



Hamilton Police Services Board

**Thursday, June 21, 2018, 2:00 P.M.
Council Chambers, Hamilton City Hall
71 Main Street West**

Pages

1. Call to Order

1.1 Changes to the Agenda

(Added Items, if applicable, will be noted with *)

2. Presentations

2.1 Members of the Month

2.2 Patrol Carbine Colt C8 Program (PSB 18-076 Consent Item 4.5(c) below)

2.3 Year-End Report: Use of Force - 2017 (PSB 18-078 Consent Item 4.5(d) below)

2.4 Year-End Report: Professional Standards Branch - 2017 (PSB 18-080 Consent Item 4.5 (e) below)

3. General

3.1 Declarations of Interest

4. Consent Items

4.1 Approval of Consent Items

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

4.2 Adoption of Minutes - May 10, 2018 5

The minutes of the meeting held Thursday, May 10, 2018, be adopted as printed.

4.3 Correspondence from the Ontario Association of Police Services Boards (OAPSB) with respect to the 2018 Labour Seminar 10

That the Members of the Board be approved to attend the upcoming 2018 OAPSB Labour Seminar.

4.4 Auction Account Fund 13

Support / Upcoming Events

RECOMMENDATION(S)

That the Board provide support to the Interval House of Hamilton, 16th Annual Drives for Lives Golf Tournament as a Hole Sponsor, in the amount of \$200, to be paid from the auction account.

That the Board provide support to the Salvation Army 16th Annual Golf Tournament as a Hole Sponsor, in the amount of \$200, to be paid from the auction account.

That the Board provide sponsorship to Walk a Mile in Her Shoes Hamilton 2018, in the amount of \$250, to be paid from the auction account.

4.5 For the Information of the Board:

- | | | |
|-------|---|----|
| 4.5.a | Final Report - Firearms Amnesty Program (PSB 18-072) | 14 |
| 4.5.b | Grant Report: 2018-2019 Policing Effectiveness and Modernization (PEM) Grant (PSB 18-074) | 16 |
| 4.5.c | Patrol Carbine Colt C8 Program (PSB 18-076) | 18 |
| 4.5.d | Year-End Report: Use of Force - 2017 (PSB 18-078) | 22 |
| 4.5.e | Year-End Report: Professional Standards Branch- 2017 (PSB 18-080) | 46 |
| 4.5.f | 2017 Year-End Budget Variance Report (PSB 18-081) | 62 |
| 4.5.g | Use of City Resources During an Election Period Policy (CL18004) (City Wide) | 68 |

4.5.h	Correspondence from the Honourable Marie-France Lalonde, Minister, MCSCS to Mr. Eli El-Chantiry, Chair, OAPSB with respect to Bill 175, Safer Ontario Act, 2018.	76
4.5.i	Correspondence from Commissioner J.V.N. (Vince) Hawkes, C.O.M. Ontario Provincial Police (OPP) with respect to the annual summary of OPP activity for each policing jurisdiction.	78
4.5.j	Correspondence from Richard Gelder on behalf of the HWDSB Rainbow Prom organizing committee thanking the Hamilton Police Services Board for their support.	80
4.5.k	Correspondence from Richard Gelder on behalf of the HWDSB Rainbow Prom organizing committee thanking the Hamilton Police Service for their support.	81
4.5.l	Correspondence from Ron J. McKerlie, President, Mohawk College Foundation with respect to the Hamilton Police services Board Bursary.	83
4.5.m	Correspondence from Linda Lamoureaux, Executive Chair, and Ellen Wexler, Executive Lead, Safety, Licensing Appeals and Standards Tribunals Ontario with respect to Upcoming Changes and Initiatives.	84
4.5.n	Email from Mr. Shekar Chandrashekar with respect to HST as approved by Audit and Administration Committee dated April 23, 2018.	88
4.5.o	Email from Mr. Shekar Chandrashekar to rebut Hamilton Police Services portion of FCS 18030.	110
4.5.p	Outstanding Issues as of June 21, 2018.	210

5. Discussion Items

5.1	Request from Mr. Robert Burgiss, to Provide a Deputation to the Board	211
	That the request from Mr. Robert Burgiss to provide a deputation to the Board to ask why Members of the Board cannot speak with Mr. Burgiss about Hamilton Police, be denied.	
5.2	2017 Year-End Surplus Allocation Plan (PSB 18-082)	213
	That the Hamilton Police Services Board approve the Allocation Plan for the 2017 Operating Budget favourable variance (surplus) of \$611,711.	

6. New Business

7. Adjournment

THE POLICE SERVICES BOARD MAY ADJOURN THE PUBLIC PORTION OF THE MEETING AND RECONVENE IN CAMERA FOR CONSIDERATION OF PRIVATE AND CONFIDENTIAL MATTERS.

MINUTES OF THE HAMILTON POLICE SERVICES BOARD

Thursday, May 10, 2018
2:01pm
Hamilton City Hall
Council Chambers

The Police Services Board met.

There were present: Donald MacVicar, Acting Chair
Fred Eisenberger
Walt Juchniewicz
Madeleine Levy
Patricia Mandy
Terry Whitehead

Absent with regrets: Lloyd Ferguson, Chair
Deputy Chief Dan Kinsella
Deputy Chief Frank Bergen

Also Present: Chief Eric Girt
Anna Filice, Chief Administrative Officer
Acting Deputy Chief Ryan Diodati
Superintendent Jamie Anderson
Superintendent Greg Huss
Superintendent Will Masson
Superintendent Mike Worster
Inspector Sean Blaj
Inspector Greg Hamilton
Inspector Dave Hennick
Inspector Treena MacSween
Inspector Scott Rastin
Inspector Marty Schulenberg
Inspector Wendy Vallesi
Sergeant Barry Mungar, Crime Prevention Coordinator
Acting Sergeant Steve Holmes, Crisis Response Unit
Marco Visentini, Legal Counsel
Rosemarie Auld, Manager, Human Resources
Victoria Choe, Labour Relations
Ted Mason, Assistant Manager, Finance
Jackie Penman, Corporate Communicator
John Randazzo, Manager, Finance
Lois Morin, Administrator

Chair Ferguson called the meeting to order.

- Additions/Changes to Agenda
 - CONSENT AGENDA 4.3 – That the Board purchase tickets to attend Reconciliation Through Music, scheduled for Thursday, May 24, New Vision Music Hall, at a cost of \$20 per ticket, to be paid from the auction account.

After discussion, the Board approved the following:

Moved by: Member Juchniewicz
Seconded by: Member Whitehead

That the Agenda for the Hamilton Police Services Board Public meeting be adopted, as amended.

Carried.

Presentations

2.1 Member of the Month

Acting Chair MacVicar and Chief Girt presented the Member of the Month Award for February 2018 to Constable Jamie Peters. Constable Peters was commended for his compassion and understanding while comforting a distressed male in a traumatic situation.

2.2 Crisis Response Unit – 2017 Year-End Report (PSB 18-065 Consent Item 4.4(a) below)

Acting Sergeant Steve Holmes provided a presentation to the Board with respect to the Crisis Response Unit – 2017 Year-End Report.

Moved by: Member Whitehead
Seconded by: Member Levy

That the presentation with respect to Crisis Response Unit – 2017 Year-End Report be received, as provided.

Carried.

2.3 Year-End Report: Crime Prevention Branch – CMD Volunteers – Auxiliary Unit - 2017 (PSB 18-071 Consent Item 4.4(d) below)

Sergeant Barry Mungar provided a presentation to the Board with respect to the Year-End Report: Crime Prevention Branch – CMD Volunteers – Auxiliary Unit - 2017.

Moved by: Member Whitehead
Seconded by: Member Levy

That the presentation provided with respect to the Year-End Report: Crime Prevention Branch – CMD Volunteers – Auxiliary Unit - 2017, be received, as provided.

Carried Unanimously.

2.4 Electronic Disclosure

Superintendent Jamie Anderson and Mr. Todd Norman, Crown Attorney for the City of Hamilton, provided a presentation to the Board with respect to Electronic Disclosure.

Moved by: Member Eisenberger

Seconded by: Member Levy

That the presentation provided with respect to Electronic Disclosure, be received, as provided.

Carried Unanimously.

General**3.1 Declarations of Interest**

None

**Consent
Agenda****4.1 Approval of Consent Items**

Moved by: Member Mandy

Seconded by: Member Eisenberger

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

Carried

4.2 Adoption of Minutes – April 19, 2018

The minutes of the meeting held Thursday, April 19, 2018, be adopted as printed.

4.3 Auction Account Fund

Support / Upcoming Events

RECOMMENDATION(S)

- That the Board provide support to the Hamilton Police Retirees Association Golf Tournament as a Hole Sponsor, in the amount of \$130, to be paid from the auction account.
- That the Board purchase tickets to attend Reconciliation Through Music, scheduled for Thursday, May 24, New Vision Music Hall, at a cost of \$20 per ticket, to be paid from the auction account.

4.4 For the Information of the Board:

- a) Crisis Response Unit – 2017 Year-End Report (PSB 18-065)
- b) Budget Variance Report as at March 31, 2018 (PSB 18-066)
- c) Year-End Report: Communications - 2017 (PSB 18-067)
- d) Year-End Report: Crime Prevention Branch – CMD Volunteers – Auxiliary Unit – 2017 (PSB 18-071)
- e) Email from Mr. Shekar Chandrashekar with respect to Legal Opinion obtained.
- f) Outstanding Issues as of May 10, 2018

After discussion, the Board approved the following:

Moved by: Member Whitehead

Seconded by: Member Levy

That Outstanding Issues Item #4 – Presentations – The Chair arranges a meeting with the Canadian Polish Congress, as soon as possible and training be scheduled for Board Members on cultural competency and *Police Services Act* Code of Conduct, be removed.

Carried.

**Discussion
Agenda****5.1 Request from Shekar Chandrashekar, to Provide a Deputation to the Board**

After discussion, the Board considered the following:

Moved by: Member Juchniewicz

Seconded by: Member Whitehead

That the request from Shekar Chandrashekar to provide a deputation to the Board with respect to the City of Hamilton Audit, Finance and Administration Committee report FCS 18030, be approve.

Motion Defeated.

After discussion, the Board approved the following:

Moved by: Member Levy

Seconded by: Member Eisenberger

That the request from Mr. Shekar Chandrashekar be referred to the Police Services Board Budget Subcommittee.

Carried.

Opposed – Member Whitehead, Member Juchniewicz

New Business**Vice Chair MacVicar made the following comments:**

- This month we will celebrate Police Week with this years' provincial theme of "Celebrating Policing and Community Partnerships". We start with our Awards night on Monday, May 14, Chief for a Day Contest, Police in the Park as well as many other events that take place during the week. On behalf of the Board thank you and congratulations to all staff involved!!
- I would like to congratulate Constable Michael Lacombe who received the Sovereign's Medal for Volunteers. Volunteering has always been a part of Constable Lacombe's life. He stated "The people of Hamilton look to police for protection, guidance, and to be role models for youth which is why I believe my role as a volunteer is so important". Congratulations and Thank you for your dedication to this community.
- I would also like to congratulate Ms. Gaye Yachetti on receiving the 2018 Attorney Generals Victim Services Award of Distinction. Gaye has volunteered for the past 28 years with our Victim Services Branch. Thank you and congratulations!!

Next Meeting of the Board

Vice Chair MacVicar announced that the next meeting of the Board is scheduled for Thursday, June 21, 2018, 2:00pm, at Hamilton City Hall, Council Chambers.

Adjournment

Moved by: Member Juchniewicz
Seconded by: Member Mandy

There being no further business, the public portion of the meeting then adjourned at 3:52pm.

Carried.

The Board then met in camera to discuss matters of a private and confidential nature.

Taken as read and approved

Lois Morin
Administrator

Lloyd Ferguson, Chair
Police Services Board

May 10, 2018
lem:

Morin, Lois

From: Holly Doty <admin@oapsb.ca>
Sent: June-11-18 4:21 PM
To: Holly Doty
Subject: Labour Seminar - Save the Date
Attachments: Labour Seminar 2018 - prelim program.pdf

Good afternoon.

You're Invited: OAPSB 2018 Labour Seminar

The 2018 Labour Seminar is designed for, and restricted to, police employer / governors (e.g. boards & Government) and their Command & Labour Relations staff.

Highlights of this year's program include:

- Learn about new police labour legislation
- Develop consensus-based common-front mandate for coordinated bargaining 2019-2022
- Identify lead agencies for coordinated bargaining process for 2019-2022

Please visit our website at www.oapsb.ca for the Preliminary Seminar Program (also attached).

The event will be hosted at the **Four Points by Sheraton Toronto Airport**, 6257 Airport Road,, Mississauga ON L4V 1E4 Canada.

Additional information will be provided on the oapsb.ca website shortly.

Kind regards,

Holly Doty
Ontario Association of Police Services Boards
 180 Simcoe St, London, ON N6B 1H9
 T: 1-800-831-7727 | C: 519.636.7707
admin@oapsb.ca



ONTARIO ASSOCIATION OF POLICE SERVICES BOARDS

2018 LABOUR SEMINAR

Program

September 20th-21st, 2018

Four Points by Sheraton Toronto Airport
6257 Airport Road,
Mississauga ON L4V 1E4 Canada
fourpoints.com/torontoairport

Restricted to PSB members and their Bargaining Advisors

Sponsors:

Objectives:

- Learn about new police labour legislation
- Develop consensus-based common-front mandate for coordinated bargaining 2019-2022
- Identify lead agencies for coordinated bargaining process for 2019-2022



2018 LABOUR SEMINAR

Thursday September 20th, 2018

Updates from Members

8 -9am	Breakfast
9-9:10	Opening Address
9:10-noon	Bill 175 Labour Changes - Oversight, Discipline, Bargaining
Noon -1pm	Lunch OMERS update
1-2pm	Legal Developments on the Labour Relations Front
2-2:45pm	Collective Agreements Trends
2:45-3pm	Coffee break
3-4:30pm	Bargaining updates from delegates
4:30-6pm	Free time
6-6:30pm	Reception
6:30-8pm	Dinner

Friday September 21st

8-9am	Breakfast
9-11:30am	Coordinated Bargaining: Development of the Common Front Mandate for 2019 forward Identification of Lead Services for 2019 Bargaining
11:30am	Closing Address

4.4

Auction Account Fund

Support / Upcoming Events

RECOMMENDATION(S)

- That the Board provide support to the Interval House of Hamilton, 16th Annual Drives for Lives Golf Tournament as a Hole Sponsor, in the amount of \$200, to be paid from the auction account.
- That the Board provide support to the Salvation Army 16th Annual Golf Tournament as a Hole Sponsor, in the amount of \$200, to be paid from the auction account.
- That the Board provide sponsorship to Walk a Mile in Her Shoes Hamilton 2018, in the amount of \$250, to be paid from the auction account.

HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: 2018 June 21

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Final Report - Firearms Amnesty Program*
PSB 18-072

BACKGROUND:

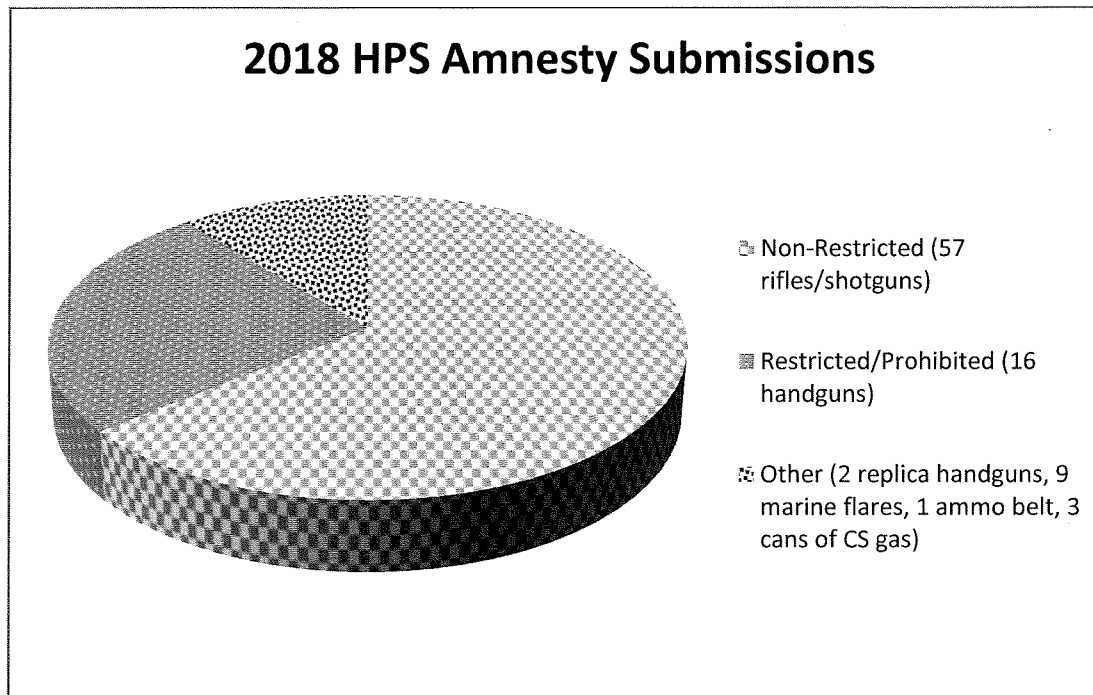
With a goal to enhance public safety by preventing firearms from falling into the hands of criminals through residential break-ins, the Ontario Provincial Police (O.P.P.) launched their first Firearms Amnesty Program during the month of April 2018. The Amnesty provided citizens with a safe and easy opportunity to surrender unwanted, unlicensed or unregistered firearms and ammunition for destruction while enjoying immunity from certain licensing and possession offences (firearms found to have been involved in the commission of a criminal offence would not fall under the umbrella of offered immunity). The public was also encouraged to turn in any unwanted ammunition, replica firearms, pellet guns or antique weapons.

The O.P.P. encouraged their municipal police partners to join them in this provincial Amnesty program, and the Hamilton Police Service agreed to participate. During the month of April, our officers responded to 48 homes for firearms pickups. This resulted in the surrender of 73 firearms and 2,467 rounds of ammunition. A small number of replica firearms, marine flares and other items were also collected.

Prior to destruction, any firearms of a suspicious nature were thoroughly investigated by our Provincial Weapons Enforcement Unit officer to ensure they have not been involved in criminal activity or reported as stolen. If a firearm was found to have been used in a criminal offence, or was previously reported stolen, an investigation would be launched and those firearms would not be included in the disposal.

At this time, none of the 73 firearms turned in during the April Amnesty have been associated with any criminal offence, nor have any of them been previously reported as stolen.

In all, 46 Ontario police agencies simultaneously participated in the April amnesty program in addition to the O.P.P.



All eligible firearms will be transported to the Arcelor-Mittal smelter for disposal on the next available date.

Eric Girt
Chief of Police

EG/PB

cc: Anna Filice, Chief Administrative Officer
Peter Bailey, Manager – Records/Property

HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: 2018 June 21

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Grant Report: 2018/19 Policing Effectiveness and Modernization (PEM) Grant*
PSB 18-074

BACKGROUND

In 2017/18, the Ministry of Community Safety and Correctional Services (Ministry) began transforming its grant programs to support local community safety and well-being initiatives across the province. As part of this transformation, the Ministry introduced the Policing Effectiveness and Modernization (PEM) Grant to support initiatives that improve the effectiveness, efficiency and modernization of policing services.

The PEM Grant was introduced as a transitional program for police services/boards who participated under the Provincial Anti-Violence Intervention Strategy (PAVIS), Toronto Anti-Violence Intervention Strategy (TAVIS), Community Policing Partnerships (CPP) and Safer Communities 1,000 Officers Partnership (1,000 Officers) programs as the Ministry moves towards a future outcomes-based grant program that aligns with the Strategy for a Safer Ontario.

For 2018/19, police services/boards could receive up to the full amount of funding they were allocated under PAVIS, CPP, 1,000 Officers or PEM Grant in 2017/18.

The Ministry has approved the Hamilton Police Service to receive \$2,410,581.34 under the *2018/19 Policing Effectiveness and Modernization (PEM) Grant* for the following initiatives:

1. *Case Prep Unit*
2. *Crisis Response Unit*
3. *Parkway Safety Enforcement Unit*

Attached is the 2018/19 *Policing Effectiveness and Modernization (PEM)* Grant, which is the full amount of funding the HPS was allocated under PAVIS, CPP, 1,000 Officers or PEM Grant in 2017/18.



Eric Girt
Chief of Police

EG/G. Huss

Attachment: *2018/19 Policing Effectiveness and Modernization (PEM) Grant*

cc: Frank Bergen, Deputy Chief – Support
Greg Huss, Superintendent – Community Mobilization Division

4.5(c)

HAMILTON POLICE SERVICES BOARD - INFORMATION -

DATE: 2018 June 21
REPORT TO: Chair and Members
 Hamilton Police Services Board
FROM: Eric Girt
 Chief of Police
SUBJECT: *Patrol Carbine Colt C8 Program*
PSB 18-076

BACKGROUND:

In 2017, a business case was submitted to the Hamilton Police Service Command, regarding the purchase of carbines and the implementation of a training program for their deployment to front line officers. The report recognized that with an increase of incidents with active shooters in Canada, the need for equipment that can meet the increased threat level was necessary. This view was also validated by Justice R. Leslie Jackson in his 2017 ruling against the Royal Canadian Mounted Police.

The Hamilton Police Service currently deploys carbines to its Emergency Response Unit and has since 2008. At present, 16 of the firearms are in use, with 15 of them being the Colt C8, which is the firearm recommended in the business case for deployment to our frontline officers.

It is recommended that the Hamilton Police Service acquire 26 additional carbines for deployment to the front line patrol officers. The attached document outlines the reasons for this recommendation, as well as the suggested pilot program, should a decision to proceed be made.



Eric Girt
Chief of Police

EG/SM

Attachment: *Patrol Carbine Colt C8 Program*

cc: Frank Bergen, Deputy Chief – Support
 Scott Moore, Sergeant – Executive Officer to the Deputy Chiefs

Patrol Carbine Colt C8 Program



Executive Summary:

As per the Hamilton Police 2016-2018 Business Plan, the Hamilton Police Service recognizes that one of its core responsibilities is the management of public safety through a best use of staffing and training. While public safety may take many different forms, from traffic safety to investigation of violent crimes, a component that is becoming increasingly more important in today's society, is the ability to respond to an armed person.

The Hamilton Police Service is proposing the purchase of 26 Colt C8 carbines for deployment to frontline operational duties. The C8 carbine is an accurate, rugged and reliable rifle designed for ease of use and maintenance. The accuracy of the C8 carbine is enhanced with specific sight mechanisms that increase shot placement capability which is critical in the event of lethal force deployment. This special purpose weapon can be used for perimeter coverage in high-risk scenarios, high-risk vehicle stops, responses to threats at intermediate and longer ranges, as well as encounters with violent criminals known to wear body armour.

The Hamilton Police Service is the only major Police Service in Ontario and more specifically in the "big 12"¹ that does not offer their Patrol Officers a carbine rifle. Research proves that carbine ammunition is a superior choice to pistol and shotgun ammunition currently in use. The Hamilton Police Service currently deploys carbines to its Emergency Response Unit and has since 2008. At present, 16 of the firearms are in use, with 15 of them being the Colt C8 which is the firearm recommended for deployment to our frontline officers.

Deployment to the front line patrol officers will cost approximately \$95,562.23 in the first year. This cost includes the purchase of 26 Colt C8 patrol officer rifles, as well as related equipment and training. Once approved and the firearms received, the training of 48 officers will commence and should be completed in approximately four weeks. Evaluation of the program will begin once all training is completed and will last for 12 months.

The goal of this program is to ensure that our uniform frontline members are equipped with the appropriate technology and training to continue to address public and officer safety in resolving critical and high risk incidents. This pilot program will gauge the efficacy of the C8 carbine within the City of Hamilton and its diverse settings.

Background:

It is recognized that one of the core responsibilities of policing is the maintenance of public safety. While things such as traffic safety fall under this responsibility so does protecting the public from violent threats. While not as prevalent in the Canadian context, active shooter incidents are becoming more frequent. The need for police to be able to effectively address the threat of a well-armed individual has been recognized by the courts, which has translated into the adoption of carbines for deployment to front line officers.

¹ The "big 12" refers to the collection of the 12 largest police services in Ontario. These Services include Hamilton, Toronto, Peel, York, Durham, Ottawa, London, Waterloo, Windsor, Niagara, O.P.P. and Halton.

The expansion of the Hamilton Police Service C8 carbine is based on clearly identifiable situations that are better suited for its capabilities, as compared to the patrol shotgun and service pistol. Factors such as increased distance to engage a threat and increased accuracy, allow for greater stand-off distances, making the C8 carbine the most practical force option for frontline officers in many cases.

Weapon System Recommendation:

It is recommended that the Colt C8 A2 (patrol rifle) be acquired for deployment to designated frontline personnel.

This weapon is widely used across Ontario by police services and is a trusted product used by the Canadian military. In addition, a proof of concept versus more expensive weapons has been realized through the reliable deployment in our own Service, to the Emergency Response Unit. Best practice in Hamilton and around the country dictates having a minimal number of weapon platforms in operation to reduce the complexity associated with operational, training and maintenance events.

Deployment:

A total of 26 Colt C8 A2 (patrol rifles) are recommended to be acquired, for training and deployment purposes.

Evaluation at the end of the pilot will consider deployment issues and what locations within the city are best to have this equipped assigned.

Criteria for officer selection into the pilot program will consider the following: that the officer has previous military or tactical unit experience, be currently Use of Force qualified, and have demonstrated above average competency and confidence in weapons handling and judgement. Unit Commanders will be able to select the required officers who meet the selection criteria.

Costing & Purchasing:

The complete C8 carbine platform selected with associated hard costs has been quoted at \$95,562.23 for the initial year. Subsequent years would see a reduction in costing.

The rifle is Canadian made, with its production plant located in Kitchener, ON. As such, maintaining the firearm would be less expensive, as parts are more readily available and do not have to cross an international border.

It is also currently in use by the Hamilton Police Service's Emergency Response Unit, with 15 of the firearms in use since 2008.

Training:

At the start of the program, training will be given to 48 officers (16 per division), over 40 hours (4 x 10 hour days), which will be spread out over four weeks, with 12 officers being trained per week. The annual re-certification for a user would consist of 8 hours.

4.5(d)

HAMILTON POLICE SERVICES BOARD - INFORMATION -

DATE: 2018 June 21
REPORT TO: Chair and Members
 Hamilton Police Services Board
FROM: Eric Girt
 Chief of Police
SUBJECT: *Year End Report: Use of Force 2017*
PSB 18-078

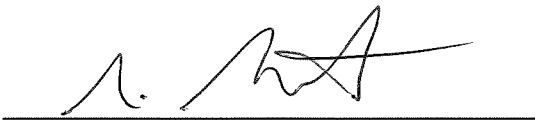
BACKGROUND:

Attached you will find the annual Use of Force Report for 2017. 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: *2017 Use of Force Statistical Report*

cc: Frank Bergen, Deputy Chief – Support
 Nancy Goodes-Ritchie, Superintendent – Professional Development Division

2017 Use of Force Statistical Report

Prepared by Sergeants Scott
Galbraith & Gino Ciarmoli

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

H a m i l t o n P o l i c e S e r v i c e

T r a i n i n g B r a n c h

U s e o f F o r c e S e c t i o n

Table of Contents

Introduction	2
Statistical Summary	4
Firearm Discharged	6
Firearm Pointed	6
Handgun Drawn	6
Aerosol Weapon	7
Impact Weapon Hard	7
Impact Weapon Soft	7
Empty Hands Hard	7
Empty Hands Soft	8
Conducted Energy Weapon	8
CEW by Deployment Mode	9
CEW by Incident Type	10
CEW by Branch	11
Use of Force by Incident Type	12
Use of Force by Branch	13
Use of Force by Years of Service	14
Use of Force by Incidents per Month	15
Use of Force by Incidents per Day of the Week	16
Use of Force Incidents by Time of Day	17
Suspects/Police Officers Injured/Require Medical Attention	18
Use of Force Incidents and Suspect's Weapons	19
Use of Force in Relation to Public Contacts	20
Conclusions / Trends	21



2017 Use of Force Statistical Report

Introduction

This report will provide a statistical summary of reports of Use of Force incidents that occurred in 2017; 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 2017 Use of Force incidents with the number of incidents from the years 2001 to 2016. The report will also compare the total number of force options used in 2017 to the total force options used in the years 2008-2016. In addition this report will focus on Use of Force incidents by Service Branch (i.e. Patrol, Support or other) and by officer's years of service, as well breaking down 2017 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.

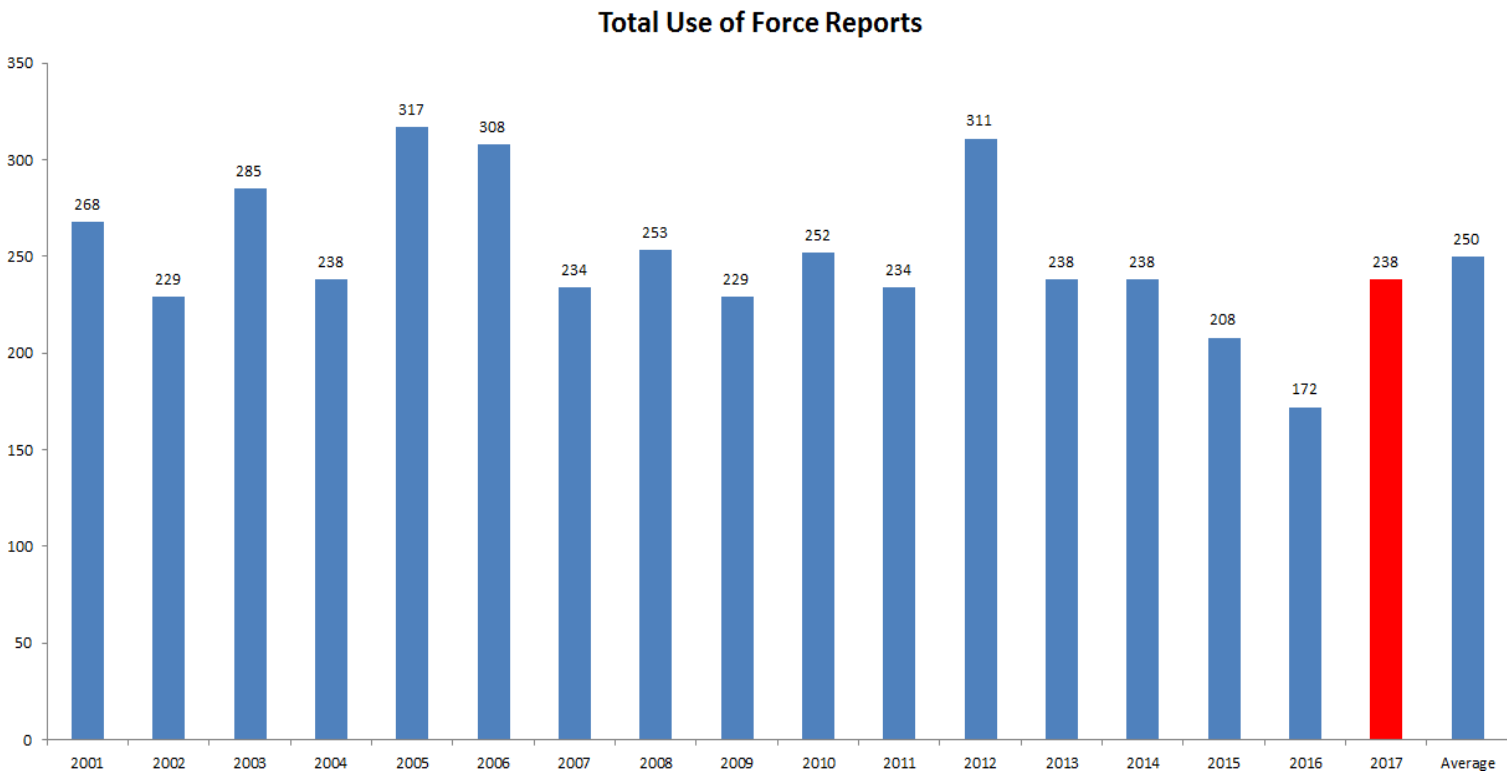
The Use of Force options that are tracked by Use of Force reports are:

- 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 sixteen year period from 2001 – 2017 the average number of incidents reported was 250 incidents per year, with a low of 172 incidents in 2016 and a high of 317 incidents in 2005. The total number of Use of Force incidents in 2017, 238, is lower than the seventeen year average of 250 incidents per year.



In 2017 our officers reported 238 Use of Force incidents. There were 75 incidents where more than one Use of Force option was used. This number decreased from 81 incidents in 2016. 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 111 CEW display mode reports (this number includes 33 multi option incidents). 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.



Total Use of Force Options

	Firearm Discharge	Firearm Pointed	Handgun Drawn	Aerosol Weapon	Impact Hard	Impact Soft	Empty Hands Hard	Empty Hands Soft	K9 Bite / Misc	CEW	Total Incidents
2008	33	91	27	46	15	1	13	7	3	35	253
2009	45	91	18	28	10	1	17	8	2	27	229
2010	42	112	17	28	5	2	22	26	3	45	252
2011	43	110	13	21	6	1	19	31	4	22	234
2012	46	145	52	22	7	2	35	39	5	49	311
2013	62	99	22	13	7	4	32	21	0	41	238
2014	47	100	23	14	3	1	15	18	2	64	238
2015	30	145	59	9	4	0	13	12	0	47	208
2016	18	98	40	7	1	1	26	25	4	38	172
2017	24	125	19	3	3	0	22	44	1	58	238
Avg	39	112	29	19	6	1	21	23	2	42	237

****NOTE**** Adding the cells from any given year will not result in the sum calculated in the “Total Incidents” cell. This is due to the fact that some incidents involve multiple options therefore producing a number of a lower value when totalled.

2016 vs 2017 Options Used / Total Incidents

	2016	2017	Percentage increase or decrease
Firearm Discharge	18	24	33
Firearm Pointed	98	125	28
Handgun Drawn	40	19	-53
Aerosol Weapon	7	3	-57
Impact Hard	1	3	200
Impact Soft	1	0	-100
Empty Hand Hard	26	22	-15
Empty Hand Soft	25	44	76
K9 Bite/Other	4	1	-75
CEW (Both Modes)	143	169	18
Total Options	363	410	13



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 24 incidents in 2017 where Hamilton officers discharged a firearm. The ten year average for discharge firearms is 39 incidents per year. The most common use of service firearms is to euthanize injured animals. In 2017 all twenty four firearms discharged incidents were for this purpose. For tracking purposes each firearm was counted as a statistic. This is a 33% increase compared to the 18 incidents in 2016.

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 ten year average for Firearm Pointed is 112 incidents per year. In 2017 there were 125 firearm pointed incidents. This is an increase of 28% compared to 2016’s 98 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 19 incidents in 2017 where an officer drew their handgun in front of a member of the public. This is below the ten year average of 29 incidents per year and 53% less than 2016’s 40 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 3 O/C incidents in 2017 which is below the ten year average of 19 incidents per year and 57% less than 2016’s 7 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 3 times in 2017 to strike a subject displaying assaultive behaviour, which is lower than the ten year average of 6 incidents per year and 200% more than the one 2016’s incident.

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 2017, 100% less than 2016’s 1 incident and below the ten year average of 1 incident 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 22 reported incidents in 2017 of Empty Hands Hard. This is slightly above the ten year average of 21 incidents per year and a decrease of 15% when compared to 2016’s 26 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 2017 there were 44 reported incidents of Empty Hands Soft. This is above the ten year average of 23 incidents per year and an increase of 76% compared to 2016’s 25 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 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 report 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

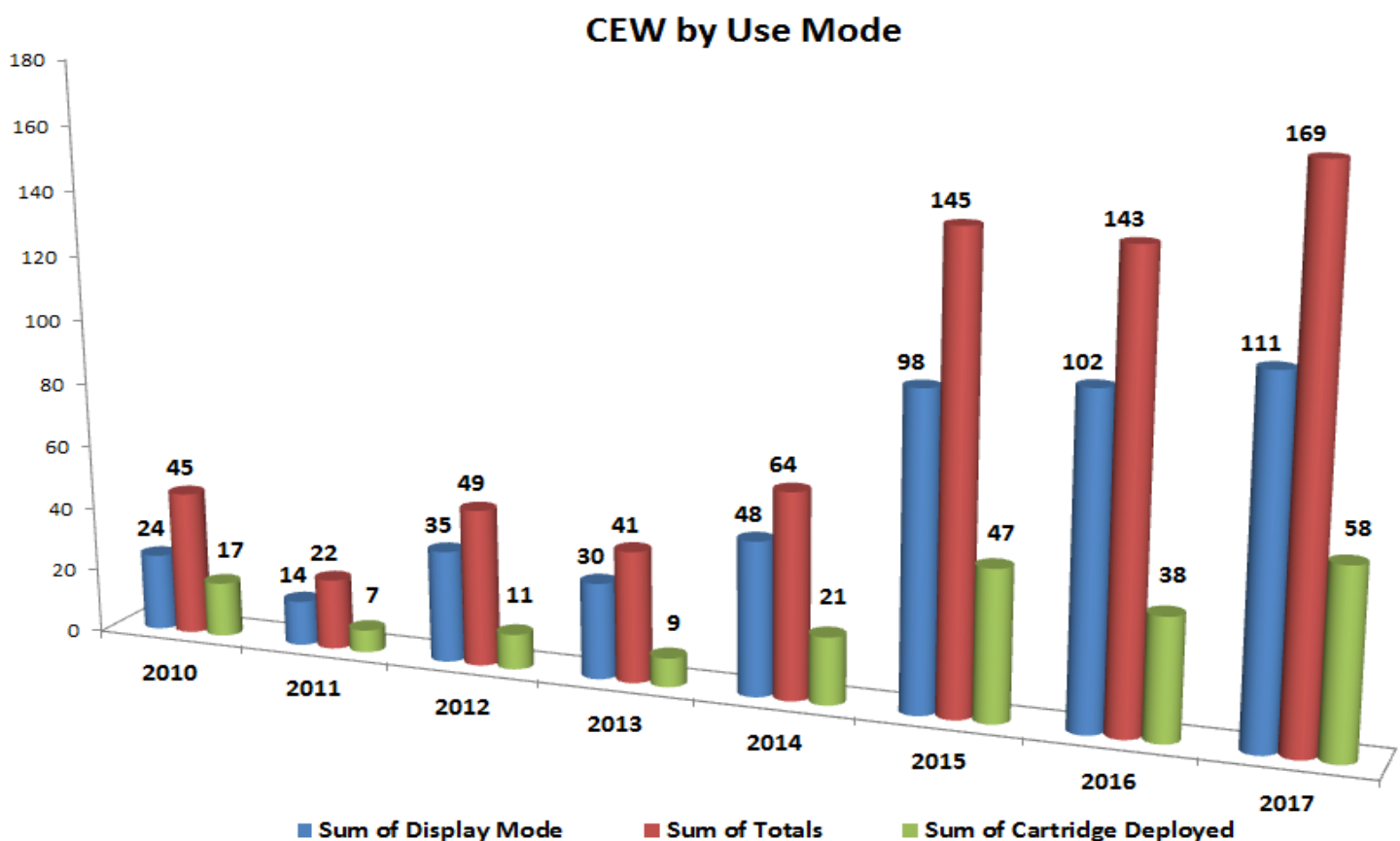
As per the Ontario Use of Force Model, the CEW is an “intermediate weapon”, which police can consider to use when a subject exhibits “actively resistant” behaviour. However, in June, 2009 the Hamilton Police Service changed its CEW policy to; a subject must exhibit at minimum “assaultive and/or serious 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 169 times in 2017; an increase of 18% from the 143 incidents in 2016. There were a total of 238 Use of Force incidents reported in 2017. In 75 incidents there were multiple Use of Force options used. In 33 of these incidents the CEW was included as one of the multiple options used. In 58 incidents the CEW was used in deployment mode meaning probes were fired from the cartridge. In 111 incidents the CEW was used in display mode meaning it was a show of force / de-escalation tool 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.



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.

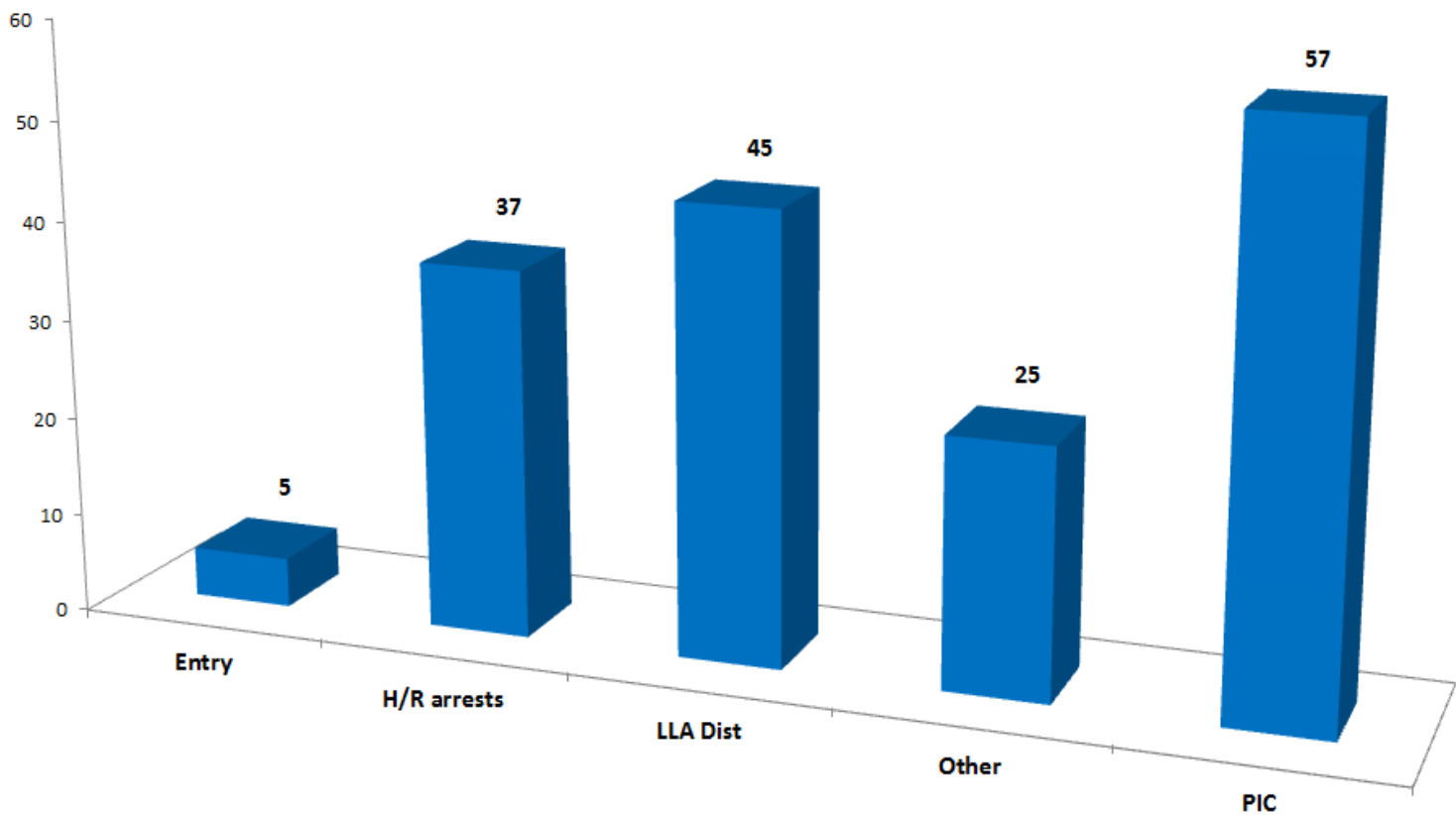


CEW by Incident Type

The CEW was deployed to apprehend/control persons in crisis (57 incidents), High Risk Arrests where an individual was armed or thought to be armed with a weapon (37 incidents - **This is a 29% decrease from the 52 incidents in 2016**), Disturbances, usually involving Liquor License Act violations, Other Incidents, which are general arrests involving assaultive suspects and Dynamic Entry.

In 57 of the 2017 CEW incidents the subjects were displaying or had immediate access to a weapon. 32 involved a knife of some type, 2 involved a firearm or replica and 23 involved an “other” implement (chair, spear, hatchet, hammer, razor blades, screwdriver, bat, metal pipe and glass).

CEW by Incident Type

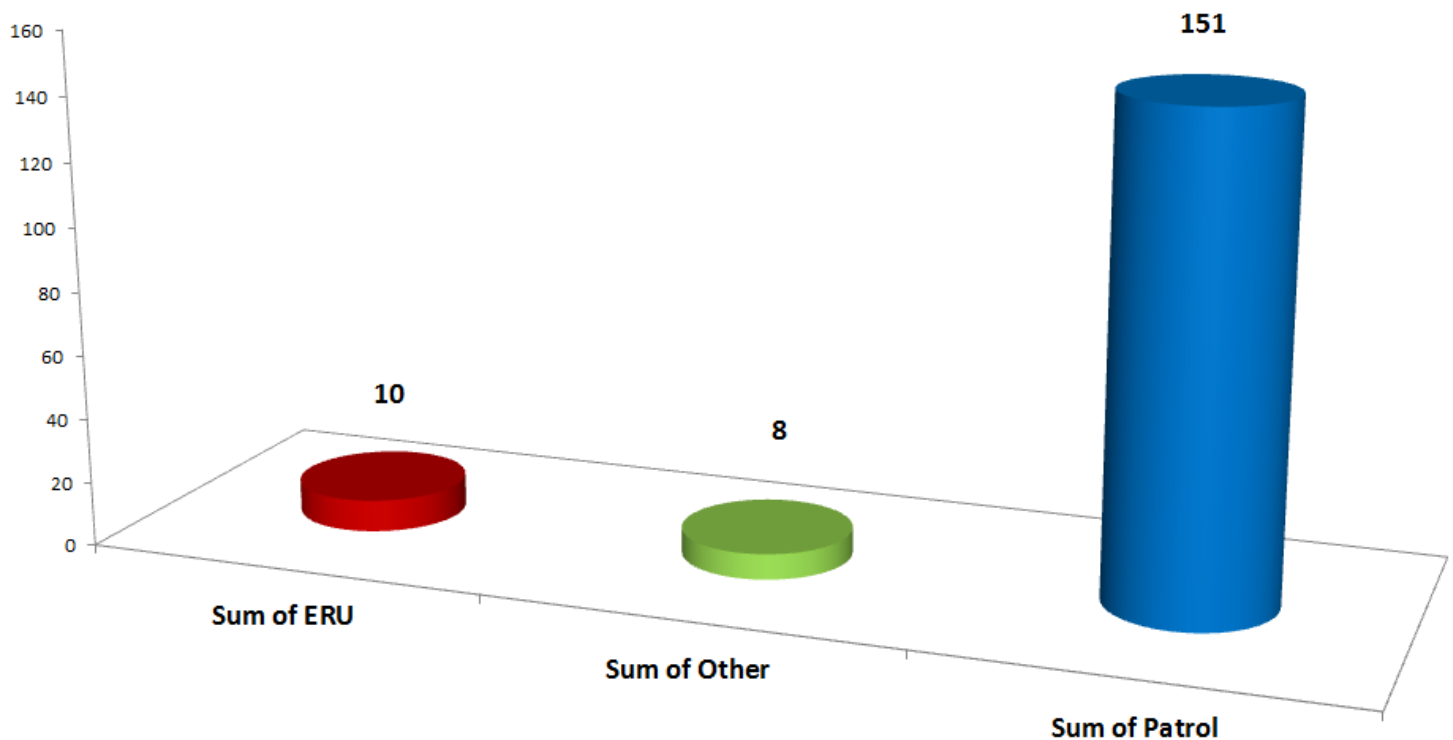


CEW Use by Service Branch

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 5. Paid Duties. CEW use in 2017 by Branch is as follows; Emergency Response Unit-10 incidents, Other-8 incidents and all other incidents were identified as General Patrol (151). In one incident the CEW was used in both display and deployment modes.

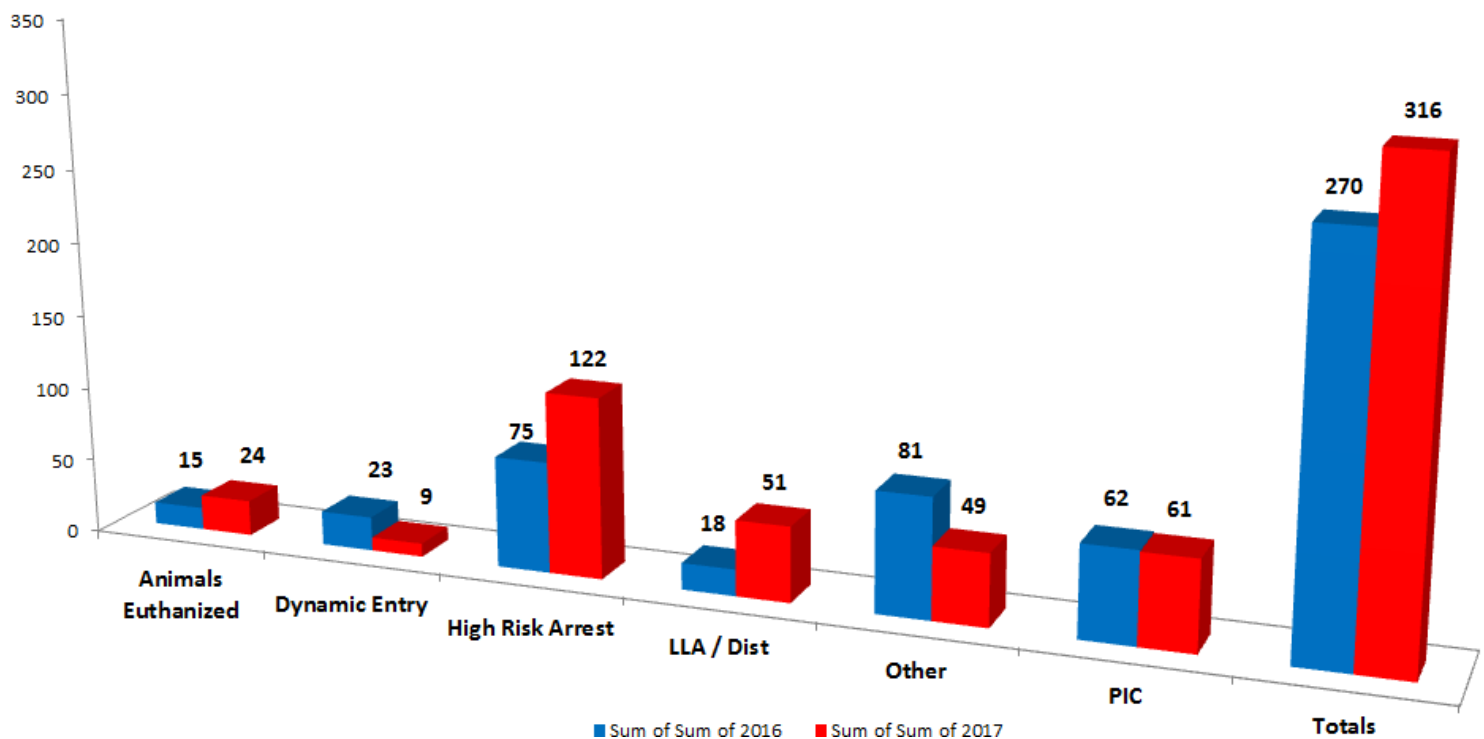
CEW use remained consistent in 2017 when compared to 2016 and was predominantly deployed in the Force Presence/Display Mode. The increase of the CEW in the Force Presence/Display in recent years would suggest that the presence of a CEW at an incident appears to act as a general deterrent and de-escalation tool.

CEW 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.

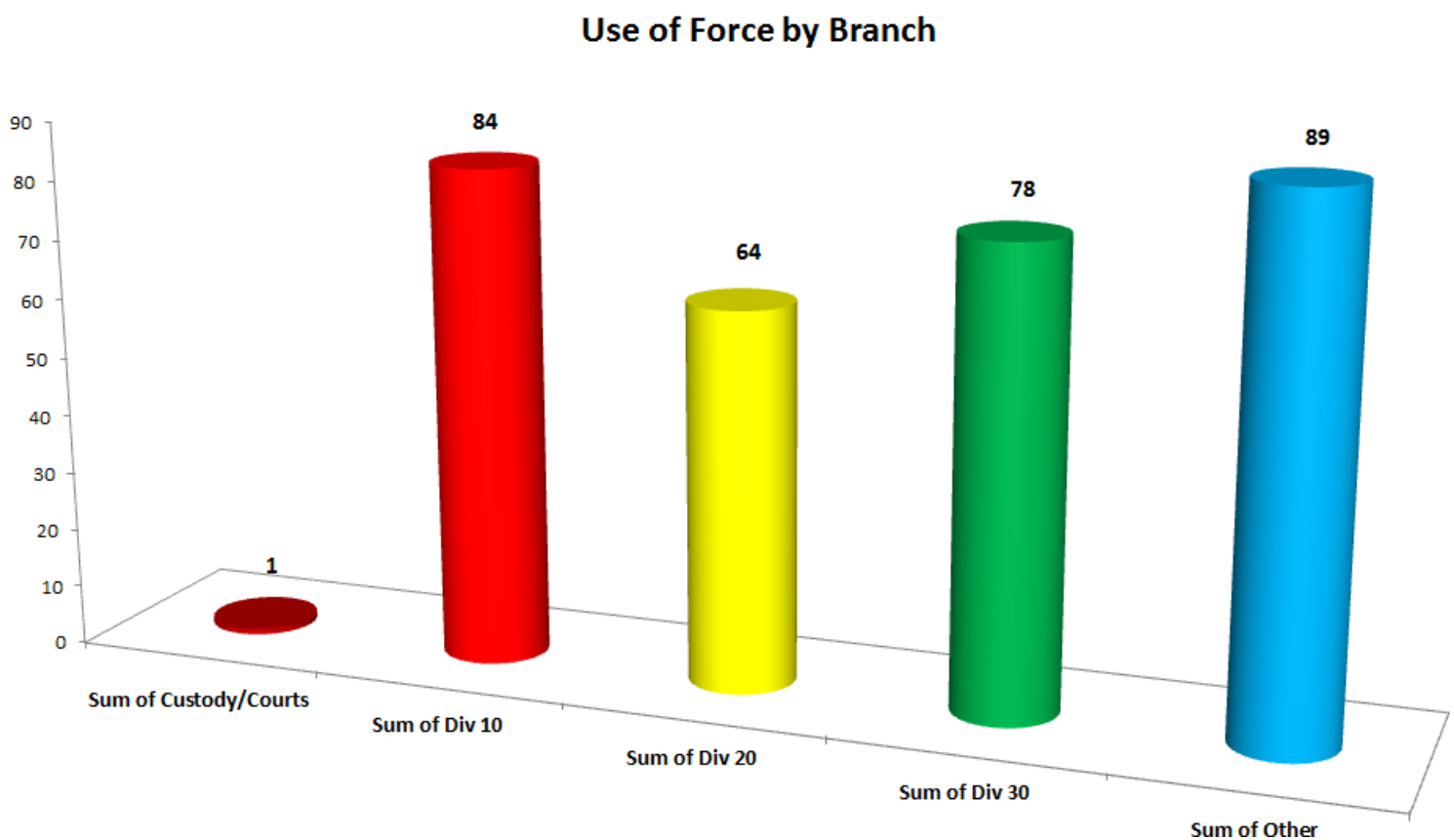


NOTE * this chart distinguishes between **incidents** and **Use of Force incidents**. 316 represents the total number of incidents reported by Hamilton Police. 238 represents the total from that 316 that are Ministry identified Use of Force incidents. Therefore, 111 incidents were CEW display, 33 of those transitioned to a Use of Force incident which would require a Use of Force report. This would leave 78 CEW incidents which were strictly Display mode only and are not required to be reported to the Ministry therefore are not included in the 238 reported Use of Force reports.



Use of Force by Branch

As previously mentioned 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, etc.), 4. Courts/Custody, 5. Paid Duties. Although there were 238 reported Use of Force incidents in 2017, in some incidents more than one Branch responded and used force; i.e.: Patrol plus B.E.A.R., Patrol plus E.R.U., etc. Note, CEW reported data as well as Use of Force reported data has been included in the following chart. Uniform Patrol Officers accounted for 226 (72%) of reported incidents and ERU / specialized "Other" Units accounted for 89 (28%). ERU incidents are primarily dynamic entries. There was 1 incident reported by Custody/Courts and no incidents reported by Paid Duty.



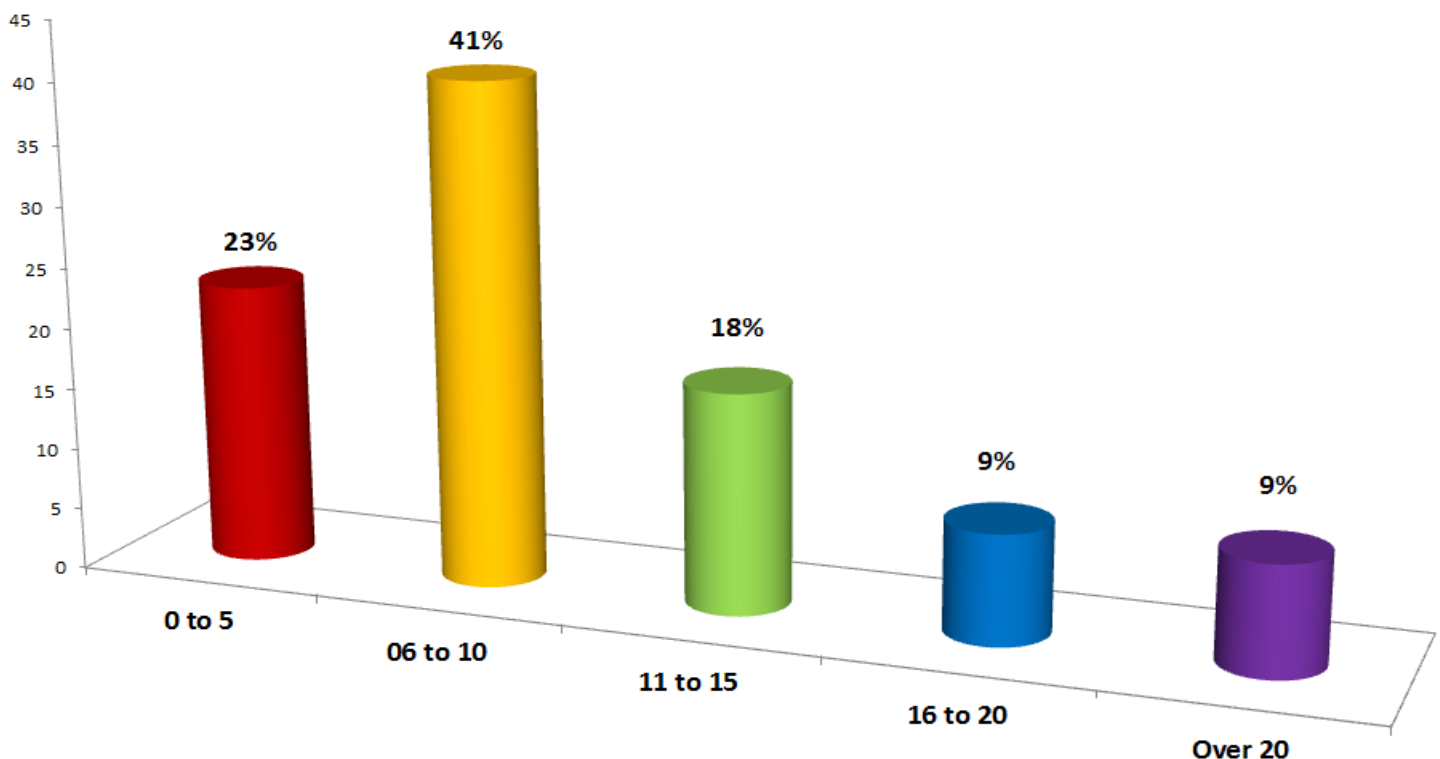
Use of Force by Years of Service

The Use of Force report has a Length of Service section to be completed by the submitting officer. In certain circumstances this section is not completed. The most common reason for this area not being completed is when the Emergency Response Unit files a "team" report and the Years of Service area is not completed and/or a CEW is used in the display mode only. Currently as per HPS Policy and Procedure 1.02, only parts C and D of the Use of Force Report must be completed if the CEW is used in the display mode only and these sections don't have a Years of Service area.

A risk reduction strategy has been developed in relation to the Use of Force Reporting Policy (1.02) revised in 2012. If a Use of Force report is required as a result of the actions of several officers in a common incident, each officer shall submit their own Use of Force report. The ERU shall be the only unit permitted to submit a 'team' report.

For statistical purposes officers were grouped into the following Years of Service categories: 0-5 years, 6-10 years, 11-15 years, 16-20 years, >20 years.

Years of Service



As per the Incidents by Branch and Incidents by Years of Service charts, Uniform Patrol is involved in the majority of 2017's Use of Force Incidents as would be expected. The 0-10 Years of Service group accounts for approximately 64% of the officers who completed the years of service section. This is easily explained as approximately 60%* of officers assigned to Uniform Patrol have less than 10 years of service so their involvement in Use of Force incidents is proportional to their numbers.

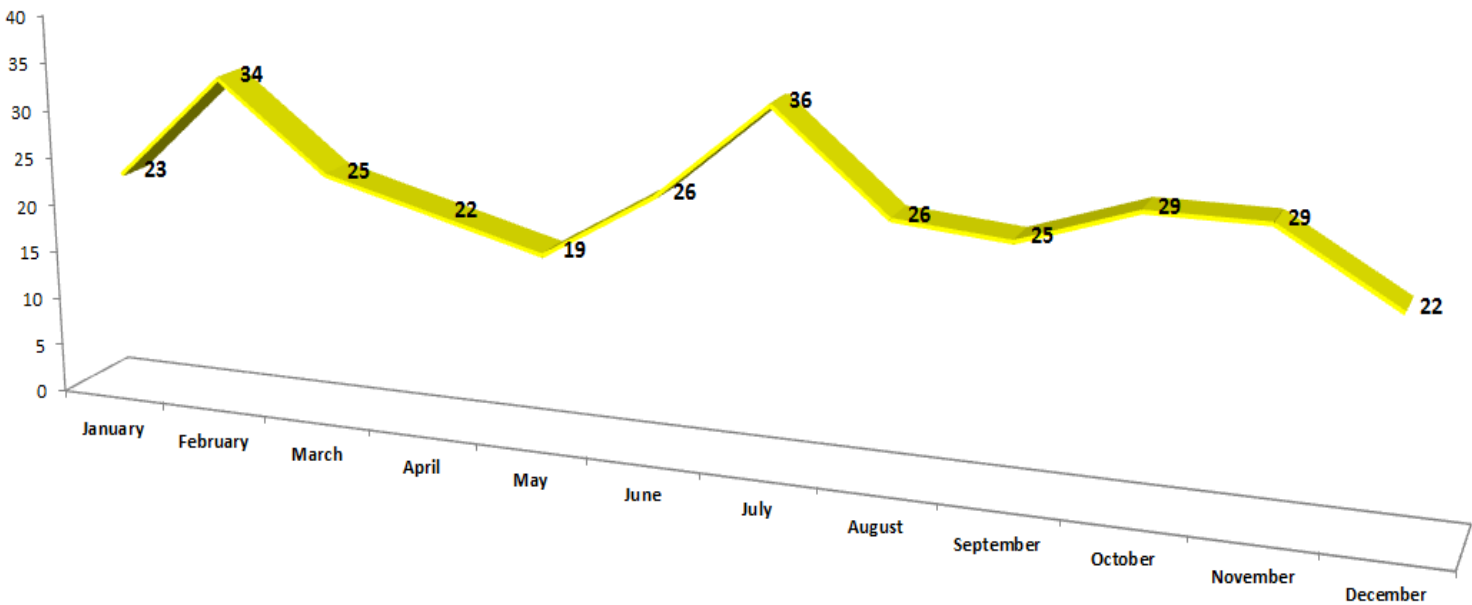
*Uniform Patrol and Years of Service data supplied by Human Resources.



Use of Force by Incidents per Month

There were 316 reported incidents in 2017 for an average 26.3 incidents per month; with a high of 36 incidents in July and a low of 19 in May. The number of Use of Force incidents appears to rise slightly in July and plateau for the remainder of the year.

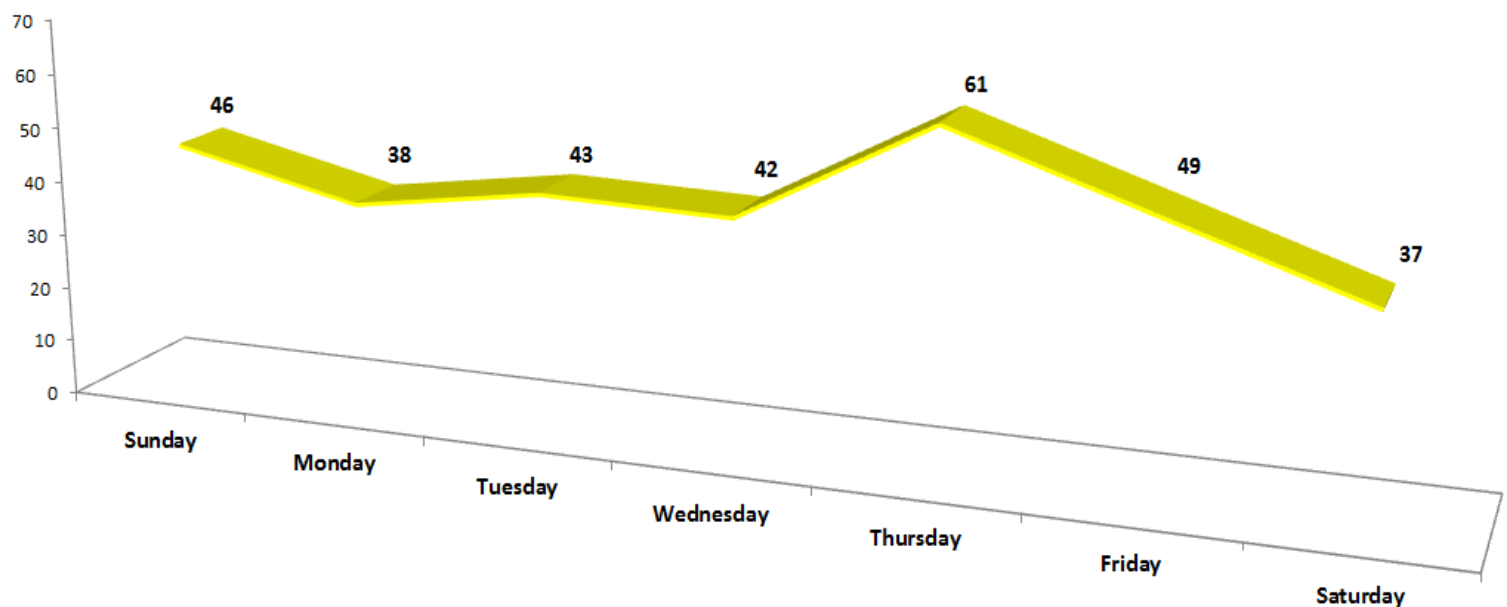
UOF Incidents per Month



Use of Force Incidents per Day of the Week

This is the tenth year that Use of Force incidents have been tracked by number of incidents per day of the week. In 2017, the day with the highest number of Use of Force incidents was Thursday with 61 incidents and the lowest was Saturday with 37 incidents. When 2017 data is compared to the recent average (2007-2016) it is clear that the incident rate goes slightly down on Mondays, begins to rise and peaks during the mid-week, and then lowers once again over the weekend. There is no obvious explanation for this pattern.

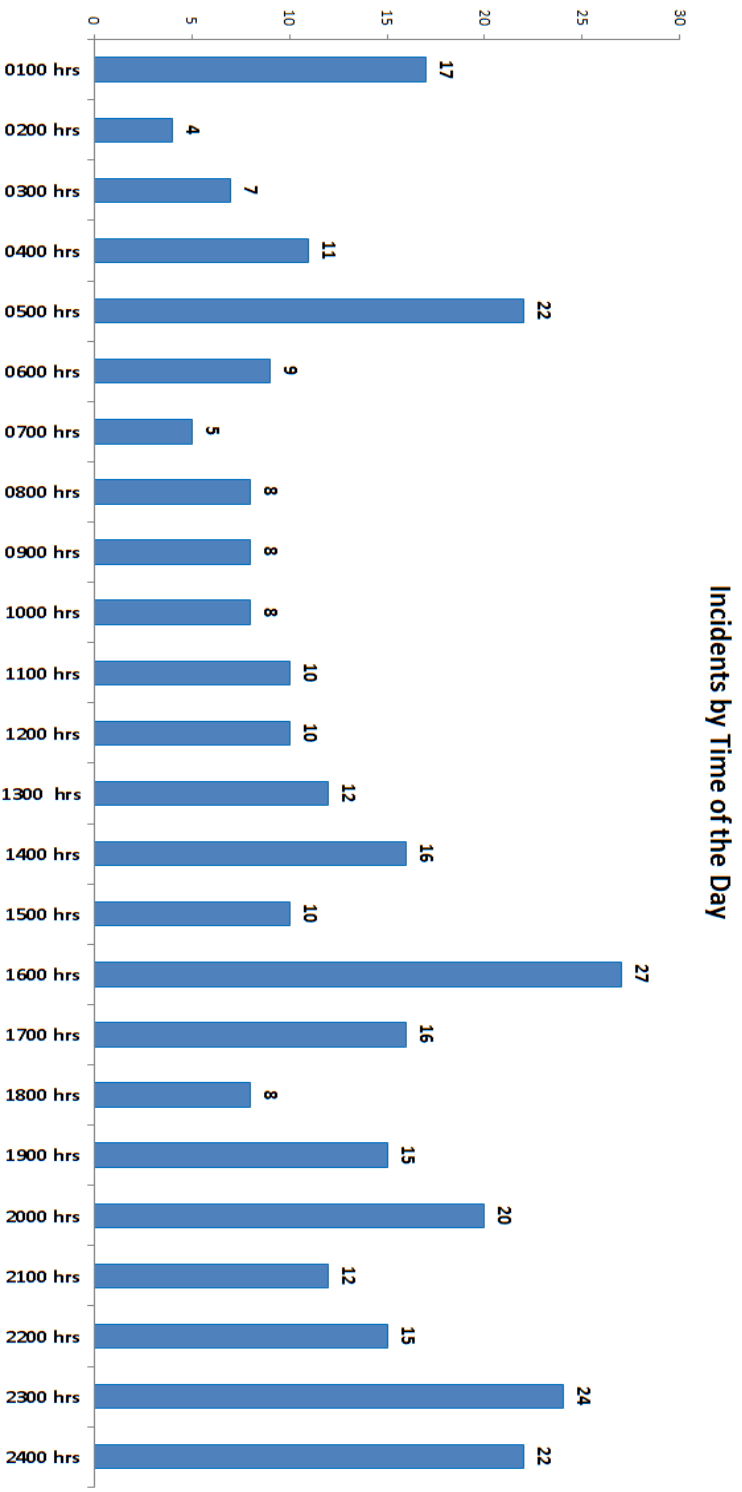
Incidents by Day of the Week



Use of Force Incidents by Time of Day

This is the tenth year that Use of Force incidents have been tracked by the time in which they occur. Historically the time was separated into 6 time periods: 0801–1200, 1201–1600, 1601–2000, 2001–2400, 0001–0400 and 0401–0800. In 2015 each hour was tracked.

A review of the 10 year average data (2008-2017) indicates that the bulk of Use of Force incidents occur in the twelve hour period between 1600 to 0400 hours. The least number of incidents occur in the eight hour period between 0401 to 1200 hrs. The number of incidents begins to rise steadily beginning at noon hour and peaks between 2001 and 0400 hrs. The below data from 2017 indicates the majority of incidents occurred between the hours of 1600 to 0100hrs. There was a steady decline between 0200 and 0500 hours with a sharp increase occurring at 0500 hrs. The hours between 0600 hours and 1500 hours remain relatively consistent.



Suspects/Police Officers Injured/Require Medical Attention

In 2017 there were 50 incidents in which a subject, a Police Officer, or both, were reportedly injured. 50 subjects injured required medical treatment of a varying nature. 3 officers were injured and required medical attention. In the majority of incidents the injuries to both officers and subjects were reportedly minor in nature.

The reasons/causes for either a subject or officers receiving an injury or requiring medical attention are as follows: Grounding (25), Mental Health Assessment (55), Self-Inflicted/Occurred prior to Police Arrival (9), O/C Decontamination (1), and CEW Probe Removal (26). The suspect can receive medical attention for several reasons; i.e.: MHA assessment, plus probe removal (16 incidents in 2017).

With respect to injuries by incident type, the majority of subjects were injured/required medical attention as the result of a Person In Crisis incident/call for service. In 55 of the PIC incidents the subject was taken to the hospital for a mandatory mental health assessment. **These apprehensions account for 17.4% of all Use of Force encounters.**

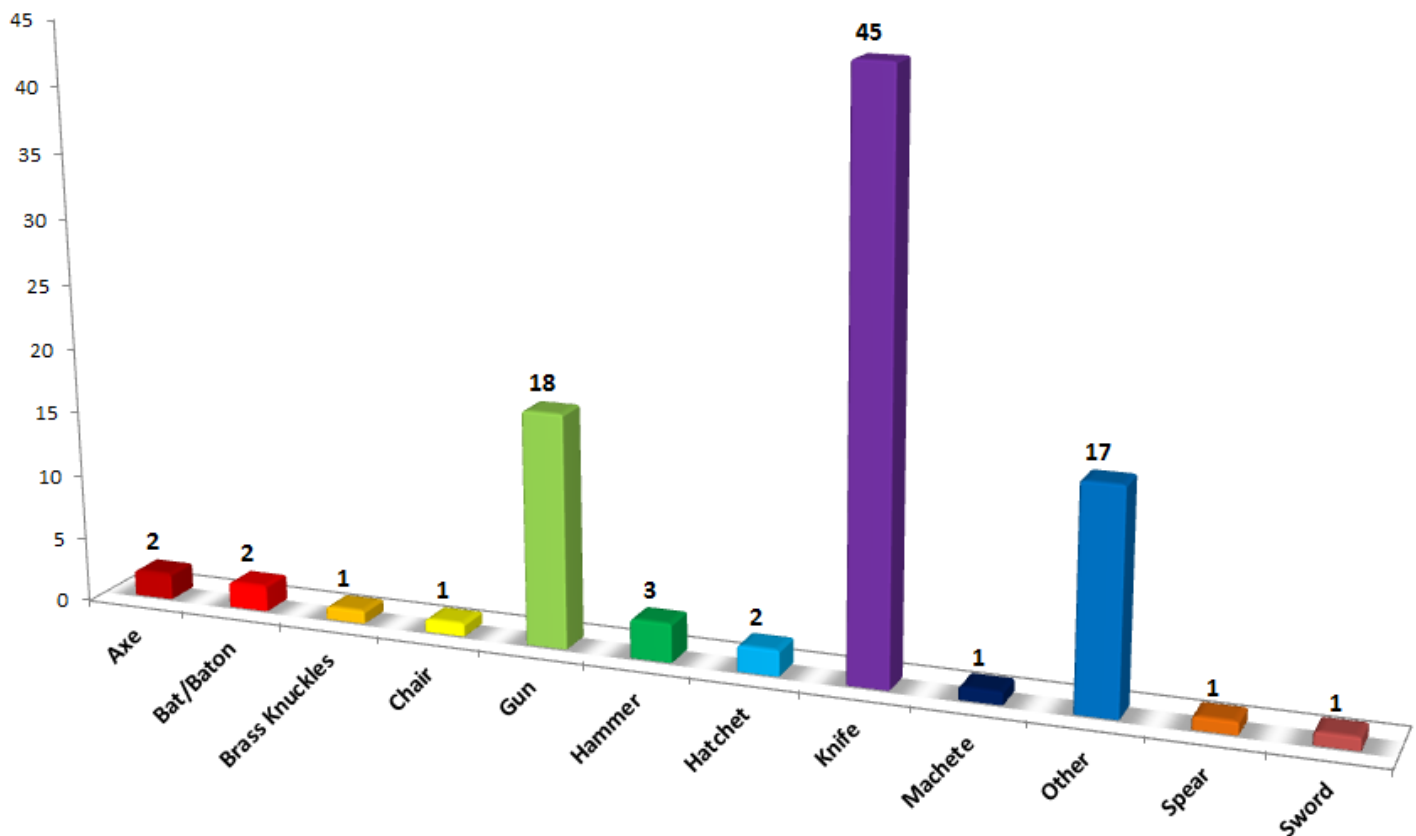


Use of Force Incidents and Suspect's Weapons

In 2017 there were 94 incidents reported where the suspect was actually carrying or had access to a weapon close-by. In 10 of the incidents the suspect(s) had access to more than one weapon type. An edged weapon of some type was the most frequently reported involving 45 knife incidents. There were 18 incidents where a firearm/replica/toy gun was used and in 1 incident a sword was identified as the weapon, along with other edged weapons. An axe, brass knuckles and a chair were also identified weapons.

In 2016 there were a total of 93 incidents involving weapons. Knives were the dominant weapon (43) carried by subjects followed by firearm/replica/toy gun (29).

Weapons used against Officers



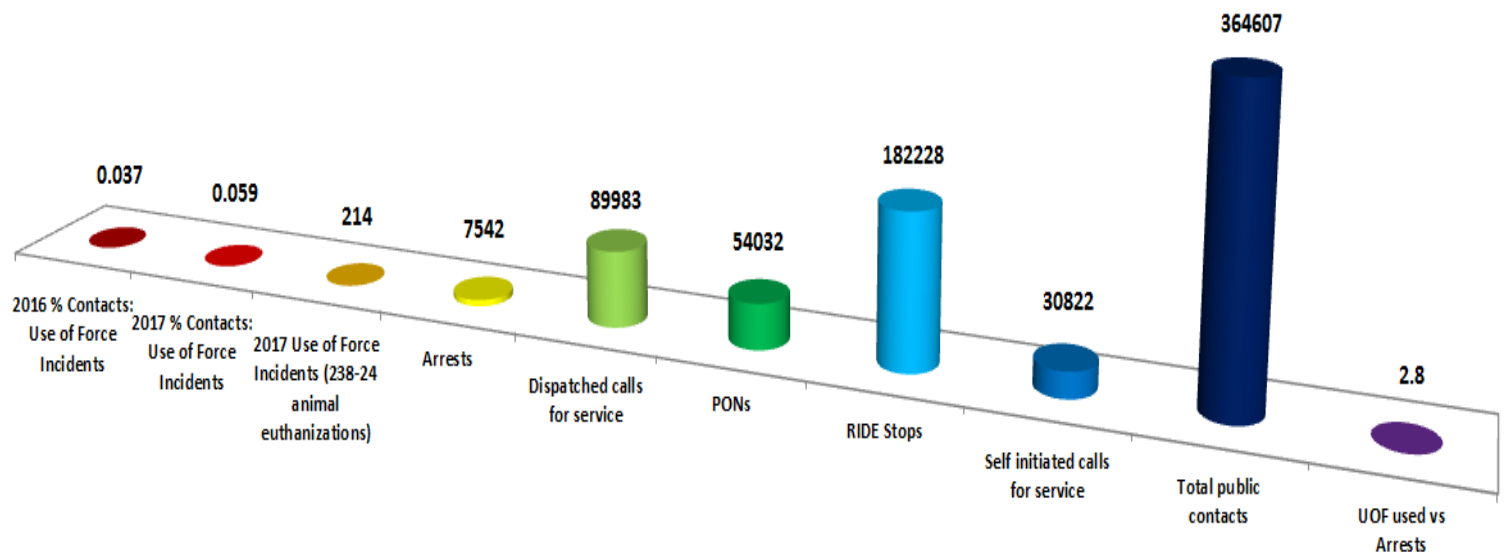
Use of Force in Relation to Public Contacts

In 2017, members of the Hamilton Police Service were involved in 238 incidents where a Use of Force report was submitted. Included in that number are 24 animal euthanizations. This ultimately means that there were 214 incidents where a Use of Force report was submitted. Compared to the total number of contacts* the police had with the public, only .059% of contacts resulted in a Use of Force incident.

In comparison, Use of Force incidents vs. public contacts rose slightly in 2017 (.059%) compared to 2016 (.037%) and 2015 (0.041%).

*Public Contact data supplied by the Crime Information Analysis Unit.

Total Use of Force vs Public Contacts



Conclusions / Trends

During the 17 year period from 2001-2017 the average number of reported Use of Force incidents is 250 per year. A low of 172 incidents were reported in 2016 and a high of 317 incidents in 2005. 2017 showed an increase in Use of Force Reports over the previous year however remains below the 17 year average.

1. The number of times an Officer discharged a firearm increased to 24 incidents in 2017. The average since 2008 is 39 discharges per year. The 2017 statistics are solely attributed to the number of times in which Officers are being called upon to euthanize injured animals. Hamilton officers euthanized 24 animals in 2017.

2. There was a decrease in the use of Empty Hands-Hard (15%) and an increase in Empty Hands-Soft (76%) in 2017 compared to 2016. The use of these options in 2017 is slightly higher than the 10 year average of 21 for Empty Hands-Hard and a significant increase in Empty Hands-Soft which has a 10 year average of 23.

3. The use of Aerosol Weapons reached a plateau in the last several years with an average of 19 incidents per year since 2008. 2017 had only 3 incidents, well below the average and the lowest since records have been kept.

4. The introduction of the CEW in late 2004, early 2005 had an immediate impact on how Police Officers use force. In 2014/2015 the Hamilton Police Service began a gradual roll out of CEWs to frontline personnel. In 2014 there were 64 CEW incidents which rose to 145 incidents in 2015 and remained consistent at 143 incidents in 2016 and increased to 169 incidents in 2017. Those incidents that are statistically captured in the Ministry Use of Force report (CEW Deployed) totaled 21 in 2014, 47 in 2015, 38 in 2016 and increased to 58 in 2017. The ten year average is 42 incidents per year. It was anticipated that CEW use would increase with full frontline deployment; however the CEW is utilized most often in the display mode.

5. Uniform Patrol is the Branch of the Service most likely to encounter incidents requiring an application of Force and therefore submits the most Use of Force reports.

6. This is the 10th year that Use of Force incidents have been tracked by number of incidents per month. There does not appear to be a significant relationship between number of Use of Force incidents and the month of the year other than they appear to rise in February and July for an unknown reason and fall in May for an unknown reason and remain relatively consistent for the remaining months. Data from future years could solidify/confirm any trends.

7. This is the 10th year that Use of Force incidents have been tracked by number of incidents per day of the week. Comparative data shows it is clear that the incident rate goes down on Saturdays for an unknown reason. 2017 statistics illustrate a spike on Thursdays with other weekdays remaining consistent. There is no obvious explanation for this pattern. Again, data from future years could solidify/confirm any trends.

8. This is the 10th year that Use of Force incidents have been tracked by the time in which they occurred. A review of historical data indicates that the bulk of Use of Force incidents occur in the twelve hour period between 1600 to 0400 hours. The least number of incidents occur in the eight hour period between 0400 to 12 noon. The number of incidents begins to rise steadily beginning at noon hour and peaks between 2001 and 0500 hours.



9. This is the 7th year where Suspects' Weapons has been tracked. It is clear that an edged weapon of some type is the weapon of choice. In 2017, 45 incidents involved a knife or some type of edged weapon, 18 incidents involved a gun or replica and 31 incidents involved an "other" item. Weapon use against officers in Hamilton has risen since 2014 and increased from 93 incidents in 2016 to 94 in 2017.

10. This is the 7th year in which Officer and Subject injuries have been tracked. The injury rate for both Officers and Subjects is relatively low (3 Officers and 50 Subjects). All of the injuries that were reported in 2017 were minor in nature. The most common causes for injuries to officers and subjects are the use of grounding techniques and/or a general struggle between the officer and subject while trying to affect an arrest. Use of Force should continue to train officers in proper grounding and self-defence techniques.

11. The Use of Force incident rate is extremely low when put into the context of total public contacts (364,607) compared to Use of Force incidents (214 incidents; 238 incidents minus 24 animal euthanizations), resulting in a Use of Force reporting incident rate of .059%.

12. Persons In Crisis or "PIC" incidents account for approximately one fifth of all Use of Force encounters by Hamilton Police in 2017.



4.5(e)

HAMILTON POLICE SERVICES BOARD - INFORMATION -

DATE: 2018 June 21

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Year End Report: Professional Standards Branch - 2017*
PSB 18-080

BACKGROUND:

Please find attached the annual Professional Standards Branch Report for 2017. The report outlines public complaints, Service complaints and internal investigations including workplace harassment. SIU investigations and their outcomes are also reported. The report also includes areas of risk such as police involved motor vehicle collisions and officer involved pursuits.

Commendations for officers, citizen awards and letters of appreciation are also outlined in this report.



Eric Girt
Chief of Police

EG/N. Goodes-Ritchie

Attachment: *Professional Standards Branch Annual Report 2017*

cc: Frank Bergen, Deputy Chief, Field Support
Nancy Goodes-Ritchie, Superintendent – Professional Development Division



Hamilton Police Service Professional Standards Branch

Annual Report 2017

Professional Standards Branch

Table of Contents

PREFACE	3
STATISTICAL SOURCES	3
DEFINITIONS	3
PROFESSIONAL DEVELOPMENT DIVISION (PDD)	3
PROFESSIONAL STANDARDS BRANCH (PSB)	3
RISK MANAGEMENT	4
OFFICE OF INDEPENDENT POLICE REVIEW DIRECTOR (OIPRD)	4
SPECIAL INVESTIGATIONS UNIT (SIU)	4
INTERNAL AFFAIRS PROFESSIONAL STANDARDS SOFTWARE (IAPRO)	4
SECTION 11 INVESTIGATIONS	4
EXECUTIVE SUMMARY	5
PUBLIC COMPLAINTS	6
CONDUCT COMPLAINTS	7
<i>Allegations of Misconduct</i>	7
<i>Disposition of Conduct Complaints</i>	8
<i>Demographics of Conduct Complaints</i>	8
SERVICE COMPLAINTS	9
PUBLIC COMPLAINT REVIEWS	9
INTERNAL COMPLAINTS	10
ALLEGATIONS OF MISCONDUCT	10
<i>Workplace Harassment Investigations (Bill 168)</i>	10
CHIEF'S INTERNAL COMPLAINTS	11
<i>Disposition of Internal Complaints</i>	11
<i>Demographics of Internal Complaints</i>	11
SPECIAL INVESTIGATIONS UNIT INCIDENTS	12
FORMAL INVESTIGATIONS	12
CRIMINAL ALLEGATIONS	13
SECTION 11 INVESTIGATIONS	13
RISK MANAGEMENT	14
SUSPECT APPREHENSION PURSUITS	13
<i>Fail to Stop Report</i>	14
<i>Pursuit Outcomes</i>	15
COMMENDATIONS AND CITIZEN AWARDS AND LETTERS	15

Professional Standards Branch

Preface

This report is prepared in accordance with Ontario Regulation 3/99 of the *Police Services Act*. It is a comparative statistical analysis of all complaints received and investigated during 2017, as well as a compilation of relevant Risk Management data for the same year.

The statistical information included in the 2017 Professional Standards Branch Annual Report was compiled with data obtained from the following sources:

Statistical Sources

- Professional Standards Branch Data base
- Internal Affairs Professional Standards Records Management System (IAPro)
- Chief's Office
- Legal Services
- Human Resources
- Special Investigations Unit Liaison
- 2016 Professional Standards Branch Annual Report

Definitions

Professional Development Division (PDD)

A division of the Hamilton Police Service responsible for Professional Standards, Risk Management, Policy Development, Corporate Planning, Quality Assurance and Training. When required, the branches of the PDD work together to examine and assess organizational needs and devise action plans to further enhance work performance. In 2017, the PDD was managed by Superintendent Nancy Goodes-Ritchie.

Professional Standards Branch (PSB)

PSB is responsible for investigating and facilitating the resolution of both internal (Chief) and external (public) complaints in an impartial and professional manner, pursuant to the *Police Services Act*. The PSB acts as the liaison for the investigation of complaints referred by the Office of Independent Police Review Director (OIPRD). Additionally, this branch of the PDD investigates human rights complaints, civilian employee complaints, labour law complaints, Bill 168 complaints (Workplace Violence and Harassment) and Special Investigations Unit (SIU) Section 11 reviews. The PSB is staffed by three Sergeants and one Staff Sergeant.

Professional Standards Branch

Risk Management

The Risk Management branch of PDD is responsible for the identification and evaluation of risks and the development, selection and implementation of control measures that change outcomes. The Risk Manager currently handles the McNeil disclosure file and weekly tips for Hamilton Police Service members on current and risk related topics. Additionally, the Risk Manager assesses Police Service Motor Vehicle Collisions (MVC), member Red Light Camera (RLC) infractions; and member Missed Court (MC) attendances. The Risk Management branch is staffed by one Inspector.

Office of Independent Police Review Director (OIPRD)

The OIPRD receives, manages and oversees all public police complaints in Ontario.¹ They are a civilian oversight agency that accepts complaints about the conduct of police officers and/or the policies and services of a police department. In addition to processing and investigating public complaints, the OIPRD administers the Ontario public complaints system.

Special Investigations Unit (SIU)

The SIU is a civilian law enforcement agency, independent of the police, that conducts criminal investigations into circumstances involving police and civilians that have resulted in serious injury, death or allegations of sexual assault.² Although it is an agency of the Ministry of the Attorney General, its investigations and decisions are independent of the Government of Ontario. The Director of the SIU is empowered under the *Police Services Act* to lay criminal charges against police officers where warranted.

Internal Affairs Professional Standards Software (IAPro)

IAPro is a Professional Standards software used by the PDD to efficiently handle citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to identify and analyze areas of concern.³

Section 11 Investigations

The Chief of Police is legislated under Section 11 (s.11) of Ontario Regulation 267/10, to cause an administrative investigation to be conducted into any incident of which the SIU is notified.⁴ The investigation reviews the conduct of the involved police officer(s), as well as the policies and/or services provided by the Hamilton Police Service.

¹ Queen's Printer for Ontario, 2015, *Office of Independent Police Review Director*, www.oiprd.on.ca

² Queen's Printer for Ontario, 2016, *Special Investigations Unit*, www.siu.on.ca

³ CI Technologies, 2015, *IAPro*, www.iapro.com

⁴ *Police Service Act, 2011, Ontario Regulation 267/10, Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit*, www.e-laws.gov.on.ca