



WINNIPEG POLICE SERVICE

REPORT TO THE WINNIPEG POLICE BOARD

TO: Chair, Winnipeg Police Board

FROM: Chief Danny G. Smyth

SUBJECT: 2019 Use of Force Report

DATE: May 15, 2020

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 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 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, while firearms proficiency must be recertified annually.

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

DISCUSSION:

The Winnipeg Police Service's directive on Use of Force, 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 de-escalate 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 decision-making framework in 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 Investigation 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 231,668 calls for service in 2019. 857 incidents resulted in either the use of force or the presentation of a weapon by officers to gain compliance. Officers resolved 99.63% of all calls for service without having to resort to force. This means that only 0.37% of calls required the use of or a presentation of force.

The actual number of incidents for force used, without including coercive action is 707 or 0.31%. 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 (pepper spray), a canine or a Conducted Energy Weapon (CEW) in an effort to secure compliance from a suspect.

Year	Dispatched Calls for Service	Use of Force Reports	Percentage of UOF Encounters
2015	201,175	947	0.47%
2016	205,641	858	0.42%
2017	225,129	872	0.39%
2018	225,204	757	0.34%
2019	231,668	857	0.37%
5 year avg	217,763	858	0.398%

The five-year average of use of force (2015-19) is 858 encounters. The results for 2019 are an increase from 2018 but 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 270 calls for service.

The year over year changes in the amount of force used by officers is dictated by interactions in the field; 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					
	2015	2016	2017	2018	2019
Soft Empty Hand Control	77.56%	80.47%	78.75%	76.88%	74.45%
Hard Empty Hand Control	33.44%	39.42%	42.03%	44.52%	40.96%
Intermediate Weapons	25.85%	29.24%	29.45%	33.29%	35.12%
Deadly Force presented or deployed	25.21%	21.87%	23.09%	20.34%	19.25%
5 Year Comparison of Assaultive and Violent Resistance					
	2015	2016	2017	2018	2019
Defensive Resistance	65.38%	70.41%	73.33%	72.66%	72.46%
Active Aggression	41.88%	48.07% 41.8	46.19%	47.69%	47.26%
Aggravated Active Aggression	14.32%	13.68% 14.2	17.55%	19.55%	18.32%

The results above show a slight increase in officers using intermediate weapons (such as Conducted Energy Weapons or ASP batons), with a slight decrease in all other types of control. The types of resistance officers are facing has not changed in any significant numbers; however, within the Aggravated Active Aggression category there has been a rise in the number of firearms encounters. In 2019, officers encountered 37 instances of suspects armed with firearms, compared to 30 the year before and 26 in 2017. Edged weapons continue to be the largest weapon category with 70 wielded in 2019.

Use of Deadly Force

While 19.25% of use of force instances involved a firearm from police members, the vast majority of these instances were presenting the service pistol to gain compliance from an individual.

There were five police-involved shootings in 2019 in Winnipeg. After two of those events, two individuals died from their injuries. Both of the fatalities were investigated by the Independent Investigation Unit of Manitoba (IIU), as required by law. The IIU concluded in both instances that the use of force was either necessary or unavoidable in the circumstances.

5 Year Comparison of Intermediate Weapon Use					
	2015	2016	2017	2018	2019
OC Spray	2	2	5	17	8
Asp Baton	16	16	19	19	10
Conducted Energy Weapon					
Presented/Coerce	108	103	97	96	94
Probes Deployed	54	69	83	89	154
Push Stun	21	30	31	20	26
Canine Presented/Coerce	49	42	39	20	22
Canine Bite	13	19	19	7	9

The biggest change in intermediate weapon use was driven by deployment of Conducted Energy Weapon (CEW) probes. Officers are taught to use the CEW in two different types of application: a probe deployment or a drive stun (push stun). The probes are fired from a distance of up to 25 feet and the cycling of electricity causes involuntary muscle contraction to temporarily incapacitate a subject so they can be restrained. A drive/push stun is used to cycle electricity to a major muscle group as a pain compliance technique, it does not cause the same neuromuscular incapacitation.

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. Officers confronted by individuals behaving erratically from methamphetamine psychosis have found that a CEW has been one of the most effective ways to gain compliance from a suspect.

Injuries

Of the 857 UOF Reports, 18.32% 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 the officers, the subjects and potential by-standers.

Self-reported injuries over 5 years

Year	Use of Force Reports	Officers injured	Percentage Injured	Subjects injured	Percentage Injured
2015	947	93	10%	239	25.6%
2016	858	97	11.3%	239	27.82%
2017	872	101	11.66%	244	27.95%
2018	757	102	13.47%	224	29.59%
2019	857	88	10.26%	253	29.52%

The rates at which violent and resistant subjects are injured by officers has remained relatively consistent at just under 30%. The numbers of officers injured during physical conflict was lower than the last number of years.

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 now assumes responsibility for some of the investigations, specifically for more serious injuries. 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.

Of the three excessive force allegations made in 2019, one was unfounded, one was abandoned by the complainant and one was not sustained by evidence.

Professional Standards Unit- Excessive Force Allegation Dispositions					
Type	2015	2016	2017	2018	2019
Abandoned	3	1	1	1	1
Crown Opinion- No charge	-	-	-	-	
Informal Resolution	-	-	-	-	
Information Only	1	-	3	-	
Not Sustained	1	-	2	1	1
Open	3	-	1	-	
Stayed	-	-	-	-	
Sustained	-	-	-	-	
Unfounded	3	-	1	1	1
Total	11	1	8	3	3

Winnipeg Police Service members filed 857 Use of Force reports in 2019, representing 0.37% 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