draws, points or displays a Conducted Energy Weapon in the presence of a member of the public, excluding a Member of the Police Service while



on duty, other than on a Police Range; in the course of a training exercise or ordinary CEW maintenance in accordance with Service Policies and Procedures.

This report only summarizes those incidents in which a Use of Force Report was submitted and does not totally reflect all instances in which a Use of Force option was used upon a member of the public. For example, handcuffing a person is considered a Use of Force application; however if no injury is incurred a Use of Force report is not required.

The Use of Force options that are tracked by Use of Force reports are:

- Firearm Discharged
- Firearm Pointed
- Handgun Drawn
- Aerosol Weapon (Oleo capsicum (OC) spray or foam)
- Impact Weapon Hard (ASP Baton)
- Impact Weapon Soft (ASP Baton)
- Empty Hands Hard
- Empty Hands Soft
- Other (K9 bites, Mounted Patrol Unit, weapons of opportunity)
- Conducted Energy Weapon (CEW) in the cartridge deployed mode.

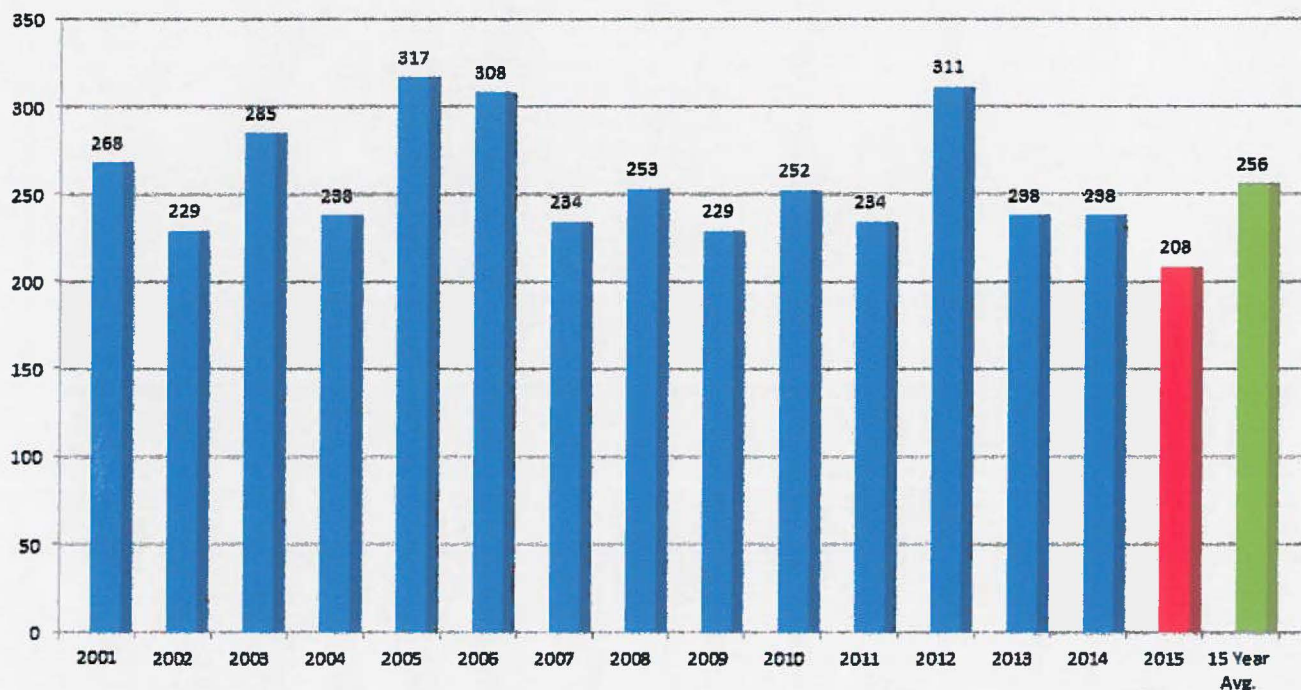




## Statistical Summary of Use of Force Incidents

During the fifteen year period from 2001 – 2015 the average number of incidents reported was 256 incidents per year, with a low of 208 incidents in 2015 and a high of 317 incidents in 2005. The total number of reported Use of Force incidents in 2015, 208, is lower than the fifteen year average of 256 incidents per year.

Total Incidents 2001 - 2015



In 2015 our officers reported 208 Use of Force incidents. In 43 incidents, more than one option was used for a total of 417 options. For example an officer(s) may use more than one option to resolve an encounter, such as initially attempting empty hands soft and then deploying an aerosol weapon. Of note, there were an additional 98 CEW display mode reports. These reports do not factor into the statistics captured on the standardized Use of Force report submitted to the Ministry of Community Safety and Correctional Services for statistical purposes.





### Summary of Force Options 2008-2015

	Firearm Discharge	Firearm Pointed	Handgun Drawn	Aerosol Weapon	Impact Hard	Impact Soft	Empty Hand Hard	Empty Hand Soft	K9 Bite / Misc	CEW	Total Incidents	Total Options
2008	33	91	27	46	15	1	13	7	3	35	253	271
2009	45	91	18	28	10	1	17	8	2	27	229	247
2010	42	112	17	28	5	2	22	26	3	45	252	302
2011	43	110	13	21	6	1	19	31	4	22	234	270
2012	46	145	52	22	7	2	35	39	5	49	311	403
2013	62	99	22	13	7	4	32	21	0	41	238	301
2014	47	100	23	14	3	1	15	18	2	64	238	287
2015	30	145	59	9	4	0	13	12	0	145	208	417
8 yr Avg.	44	112	29	23	7	2	21	20	2	54	245	312

As per the aforementioned, the number of Use of Force options used in 2015 of 417 is well above the 8 year average of 312. The total options used in 2015 is 34% more than the 8 year average. Both 2014 and 2013 had a total of 238 reported Use of Force incidents.

### 2014 vs 2015 Options Used/Total Incidents

	2014	2015	+/- percentage increase/decrease
Firearm Discharge	47	30	-36%
Firearm Pointed	100	145	+45%
Handgun Drawn	23	59	+157%
Aerosol Weapon	14	9	-36%
Impact Hard	3	4	+33%
Impact Soft	1	0	-100%
Empty Hand Hard	15	13	-13%
Empty Hand Soft	18	12	-33%
K9 Bite/Other	2	0	-100%
CEW	64	145	+127%
<b>Total Options</b>	<b>287</b>	<b>417</b>	<b>+45%</b>



## Firearm Discharged

The discharging of a service pistol, shotgun, or one of the tactical firearms is a very serious but not uncommon occurrence. Officers are taught as per the Ontario Use of Force Model and Police Services Act Regulation 926, Sections 9 and 10: "that they shall not draw a handgun, point a firearm or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm," or "to call for assistance in a critical situation, if there is no reasonable alternative; or to destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended."

There were 30 reported incidents in 2015 where Hamilton officers discharged a firearm. The eight year average for discharge firearms is 38 incidents per year. The most common use of service firearms is to euthanize injured animals. In 2015 twenty nine firearms discharged incidents were for this purpose. One incident was determined to be accidental. There were no injuries.

## Firearm Pointed

Again, officers are taught as per the Ontario Use of Force Model and Police Services Act Regulation 926, Section 9; "that they shall not draw a handgun, point a firearm or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm." The types of incidents where a service pistol is removed from its holster (or rifle, shotgun, etc.) and pointed at a member of the public, range from officers making high risk arrests where weapons are believed to be involved, to the Emergency Response Unit (ERU) making dynamic entries; i.e.: barricaded individuals, warrant execution involving weapons, etc.

The seven year average for Firearm Pointed is 107 incidents per year. In 2015 there were 145 firearm pointed incidents. This is an increase of 45% compared to 2014's 100 incidents.

## Handgun Drawn

The drawing of a member's handgun from its holster is something different from the pointing of a firearm, in that as per Regulation 926 s. 14.5(1)(a) a Use of Force Report is only submitted when a handgun is drawn in the presence of a member of the public. Again, officers are taught they can only draw their handgun if "he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm." The numbers reflected in this category are much lower than the pointing of a firearm. This can be attributed to the fact that an Officer will respond to a serious call that warrants the pistol being drawn, but at the time of deployment is not directly pointed at a member of the public; i.e.: pistols are drawn prior to a dynamic entry or building search and this is witnessed by members of the public; therefore a Use of Force report is required to be submitted. There were 59 reported incidents in 2015 where an officer drew their handgun in front of a member of the public. This is above the seven year average of 25 incidents per year and 156% more than 2014's 23 incidents.





### **Aerosol Weapon (Oleo Capsicum – (O/C)**

O/C is classified as an “intermediate weapon” and a subject/threat must exhibit at minimum, “actively resistant” behaviour before its use can be considered. There were 9 O/C incidents in 2015 which is below the seven year average of 25 incidents per year and 36% less than 2014’s 14 incidents.

The use of O/C significantly decreased with the introduction of the CEW in 2005. In 2004, O/C was deployed 68 times but its’ use plummeted to 39 incidents in 2005 when CEWs were introduced. It was anticipated that O/C use would continue to decline or plateau as CEW use became more widespread; and overall, O/C use has generally declined since 2005.

### **Impact Weapon Hard**

Impact weapons “hard” refers to using the ASP Baton to strike an “assaultive” subject. The ASP Baton was used 4 times in 2015 to strike a subject displaying assaultive behaviour, which is lower than the seven year average of 8 incidents per year and 33% more than 2014’s 3 incidents.

### **Impact Weapon Soft**

Impact weapons “soft” refers to using the ASP Baton as a point of leverage while depressing a pressure point on a subject. This option would generally be applied to suspects displaying passive resistant to active resistant behaviour and historically this option is very rarely utilized. There were 0 reported Incident of Impact Weapon Soft in 2015, 100% less than 2014’s 1 incident and less than the seven year average of 2 incidents per year.

### **Empty Hands Hard**

The use of empty hands “hard” refers to the striking of a generally assaultive person. This would include punches, kicks, elbow strikes, knee strikes and grounding techniques. As per Reg. 926 s.14(c) an officer is only required to submit a report for Empty Hands Hard if they “use physical force on another person that results in an injury requiring medical attention.” However, an officer is also required to submit a report if they use another force option that requires a report in conjunction with Empty Hands Hard even though medical attention was not required; i.e.: Empty Hands Hard in conjunction with O/C.

There were 13 reported incidents in 2015 of Empty Hands Hard. This is less than the seven year average of 22 incidents per year and a decrease of 13% when compared to 2014’s 15 incidents.



## Empty Hands Soft

The use of empty hands “soft refers” to the application of joint locks, some grounding techniques and/or pressure points to a person. Again, as per Reg. 926 s.14(c) an officer is only required to submit a report for Empty Hands Soft if they “use physical force on another person that results in an injury requiring medical attention.”; or if they use this option in conjunction with another option that requires mandatory reporting i.e.: Empty Hands Soft in conjunction with OC or CEW. In 2015 there were 12 reported incidents of Empty Hands Soft. This is below the six year average of 22 incidents per year and a decrease of 33% compared to 2014’s 18 incidents.

## Conducted Energy Weapon (CEW)

Conducted Energy Weapons, also known as TASERs were authorized for limited police use in Ontario, late 2004. Their use was originally limited to Tactical Teams, Containment Teams and Front Line Patrol Supervisors and designates when acting in a supervisory capacity. The definition of Front Line Supervisor was expanded in 2007, 2008, 2009 to include Crime Beat Managers, Vice and Drug Officers, Gangs and Weapons Enforcement Officers, Break, Enter, Auto Theft and Robbery Unit (B.E.A.R.) Officers, Fugitive Apprehension Unit Officers, Mounted Patrol Unit and Addressing Crime Trends In Our Neighbourhoods (A.C.T.I.O.N) Supervisors.

In August, 2013 the Ministry of Community Safety and Correctional Services announced that they would be moving forward to eliminate restrictions on which police officers would be authorized to carry a CEW. The Hamilton Police Service implemented a training plan in September, 2013 in which all active officers would be trained in the use of a CEW. In November, 2013 the Ministry announced that each Police Chief in partnership with their Police Service’s Board could designate which classes of officers within their organization would be authorized to carry a CEW and effective August 11, 2014 any Hamilton officer trained to carry a CEW would be authorized to do so. The Hamilton Police Service currently has over 700 qualified CEW officers.

In 2005 a Hamilton Police Service TASER Report was implemented to track CEW use and deployment mode(s) that were not being captured by a Use of Force report. Officers are only required to submit a Use of Force with respect to CEW use when a cartridge is fired at a subject or when directly applied in the contact mode.

The TASER report captures the following deployment modes: a) CEW used in the “cartridge deployed” mode where a cartridge is fired at a subject; b) CEW used in the “contact” mode where the CEW is applied directly to a subject otherwise referred to as “touch tase, drive stun or push stun” and c) Force Presence/Display mode; in any instance in which the CEW is removed/drawn from its holster in front of a member of the public; or where the CEW’s laser sight is applied to a subject; or when the CEW is “spark tested” in front of a subject in the effort to gain subject cooperation without having to actually apply the CEW. The use of the Hamilton Police Service TASER Report was discontinued in early 2006; but was re-designed and re-implemented in November, 2007. The report was further re-designed and is now Parts C and D of the H.P.S. Use of Force Report



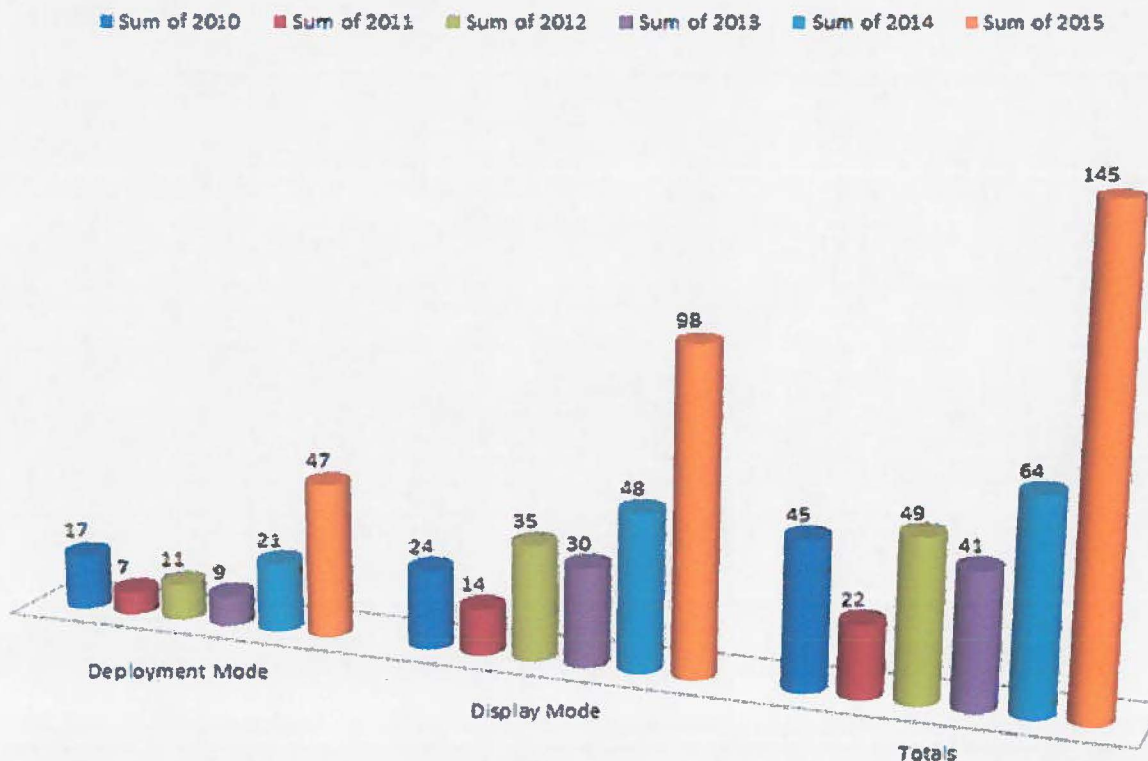


As per the Ontario Use of Force Model, the CEW is an “intermediate weapon”, which police can consider to use when a subject exhibits “actively resistant” behaviour. However, in June, 2009 the Hamilton Police Service changed its CEW policy to; a subject must exhibit at minimum “assaultive and/or serious bodily harm or death behaviours to themselves or another person” before CEW use can be considered. This is a reflection of current national and provincial best practices.

## CEW Use

The CEW was used 145 times in 2015; an increase of 127% above the 64 incidents in 2014. Comparatively the percentage increase from 2013 to 2014 was 56% or 23 incidents. There were a total of 208 Use of Force incidents reported in 2015. In 57 incidents there were multiple Use of Force options used. In 43 of these incidents the CEW was included as one of the multiple options used. In 47 incidents the CEW was used in deployment mode meaning probes were fired from the cartridge. In 98 incidents the CEW was used in display mode meaning it was a show of force and no probes were fired from the cartridge. As per the below chart, since 2010, the majority of CEW use is in the display mode.

**CEW Use by Mode 2010-2015**



NOTE \* 2015 represents the first year that contact mode has been discouraged in training as it cannot achieve neuromuscular incapacitation. As a result, the contact mode statistics from the previous years were not included as to give a proper comparison. When adding the totals (Deployment + Display) a lower number is explained by those missing contact mode incidents. A higher number is explained by multiple modes used in a single incident.

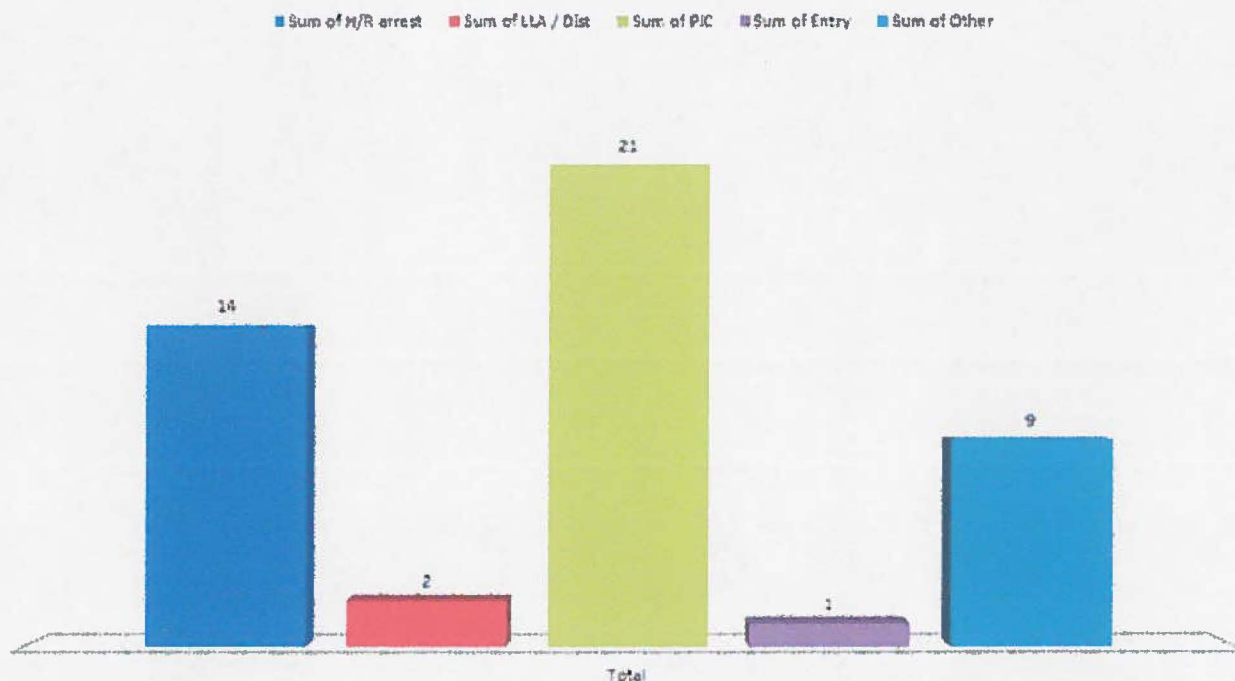


### CEW by Incident Type

The CEW was deployed to apprehend/control persons in crisis (21 incidents), High Risk Arrests where an individual was armed or thought to be armed with a weapon (14 incidents), Disturbances, usually involving Liquor License Act violations, (2 incidents), Other Incidents, which are general arrests involving assaultive suspects (9 incidents) and Dynamic Entry (1 incidents).

In 37 of the 2015 CEW incidents the subjects were displaying or had immediate access to a weapon. 34 involved an edged weapon of some type, 25 involved a firearm or replica and 13 involved an "other" implement (tools, furniture, etc.).

CEW by Incident Type

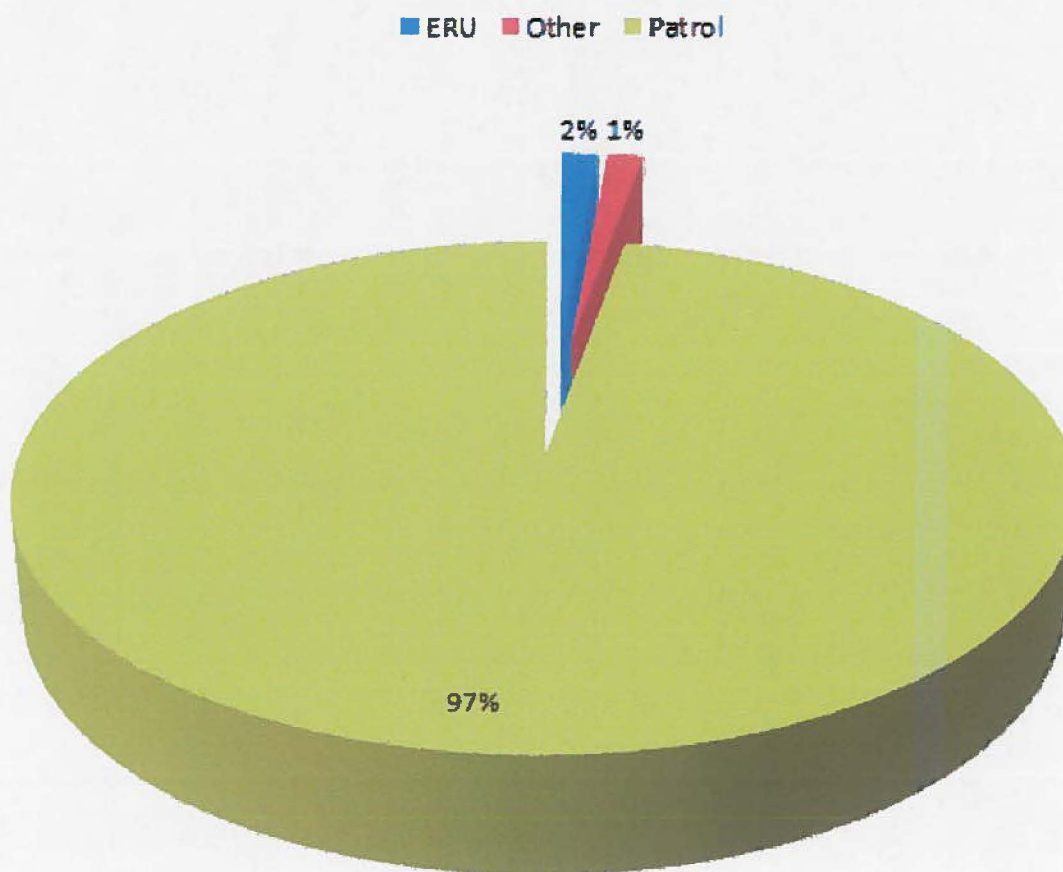


### CEW Use by Service Branch

With respect to Use of Force by Branch, the Service is divided for statistical purposes into five groups or branches; 1. Uniform Patrol 2. Emergency Response Unit (ERU) 3. Other (Vice and Drugs Intelligence, BEAR, HEAT, A.C.T.I.O.N., etc.) 4. Courts/Custody, and 5. Paid Duties. CEW use in 2015 by Branch is as follows; Emergency Response Unit-2 incidents, Other-2 incidents and all other incidents were identified as General Patrol. In two incidents the CEW was used in both display and deployment modes

As mentioned earlier, CEW use increased in 2015 and was predominantly deployed in the Force Presence/Display Mode. The increase of the CEW in the Force Presence/Display mode would suggest that the presence of a CEW at an incident appears to act as a general deterrent.

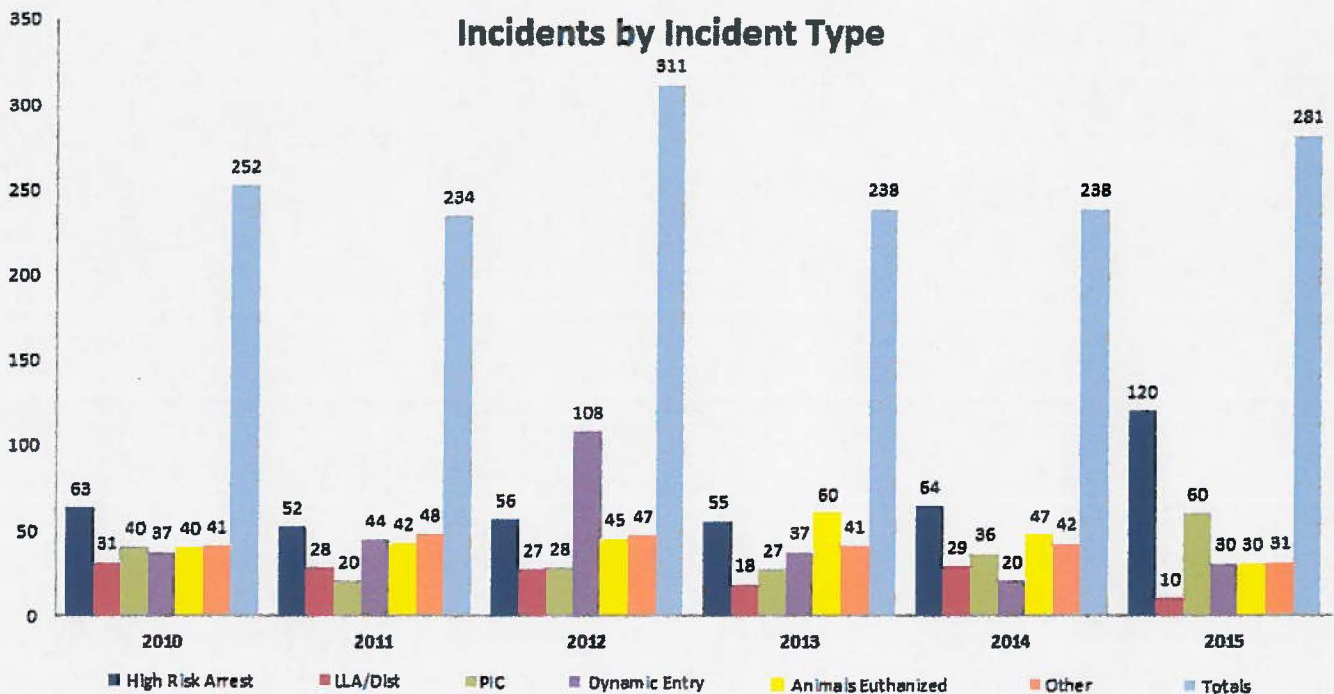
### CEW Use by Service Branch





## Use of Force by Incident Type

Use of Force incidents were grouped into the following categories: 1. High Risk Arrests where a subject was/believed to be armed with a weapon, 2. Persons In Crisis (PIC), 3. Liquor Licence Act/Disturbances, 4. Dynamic Entry Warrant Execution generally upon a premise, 5. Other; which includes subjects who were assaultive, as well as Court and Custody incidents and 6. Animals euthanized. During the 5 year period from 2010-2014 police use of force rates at specific incident types remained fairly constant. In 2015 there is a significant increase in the reported incidents of high risk arrest as well as PIC calls for service.



NOTE \* This chart distinguishes between **incidents** and **Use of Force incidents**. 281 represents the total number of incidents reported by Hamilton Police. 208 represents the total from that 281 that are Ministry identified Use of Force incidents. Therefore, 73 incidents were CEW display only. Of the 98 CEW display mode incidents reported in the chart on page 9, 25 of those transitioned to a Use of Force incident.

