



WINNIPEG POLICE SERVICE

REPORT TO THE WINNIPEG POLICE BOARD

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

FROM: Chief Danny G. Smyth

SUBJECT: 2017 Use of Force Report

DATE: April 17, 2018

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 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 presented to coerce compliance or discharged. An annual administrative review of procedure and outcomes is also required.

DISCUSSION:

The Winnipeg Police Service's procedure 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 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 225,129 calls for service in 2017. 866 incidents resulted in either the use of force or the presentation of a weapon by officers to gain compliance. This is a 10% increase of calls for service with only a 1% increase in encounters with force. Officers resolved 99.62% of all calls for service without having to resort to force. This means that only 0.38% of calls required the use of or a presentation of force.

The actual percentage for force used, without including coercive action is 0.33%. This translates to 734 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
2013	185,837	712	0.38%
2014	203,103	755	0.37%
2015	201,175	933	0.46%
2016	205,641	855	0.42%
2017	225,129	866	0.38%
5 year average	204,177	824	0.40%

The five year average of use of force (2013-17) is 824 encounters. The results for 2017 are a slight decrease from 2016, 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 260 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					
	2013	2014	2015	2016	2017
Soft Empty Hand Control	78.49%	78.26%	77.56%	80.47%	78.75%
Hard Empty Hand Control	39.39%	39.13%	33.44%	39.42%	42.03%
Intermediate Weapons	18.16%	20.82%	25.85%	29.24%	29.45%
Deadly Force presented or deployed	19.55%	24.77%	25.21%	21.87%	23.09%
5 Year Comparison of Assaultive and Violent Resistance					
	2013	2014	2015	2016	2017
Defensive Resistance	70.53%	69.43%	65.38%	70.41%	73.33%
Active Aggression	52.23%	45.32%	41.88%	48.07%	46.19%
Aggravated Active Aggression	13.13%	14.62%	14.32%	13.68%	17.55%

The results above show an increase in officers using hard empty hand control (such as punching) and presenting or deploying deadly force (service pistol). There are similar increases in the types of resistance officers are facing: defensive resistance (including turtling and pulling away from officers) and aggravated active aggression (resistance that carries a risk of death or grievous bodily harm to officers or members of the public). In 2017, the number of instances where officers encountered a person with an edged weapon rose to 70 from 45 in 2016.

Use of Deadly Force

While 23.09% 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 2017 in Winnipeg. After two of those events, two individuals died from their injuries. All five events have been under investigation by the Independent Investigation Unit of Manitoba (IIU), three of the investigations have been completed to date and found that Service officers acted in proportion to the circumstances they faced.

5 Year Comparison of Intermediate Weapon Use					
	2013	2014	2015	2016	2017
OC Spray	4	7	2	2	5
Asp Baton	25	25	16	16	19
Conducted Electrical Weapon	88				
Presented/Coerce	-	63	108	103	97
Probes Deployed	-	31	54	69	83
Push Stun	-	17	21	30	31
Canine Presented/Coerce	20	26	49	42	36
Canine Bite	16	21	13	19	17

2017 showed a decrease in use of a Service canine as an intermediate weapon, while the largest increase was in use of the Conducted Electrical Weapon (CEW) or Taser, primarily in deploying 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.

Injuries

Of the 866 UOF Reports, 17.55% 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.

Self-reported injuries over 5 years

Year	Use of Force Reports	Officers injured	Percentage Injured	Subjects injured	Percentage Injured
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%
2017	866	101	11.66%	244	28.18%

The rates at which violent and resistant subjects are injured by officers and at which officers are injured by resisting suspects remain relatively consistent at 28.18% and 11.66%, respectively. This is in line with the 5-year-averages of 27.8% and 10.5%.

Key concerns in this area are the rates at which officers and subjects have had to attend hospital for medical treatment in 2017. 42 officers and 170 members of the public required treatment in hospital after encounters with force, compared to 25 officers and 107 subjects in 2016.

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 eight excessive force allegations made for 2017, one case is still being investigated, one was unfounded, one was abandoned by the complainant and two were not sustained by evidence. The category 'information only' denotes that the issue has been recorded by the Service and was dealt with at the supervisory level.

Professional Standards Unit- Excessive Force Allegation Dispositions					
Type	2013	2014	2015	2016	2017
Abandoned	7	9	3	1	1
Crown Opinion- No charge	-	-	-		
Informal Resolution	-	-	-		
Information Only	-	1	1		3
Not Sustained	4	1	1		2
Open	2	-	3		1
Stayed	-	-	-		
Sustained	-	-	-		
Unfounded	1	3	3		1
Total	14	14	11	1	8

Winnipeg Police Service members filed 866 Use of Force reports in 2017, representing 0.38% 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