



WINNIPEG POLICE SERVICE

REPORT TO THE WINNIPEG POLICE BOARD

TO: Chair, Risk Management and Audit Committee, Winnipeg Police Board

FROM: Chief Danny G. Smyth

SUBJECT: 2016 Use of Force Report

DATE: April 10, 2017

RECOMMENDATION:

It is recommended that this report be received as information by the Winnipeg Police Board.

FINANCIAL IMPLICATIONS:

There are no financial implications relating to the recommendation within this report.

BACKGROUND:

The Winnipeg Police Board's Use of Force policy requires an annual report to the Board that outlines Use of Force outcomes for the year.

The Commission on Accreditation for Law Enforcement Agencies (CALEA) requires that the Service establish and maintain written procedures on use of force to direct the decisions of police members. The CALEA standards require that all members issued with lethal or intermediate level weapons receive appropriate training and pass mandatory recertification on an annual basis regarding the safe handling and proper usage of weapons and control tactics. Less than lethal weapons and weaponless control techniques require recertification on a biennial basis.

Written reports and administrative reviews are required whenever force is used and firearms or conducted electrical weapons (CEW) are discharged. An annual administrative review of procedure and outcomes is also required.

DISCUSSION:

The Winnipeg Police Service's procedure on Use of Force, the Board's Use of Force policy, CALEA standards and the Criminal Code of Canada prescribe the foundation for the Winnipeg Police Service's procedure, training and assessment practices. The Service recognizes the responsibility the citizens of Winnipeg entrust to police members regarding use of force. While police members strive to resolve incidents without applying physical force, occasionally it is required. Formal training and the Service's

Use of Force procedures direct officers when they encounter situations where they must apply force to gain compliance or deescalate situations in accordance with the law.

All officers are required to have completed training prior to being issued lethal and intermediate weapons; they must also complete recertification annually for firearms and biennially for intermediate weapons. All hands on training is accompanied by classroom lectures on the Service's procedures for use of force to ensure officers are aware of their obligations to act within the legal authorization provided by the Criminal Code.

Any complaints of excessive force received by the Service are thoroughly investigated by the Professional Standards Unit, while any use of force that results in a serious injury or the loss of life are investigated by the Independent Investigations Unit of Manitoba.

Reporting Use of Force

In all cases where force is used or a weapon is discharged (other than for training purposes), the incident is documented through an electronic reporting system known as Blue Team. This allows use of force experts to independently review and assess whether the force application was reasonable and necessary given the totality of circumstances. It also allows the Service to identify opportunities for improvement via training, equipment or procedural updates.

The Winnipeg Police Service attended 205,641 calls for service in 2016. 855 incidents resulted in either the use of force or the presentation of a weapon by officers to gain compliance. Officers resolved 99.58% of all calls for service without having to resort to force. This means that only 0.42% of calls required the use of or a presentation of force.

The actual percentage for force used, without including coercive action is 0.35%. This translates to 721 instances where force was applied to a suspect. Coercive actions may include (but are not limited to) officers pointing their service pistol or simply presenting their Asp baton, oleoresin capsicum (O.C) spray, a canine or a Conducted Electrical Weapon (CEW) in an effort to secure compliance.

Year	Dispatched Calls for Service	Use of Force Reports	Percentage of UOF Encounters
2012	180,369	943	0.52%
2013	185,837	712	0.38%
2014	203,103	755	0.37%
2015	201,175	933	0.46%
2016	205,641	855	0.42%

The five year average of use of force (2011-15) is 853.4 encounters. The results for 2016 are an 8.4% decrease from 2015, and consistent with the average of the previous 5 years. To put this number in perspective, there is approximately one use of force encounter for every 240 calls for service.

It is important to understand that changes year over year in the amount of force used by officers is dictated by interactions in the field and as such, numbers rely on the behaviour of suspects and their willingness to comply with officers.

Types of Force Used

Training dictates that officers regulate their actions based on the threat level presented to them by a suspect and that the minimum level of force required to gain compliance be used. In the vast majority of calls, tactical communication and officer presence are sufficient to restore order or gain compliance. Each Use of Force (UOF) report can include multiple forms of control and resistance in each encounter; as such totals amount to more than one hundred percent for each year in the charts below.

5 Year Comparison of Officer Control Used					
	2012	2013	2014	2015	2016
Soft Empty Hand Control	76.98 %	78.49%	78.26%	77.56%	80.47%
Hard Empty Hand Control	37.15 %	39.39%	39.13%	33.44%	39.42%
Intermediate Weapons	16.92 %	18.16%	20.82%	25.85%	29.24%
Deadly Force presented or deployed	22.59 %	19.55%	24.77%	25.21%	21.87%
5 Year Comparison of Assaultive and Violent Resistance					
	2012	2013	2014	2015	2016
Defensive Resistance	63.49%	70.53%	69.43%	65.38%	70.41%
Active Aggression	44.11%	52.23%	45.32%	41.88%	48.07%
Aggravated Active Aggression	11.13%	13.13%	14.62%	14.32%	13.68%

5 Year Comparison of Intermediate Weapon Use					
	2012	2013	2014	2015	2016
OC Spray	11	4	7	2	2
Asp Baton	25	25	25	16	16
Conducted Electrical Weapon	113	88			
Presented/Coerce	-	-	63	108	103
Probes Deployed	-	-	31	54	69
Push Stun	-	-	17	21	30
Canine Presented/Coerce	22	20	26	49	42
Canine Bite	14	16	21	13	19

2016 has shown a continued reduced deployment of the baton and O/C spray (as compared to past years) while we see an increase use of the Conducted Electrical Weapon (CEW) or taser. Officers are starting to rely more frequently on the CEW as an intermediate weapon option and there has been no increase in subject injuries as compared to past years. Officers are taught to use the CEW in two different types of application: a probe deployment or a drive stun (push stun).

A probe deployment occurs when the CEW User fires the two probes and 25' feet of wire for each probe from a cartridge, at the resistive subject. When the probes strike the person's body (with a spread of 10" to 18") the cycling of CEW causes the nerves in the skeletal muscles to contract

involuntarily. This involuntary muscle contraction is referred to as "neuromuscular incapacitation" and it has the ability to temporarily incapacitate a subject.

Several factors may make a probe deployment ineffective including the probe spread being too narrow, one or more of the probes missing the subject, the subject's clothing being too thick or too loose, or the probes being too far away from the subject's skin preventing the electricity from making a connection. Officers are trained after a probe deployment to then follow up and gain physical control of the subject.

A drive stun/push stun occurs when the front of the CEW is pressed directly onto a major muscle group of a combative person and the electricity is cycled without deploying the probes and wires. A drive stun will not cause neuromuscular incapacitation, and is used as a pain compliance technique. This technique is generally not as effective as a probe deployment.

The potential for serious injury while using a CEW is low compared to the injury potential of other intermediate weapons such as being struck numerous times by a baton or bitten by a Police Canine.

Canine Use

In 2016, the Winnipeg Police Service utilized canines in the apprehension of 234 individuals. Of those 234 individuals, 42 presented themselves to officers in a manner where the canine could have been utilized as an intermediate weapon at the point of arrest.

As a result, 23 of the 42 incidents were resolved without the need for the canine to bite the subject. Through effective tactical communication, de-escalation techniques and appropriate use of the canine in a coercive manner, many of these incidents were resolved without the need for the canine to be deployed (and bite the subject).

With handlers taking into account the totality of the circumstances surrounding the specific deployments, only 19 of the 234 subjects apprehended by the Canine Unit resulted in the subject being bit. Canine handlers continue to participate in reality-based training scenarios on an annual basis where the use of the canine as an intermediate weapon is determined based on the totality of the circumstances.

Injuries

Of the 855 UOF Reports, 13.68% involved situations wherein the officers faced Aggravated Active Aggression. These types of encounters are volatile and carry the real risk of death or grievous bodily harm to both the officers and the subjects.

In 2016, Service members engaged in no actions that caused death or grievous bodily harm to members of the public. Specifically, no officers shot and/or killed any resistant or combative individuals. This does not mean that officers did not face violent threats that had the potential to be fatal; rather even when confronted with the real possibility of death or serious injury, our members showed tremendous restraint and placed themselves at risk to preserve the life of the combative citizen.

Our officers generally find a way to use non-lethal force to subdue an individual who otherwise might be shot and killed. Having to use force to gain compliance does open officers and suspects up to the threat of injury.

Self-reported injuries over 5 years

Year	Use of Force Reports	Officers injured	Percentage Injured	Subjects injured	Percentage Injured
2012	943	89	9.4%	246	26.1%
2013	712	75	10.5%	209	29.4%
2014	755	69	9.1%	212	28.0%
2015	933	93	10%	239	25.6%
2016	855	97	11.3%	236	27.6%

The percentage and rate at which violent and resistant subjects are injured by the Winnipeg Police Service remains fairly flat at 27.6%. This is consistent with the 5-year-average of 27.8%. It is noteworthy to mention that according to the Statistic Canada information, Winnipeg is one of the more violent cities for law enforcement and yet the Service is able to prevent an increase of subject injuries even when facing increasing calls for service.

It is concerning to note that the 5-year-average for officer injuries is 9.6% and this appears to be on the rise. 2016 witnessed 97 officer injuries which is a five year high, as a percentage this equates to 11.3%. The increase in officer injuries is likely due to officers utilizing a lower level of force than they may be justified in using. While officers are still using force, the men and women that are hired and trained by the Service routinely put themselves in harm's way in the interest of reducing or eliminating subject injury.

Complaints Related to Use of Force

When complaints are made directly to the Service by members of the public, historically the Professional Standards Unit would conduct investigations into all claims. The IIU has now started to assume control of these investigations. As a result, only one excessive force complaint was investigated by the Service for 2016.

Professional Standards Unit- Excessive Force Investigation Dispositions					
Type	2012	2013	2014	2015	2016
Abandoned	7	7	9	3	1
Crown Opinion- No charge	-	-	-	-	
Informal Resolution	-	-	-	-	
Information Only	-	-	1	1	
Not Sustained	6	4	1	1	
Open	-	2	-	3	
Stayed	1	-	-	-	
Sustained	-	-	-	-	
Unfounded	2	1	3	3	
Total	16	14	14	11	1

Additional complaints may have been made to the Law Enforcement Review Agency of Manitoba; however, the results of these potential grievances are unknown at this time.

Winnipeg Police Service members filed 855 Use of Force reports in 2016, representing 0.42% of all calls for service in the year. The Service closely monitors all reports to insure that officers are using force in ways that are reasonable and necessary to achieve lawful objectives and that the minimum level of force is being used to gain compliance and enforce the law. The Officer Safety Unit is continually monitoring outcomes and adjusting initial and recertification training to address the situations officers and cadets face in the field.

Danny G. Smyth
Chief of Police