



# WINNIPEG POLICE SERVICE

## REPORT TO THE WINNIPEG POLICE BOARD

TO: Chair, Winnipeg Police Board

FROM: Chief Danny G. Smyth

SUBJECT: 2018 Use of Force Report

DATE: April 17, 2019

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### **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 members when they encounter situations where they must apply force to gain compliance or de-escalate situations in accordance with the law.

All members 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 members 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 225,204 calls for service in 2018. There were 757 incidents that resulted in either the use of force or the presentation of a weapon by members to gain compliance. The dispatched calls for service for 2018 versus 2017 was almost identical and the use of force reports decreased by over 100 or 13%.

WPS members resolved 99.66% of all calls for service without having to resort to force. The remaining percentage of 0.34% represents the calls for service where force was used and a Use of Force report was generated. In the vast majority of calls for service, tactical communication and officer presence were sufficient to restore order or gain compliance.

| Year        | Dispatched Calls for Service | Use of Force Reports | Percentage of UOF Encounters |
|-------------|------------------------------|----------------------|------------------------------|
| <b>2014</b> | 203,103                      | 766                  | <b>0.38%</b>                 |
| <b>2015</b> | 201,175                      | 953                  | <b>0.47%</b>                 |
| <b>2016</b> | 205,129                      | 860                  | <b>0.42%</b>                 |
| <b>2017</b> | 225,129                      | 866                  | <b>0.38%</b>                 |
| <b>2018</b> | <b>225,204</b>               | <b>757</b>           | <b>0.34%</b>                 |

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

### Types of Force Used

Training dictates that members regulate their actions based on the threat level presented 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 Utilized          |        |        |        |        |        |
|--|--------|--------|--------|--------|--------|
|  | 2014   | 2015   | 2016   | 2017   | 2018   |
| <b>Soft Empty Hand Control</b>                         | 78.26% | 77.56% | 80.47% | 78.75% | 76.88% |
| <b>Hard Empty Hand Control</b>                         | 39.13% | 33.44% | 39.42% | 42.03% | 44.52% |
| <b>Intermediate Weapons</b>                            | 20.82% | 25.85% | 29.24% | 29.45% | 33.29% |
| <b>Lethal Force (including coerce)</b>                 | 24.77% | 25.21% | 21.87% | 23.09% | 20.34% |
| 5 Year Comparison of Assaultive and Violent Resistance |        |        |        |        |        |
|  | 2014   | 2015   | 2016   | 2017   | 2018   |
| <b>Defensive Resistance</b>                            | 69.43% | 65.38% | 70.41% | 73.33% | 72.66% |
| <b>Active Aggression</b>                               | 45.32% | 41.88% | 41.88% | 46.19% | 47.69% |
| <b>Aggravated Active Aggression</b>                    | 14.62% | 14.32% | 14.32% | 17.55% | 19.55% |

Highlights of the 5 year comparison indicate that Hard Empty Hand Control and Intermediate Weapons during 2018 are slightly higher year over year and are the highest of the last 5 years. Increases in these two categories are offset with similar increases to the 5 year levels of Active Aggression and Aggravated Active Aggression detailed below.

| Aggravated Active Aggression                                    | 2017       | 2018       |
|---|------------|------------|
| <b>Edged Weapon</b>   | 70         | 73         |
| <b>Firearm</b>  | 26         | 30         |
| <b>Blunt Object</b>   | 27         | 24         |
| <b>Disarm Attempt</b>   | 10         | 8          |
| <b>Other</b>  | 30         | 29         |
| <b>Total Reported Incidents of Aggravated Active Aggression</b> | <b>163</b> | <b>164</b> |

Aggravated Active Aggression type of resistance includes resistance that carries the risk of death or grievous bodily harm to members or others. In 2018 there was an increase in the number of incidents where members' encountered subjects armed with an edged weapon or a firearm.

The "Aggravated Active Aggression – Other" category accounted for 17.6% of the overall Aggravated Active Aggression reported in 2018. This "other" category included incidents where members were attacked with unusual weapons such as radio cords or pencils. Also included are threats to kill that members received during a violent encounter.

The Lethal Force (including coercion) data does not mean that members are discharging their firearms 20.34% of the time; this means that firearms are being used to coerce compliance.

In 2018, the Winnipeg Police Service had one officer involved shooting. The involved subject did not succumb to their injuries and is under the prescribed review of the Independent Investigation Unit (IIU).

## Injuries

Of the 757 UOF Reports, 164 of those involved situations wherein members faced Aggravated Active Aggression. These types of encounters are volatile and carry the real risk of death or grievous bodily harm to both the members and the subjects.

**Self-reported injuries over 5 years**

| Year | Use of Force Reports | Subjects Hospitalized Or Required Medical Treatment | Percentage Hospitalized | Subjects Injured | Percentage Injured |
|------|----------------------|---|-------------------------|------------------|--------------------|
| 2014 | 765                  | 74  | 9.82%                   | 216              | 28.24%             |
| 2015 | 948                  | 84  | 8.86%                   | 239              | 25.21%             |
| 2016 | 859                  | 107   | 12.46%                  | 239              | 27.82%             |
| 2017 | 873                  | 170   | 19.47%                  | 244              | 27.95%             |
| 2018 | 757                  | 150   | 19.82%                  | 224              | 29.59%             |

## 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, however the IIU 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 (LERA); however, the results of 2018 have not been released by LERA at this time.

Of the three excessive force allegations made for 2018, one case was abandoned by the complainant, one was unfounded, and one not sustained by evidence.

| <b>Professional Standards Unit- Excessive Force Allegation Dispositions</b> |           |           |          |          |          |
|---|-----------|-----------|----------|----------|----------|
| Type  | 2014      | 2015      | 2016     | 2017     | 2018     |
| Abandoned   | 9         | 3         | 1        | 1        | 1        |
| Crown Opinion- No charge  | -         | -         |          |          |          |
| Informal Resolution   | -         | -         |          |          |          |
| Information Only  | 1         | 1         |          | 3        |          |
| Not Sustained   | 1         | 1         |          | 2        | 1        |
| Open  | -         | 3         |          | 1        |          |
| Stayed  | -         | -         |          |          |          |
| Sustained   | -         | -         |          |          |          |
| Unfounded   | 3         | 3         |          | 1        | 1        |
| <b>Total</b>  | <b>14</b> | <b>11</b> | <b>1</b> | <b>8</b> | <b>3</b> |

Winnipeg Police Service members filed 757 Use of Force reports in 2018, representing 0.34% of all calls for service in the year. The Service closely monitors all reports to insure that members 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.

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Danny G. Smyth  
Chief of Police