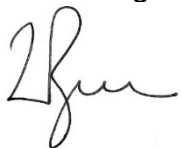




# HAMILTON POLICE SERVICE

## INFORMATION REPORT

|                            |   |
|----------------------------|---|
| <b>TO:</b>                 | Chair and Members<br>Hamilton Police Services Board                               |
| <b>BOARD MEETING DATE:</b> | June 24, 2021   |
| <b>SUBJECT:</b>            | Year End Report: Use of Force 2020  |
| <b>REPORT NUMBER:</b>      | PSB 21-066  |
| <b>SUBMITTED BY:</b>       | Frank Bergen, Chief of Police   |
| <b>SIGNATURE:</b>          |  |

### EXECUTIVE SUMMARY

Attached you will find the annual Use of Force Report for 2020. 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.

### INFORMATION

#### BACKGROUND:

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.

Policy and Procedure 1.02 *Use of Force* addresses the member requirements for submitting Use of Force Reports at the Hamilton Police Service.

The data used to prepare this report is compiled from Use of Force data submitted to the Ministry of the Solicitor General.

Beginning January 1, 2020, the Ministry introduced new reporting requirements that include:

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- the submission of a Use of Force Report when a Conductive Energy Weapon (CEW) is removed from its holster in the presence of the public
- the collection of race-based data
- the way Use of Force data is counted.

FB/N. Goodes-Ritchie

cc: Paul Hamilton, Acting Deputy Chief – Support  
Will Mason, Superintendent – Professional Development Division  
Marco Visentini, Legal Counsel

### **APPENDICES AND SCHEDULES ATTACHED**

Use of Force Report 2020

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# 2020 UOF Statistical Report

Prepared by Sergeants Andrew Poustie  
and Gino Ciarmoli

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



**Training Branch  
Use of Force Section**

**HAMILTON  
POLICE SERVICE**  
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# 2020 Use of Force Statistical Report

## Introduction

Police officers may be required to use force to protect the public and themselves. Under the Criminal Code of Canada, police officers are granted authority to use reasonable force when necessary to carry out their duties.

This report provides a statistical summary of the 2020 Use of Force (UOF) reports, where Hamilton Police Service (HPS) members used a particular UOF option. This report also compares a number of factors, such as:

- a) The number of 2020 UOF reports compared to the number of incidents from 2011-2020.
- b) The total number of UOF in 2020 compared to the total UOF from 2011-2020.
- c) UOF incidents by Unit/Branch and years of service
- d) Breakdown of 2020 incidents by month, days of the week and time of day.

The data used to prepare this report is compiled from UOF data submitted to the Ministry of the Solicitor General. Beginning January 1, 2020, the Ministry introduced new reporting requirements that include the addition of Conductive Energy Weapon (CEW) displays, race-based data as well as the way UOF report data is counted. Officers must now submit a full UOF report anytime a CEW is removed from its holster in public.

Based on direction from the Ministry of the Solicitor General, data from previous UOF reports has been adjusted to include the new CEW display category.

As identified in the Police Services Act and Hamilton Police Service policy and procedure, HPS members shall complete and submit the Ministry's UOF report prior to the completion of their shift under the following circumstances:

- 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
- 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
- F. Draws or deploys a Conducted Energy Weapon (CEW) in the presence of a member of the public

This report summarizes those incidents in which a UOF report was submitted.

The UOF options tracked by UOF reports are as follows:

- Firearm Discharged
- Firearm Pointed
- Handgun Drawn

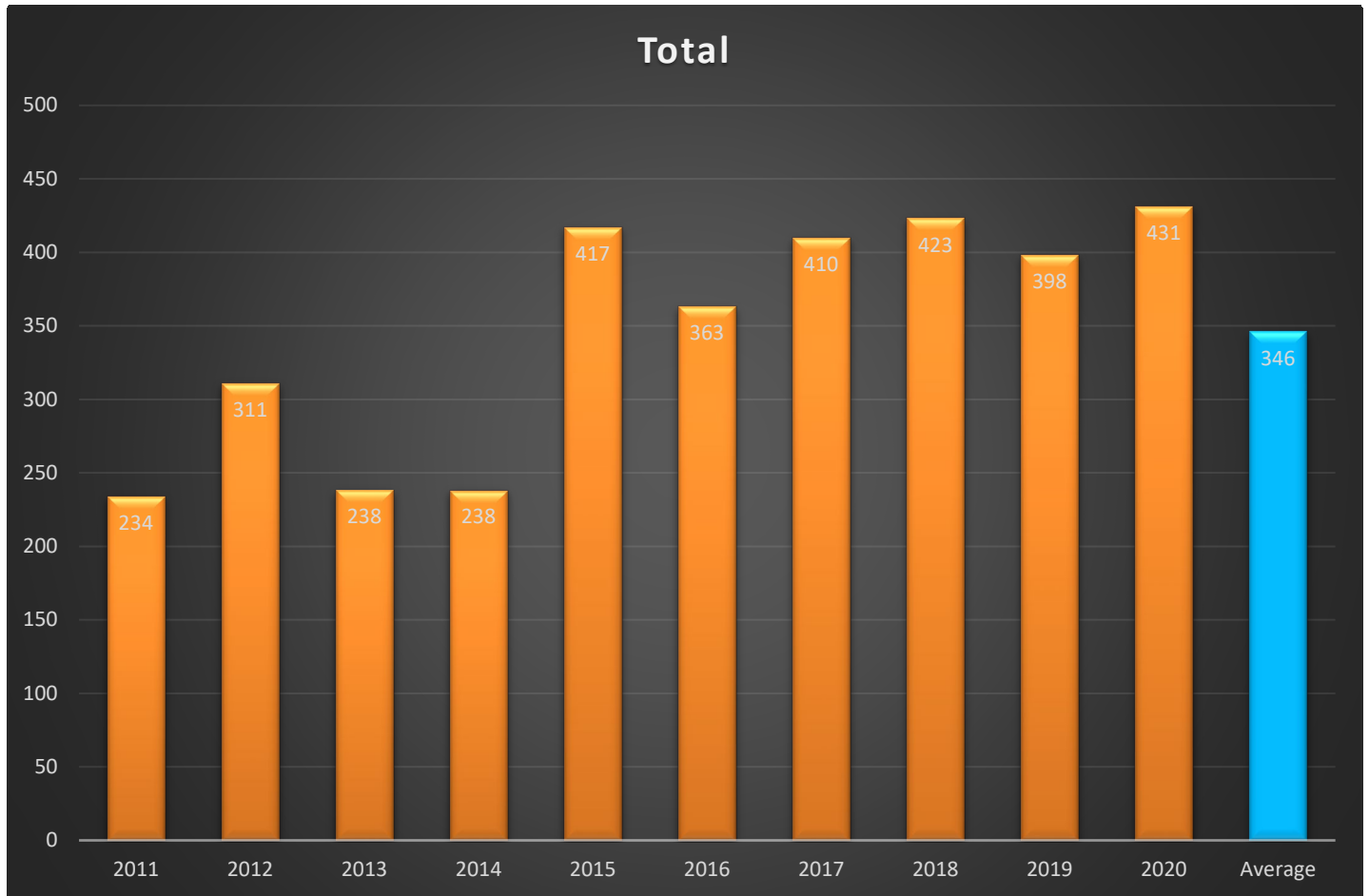


- Aerosol Weapon (Oleo capsicum (O/C) spray or foam)
- Impact Weapon Hard (ASP Baton)
- Impact Weapon Soft (ASP Baton)
- Empty Hands Hard
- Empty Hands Soft
- Other (K9 bites, Mounted Patrol Unit, weapons of opportunity)
- CEW display
- CEW deployed



## Statistical Summary of Incidents

During the ten year period from 2011 to 2020, the average number of incidents reported was **346** incidents per year, with a low of **234** incidents in 2011 and a high of **431** incidents in 2020. The total number of UOF incidents in 2020 is **431**, which is above the 10-year average.



In 2020, our officers submitted 431 UOF reports. In 25 incidents, more than one UOF option was used by an individual officer. This number decreased from 59 incidents in 2019. 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.



## 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 |
|------|-------------------|-----------------|---------------|----------------|-------------|-------------|------------------|------------------|----------------|-------|-----------------|
| 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              | 145   | 417             |
| 2016 | 18                | 98              | 40            | 7              | 1           | 1           | 26               | 25               | 4              | 143   | 363             |
| 2017 | 24                | 125             | 19            | 3              | 3           | 0           | 22               | 44               | 1              | 169   | 410             |
| 2018 | 28                | 125             | 39            | 2              | 3           | 1           | 23               | 36               | 2              | 164   | 423             |
| 2019 | 28                | 128             | 29            | 2              | 4           | 1           | 16               | 23               | 1              | 166   | 398             |
| 2020 | <b>27</b>         | <b>185</b>      | <b>42</b>     | <b>1</b>       | <b>3</b>    | <b>0</b>    | <b>17</b>        | <b>14</b>        | <b>3</b>       | 139   | <b>431</b>      |
| Avg  | 35                | 126             | 34            | 9              | 4           | 1           | 22               | 26               | 2              | 110   | <b>346</b>      |

\*Based on direction from the Ministry of the Solicitor General, data from previous UOF reports has been adjusted to include the new CEW display category.

## 2019 vs 2020 Options Used / Total Incidents

|                      | 2019       | 2020       | Percentage increase or decrease |
|----------------------|------------|------------|---------------------------------|
| Firearm Discharged   | 28         | 27         | -4                              |
| Firearm Pointed      | 128        | 185        | 44                              |
| Handgun Drawn        | 29         | 42         | 45                              |
| Aerosol Weapon       | 2          | 1          | -50                             |
| Impact Hard          | 4          | 3          | -25                             |
| Impact Soft          | 1          | 0          | -100                            |
| Empty Hand Hard      | 16         | 17         | 6                               |
| Empty Hand Soft      | 23         | 14         | -39                             |
| K9 Bite/Other        | 1          | 3          | 200                             |
| CEW (both modes)*    | 166        | 139        | -16                             |
| <b>Total Options</b> | <b>398</b> | <b>431</b> | <b>9</b>                        |

\*Based on direction from the Ministry of the Solicitor General, data from previous UOF reports has been adjusted to include the new CEW display category.





## Firearm Discharged

The discharging of a service pistol, carbine, or one of the tactical firearms is a serious but uncommon occurrence. Officers are taught through the Ontario UOF 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 **27** incidents in 2020 where Hamilton officers discharged a firearm. This is a 4% decrease compared to the **28** incidents in 2019. The ten-year average for discharge firearms is **35** incidents per year. The most common use of service firearms is to euthanize injured animals. In 2020, 25 firearm discharge incidents were for this purpose. In these instances, pistols were used 13 times and carbines were used 12 times. During one incident, two police officers discharged their firearm at a person.

## Firearm Pointed

The ten-year average for firearm pointed is **126** incidents per year. In 2020, there were **185** firearm pointed incidents. Of the 185 incidents, 81 were as a result of a high-risk search warrant or arrests conducted by the Emergency Response Unit (ERU). In 2019, there were **128** incidents indicating a 44% increase. Of note, there was also a 170% increase in the number of firearms recovered by HPS officers, which may account for the higher number. The increase can also be attributed in part to the new Ministry reporting system in which every incident where a firearm is pointed generates a separate UOF report. For example, there could be five officers at a gun call and they all draw their firearms resulting in five UOF reports for firearm drawn for one incident.

## Handgun Drawn

The drawing of a member’s handgun from its holster is different than the pointing of a firearm. As per Regulation 926 s. 14.5(1)(a), a UOF Report is only submitted when a handgun is drawn in the presence of a member of the public. 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.” There were **42** incidents in 2020 where an officer drew their handgun in front of a member of the public. This is above the ten-year average of **34** incidents per year and a 45% increase from 29 incidents in 2019. Increases in the handgun drawn and firearm pointed categories are in part a result of increased UOF incidents where subjects carried weapons (p. 16).

## Aerosol Weapon (Oleo Capsicum – (O/C)

O/C is classified as an “intermediate weapon” and a subject/threat must exhibit at minimum, “actively resistant”<sup>1</sup> behaviour before its use can be considered. There was **one** O/C incident in 2020, which is below the ten-year average of nine incidents per year and a 50% decrease from **two** incidents in 2019.

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. Overall, O/C use has generally declined since 2005.

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<sup>1</sup> The subject uses non-assaultive physical action to resist, or while resisting an officer’s lawful direction.



## Empty Hands Hard

The use of empty hands “hard” refers to the striking of an 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.

There were **17** reported incidents in 2020 of Empty Hands Hard. This is below the ten-year average of **22** incidents per year and an increase of 6% when compared to 16 incidents in 2019.

## 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. 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. In 2020, there were **14** reported incidents of Empty Hands Soft. This is below the ten-year average of **26** incidents per year and a decrease of 39% compared to 23 incidents in 2019.

## 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 rarely utilized. There were **0** reported incidents of Impact Weapon Soft in 2020, a 100% decrease from one incident in 2019 and below the ten-year average of one incident per year.

## Impact Weapon Hard

Impact weapons “hard” refers to using the ASP Baton to strike an “assaultive” subject. The ASP Baton was used **three** times in 2020 to strike a subject displaying assaultive behaviour, which is below the ten-year average of **four** incidents per year and a 25% decrease from the **four** incidents in 2019.



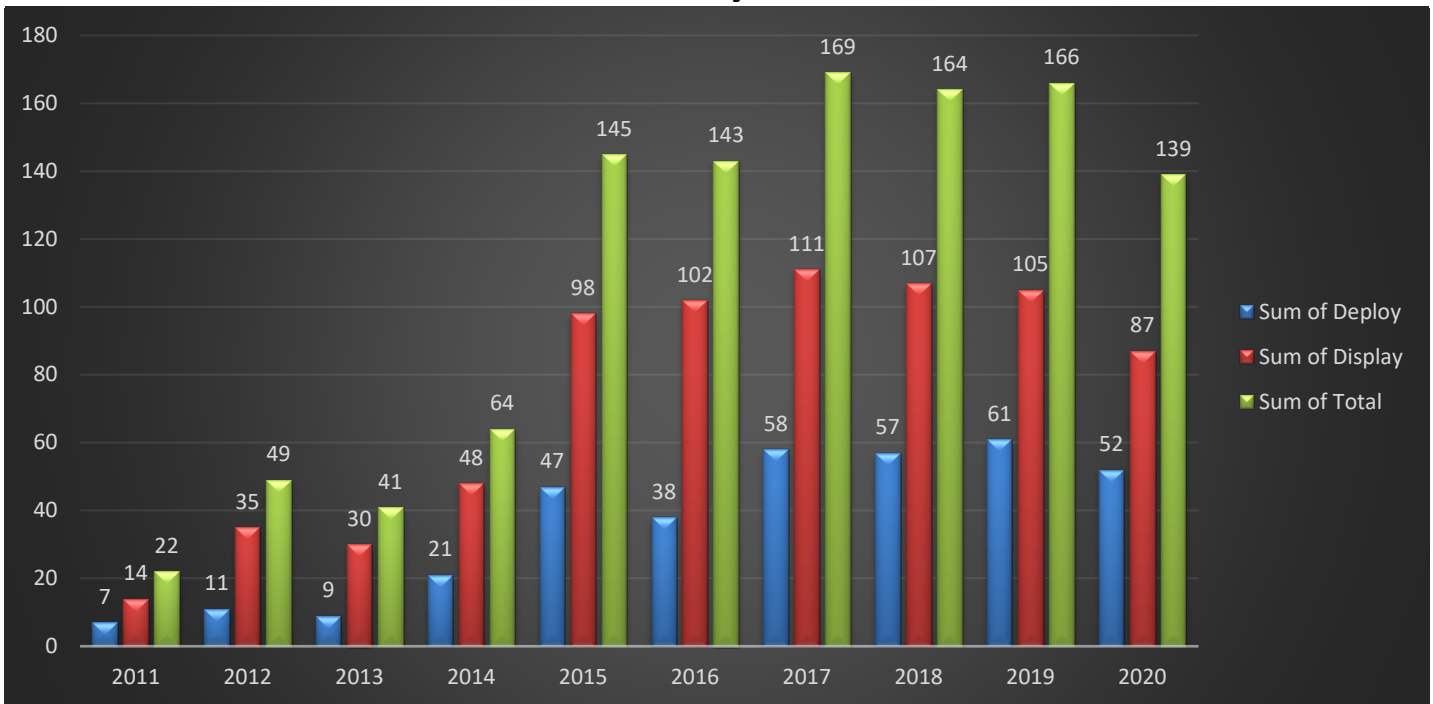
## Conducted Energy Weapon (CEW)

CEWs, also known as TASERS, were authorized for limited police use in Ontario in late 2004. The program was expanded in 2014 to include all active police officers. Currently, there are approximately 800 HPS officers qualified in CEW. Beginning January 2020, all officers must now submit a full UOF report anytime a CEW is removed from its holster in public.

As identified in the Ontario UOF Model, the CEW is an “intermediate weapon” which police can consider to use when a subject exhibits assaultive and/or imminent need to take control of a person before CEW use can be considered. This is a reflection of current national and provincial best practices.

The CEW was used **139** times in 2020. This is a decrease of 16% from the **166** incidents in 2019. In 52 incidents, the CEW was deployed meaning probes were fired from the cartridge. In 87 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, the majority of CEW use is in the display mode.

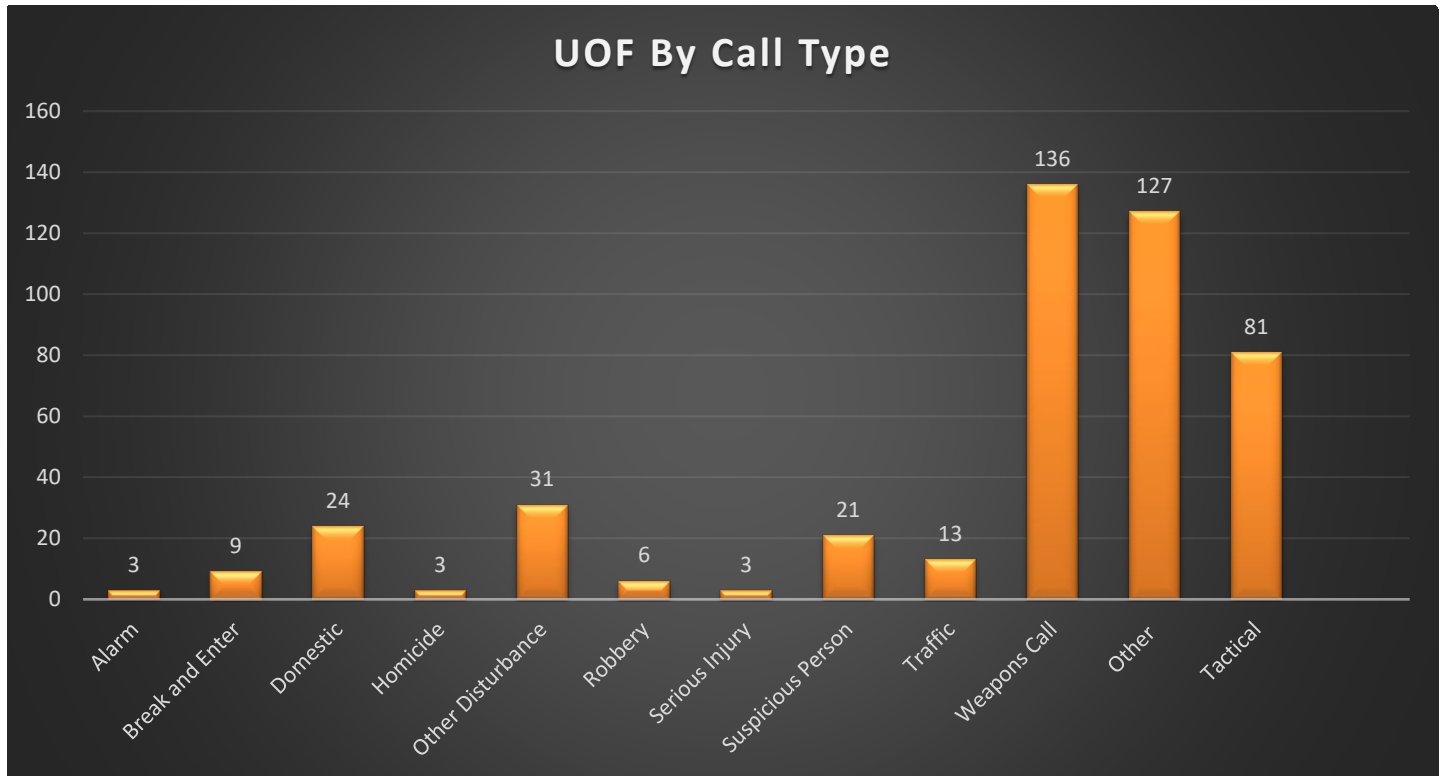
### CEW by Use



## Use of Force by Incident Type

On the 2020 UOF Reports, UOF incidents were grouped into the following call types:

1. Alarm (Robbery or Home Security)
2. Break and Enter
3. Domestic Disturbance
4. Homicide
5. Other Disturbance
6. Robbery
7. Serious Injury
8. Suspicious Person
9. Traffic
10. Weapons Call
11. Tactical
12. Other (includes PIC, Criminal Code investigations)

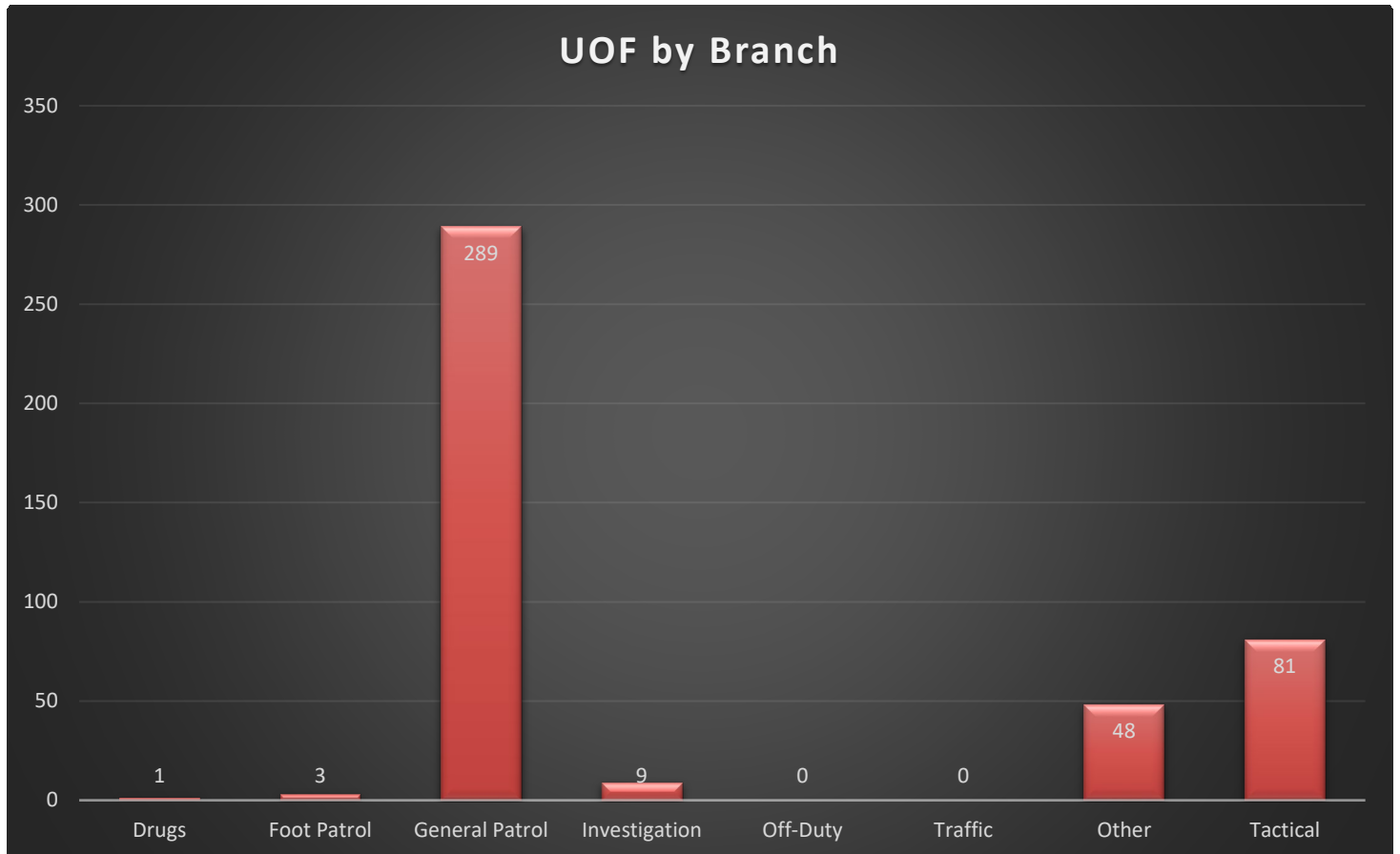


NOTE \*these chart totals do not equal the number of UOF Reports submitted, as officers have the option of identifying more than one call type. For example, Officers could respond to a disturbance which could also be a weapons call. "Other" can denote multiple types of calls, as it is the responsibility of the officers on scene to determine the call type. Disturbance can be any number of types of calls. The column marked as Tactical are reports submitted by the ERU and include high risk search warrants, vehicle stops and arrests.



## Use of Force by Branch

Under the new UOF report, the Ministry of the Solicitor General has identified seven separate types of assignments, which include Drugs, Foot Patrol, General Patrol (Uniform Patrol), Investigation, Off Duty, Traffic, and Other (such as Coast, ACTION, Mounted, Marine). For the purposes of this report, ERU has been captured under Tactical. This portion is filled out by the officers at the time of the incident.

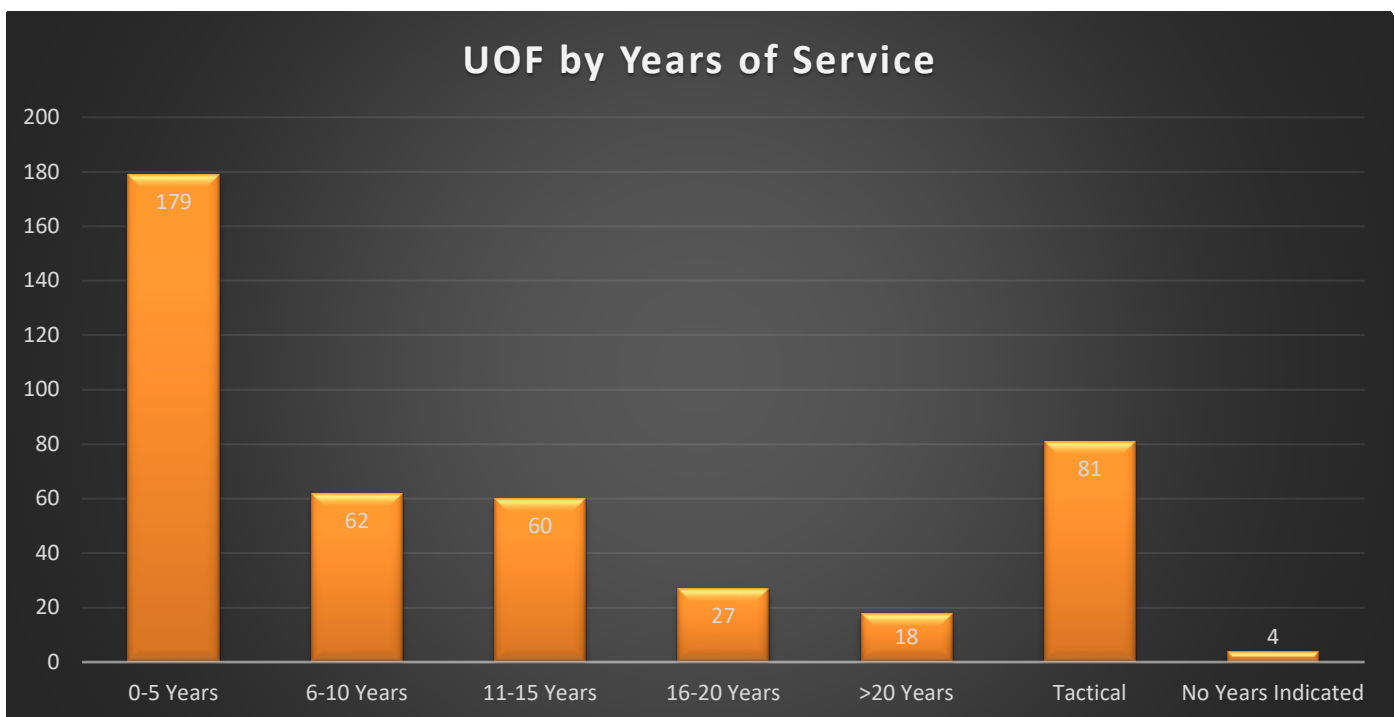


## Use of Force by Years of Service

The UOF 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 ERU files a "team" report and the Years of Service area is not completed.

A risk reduction strategy has been developed in relation to the UOF Reporting Policy revised in 2012. If a UOF report is required as a result of the actions of several officers in a common incident, each officer shall submit their own UOF report. The ERU shall be the only unit permitted to submit a 'team' report. As of 2021, this policy is currently in the process of being updated.

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, Tactical (team report), and No Years indicated.



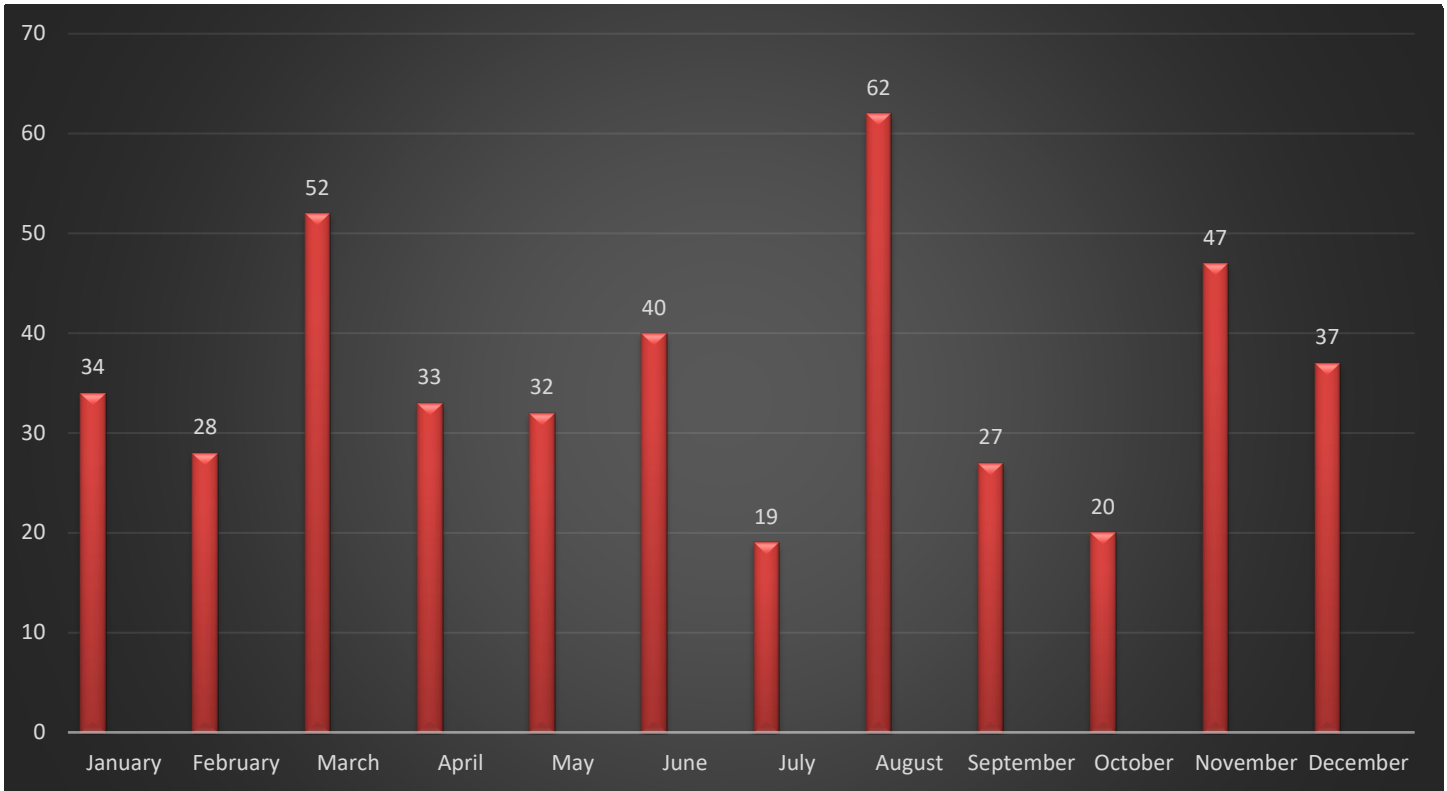
As per the Incidents by Branch and Incidents by *Years of Service* charts, Uniform Patrol is involved in the majority of the 2020 UOF Incidents (67%). The 0-10 *Years of Service* group accounts for approximately 69% of the officers who completed the Years of Service section. Approximately 37% of officers assigned to Uniform Patrol have less than 10 years of service, so the involvement in UOF incidents is proportional to their numbers.

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



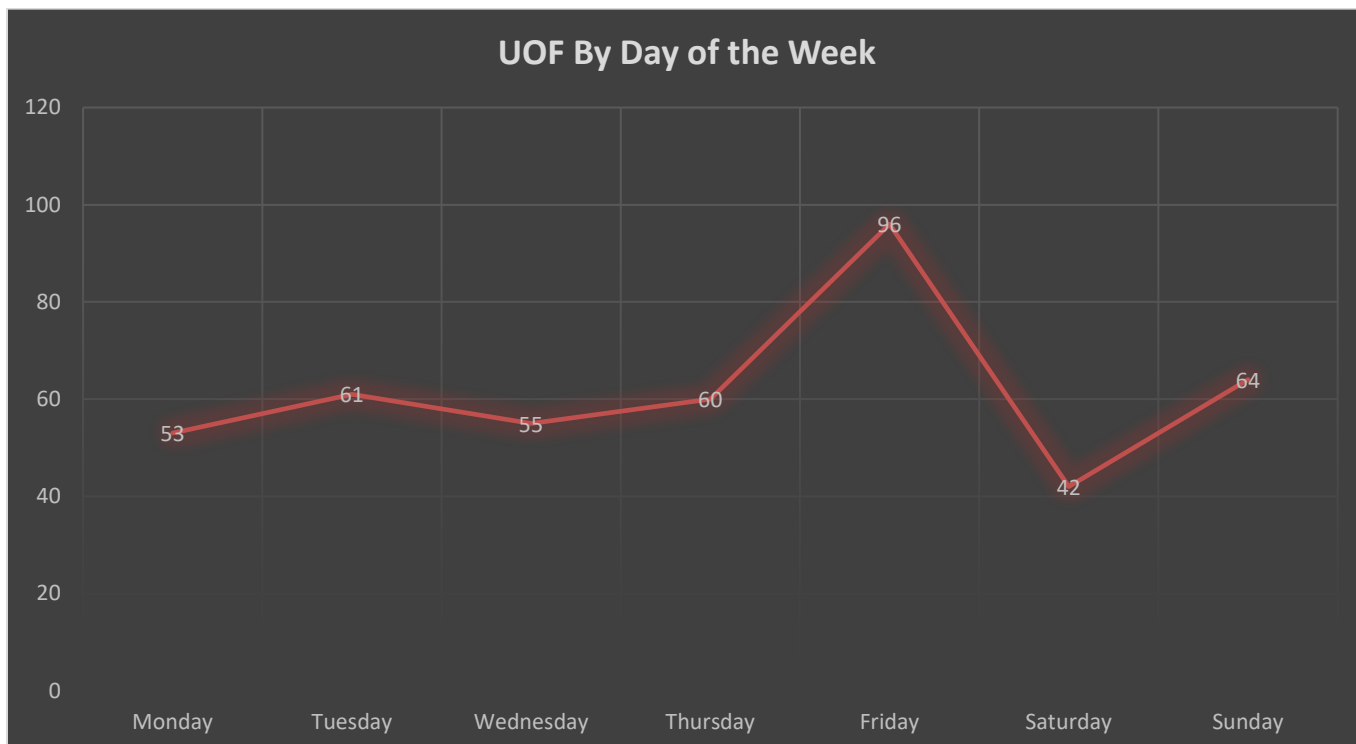
## Use of Force by Incidents per Month

There were **431** UOF reports submitted in 2020 for an average 35.9 incidents per month, with a high of **62** incidents in August and a low of **19** in July. The number of UOF incidents changes significantly from month to month, with no apparent pattern, with March, June, August and November all higher than average.



## Use of Force Incidents per Day of the Week

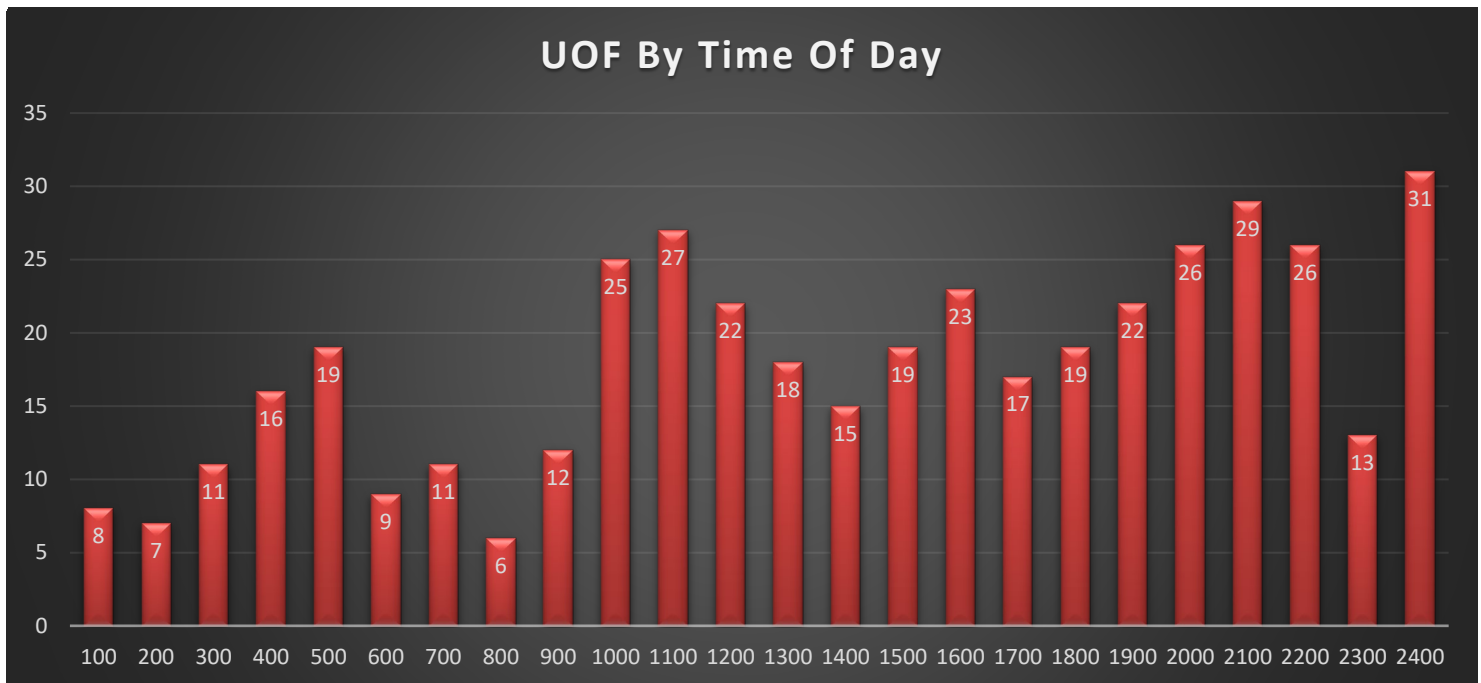
In 2020, the day with the highest number of UOF incidents was Friday with **96** incidents and the lowest was Saturday with **42** incidents. Data from recent years (2009-2019) shows the incident rates go down slightly on Mondays, begins to rise and peak during the mid-week, and then lower again over the weekend. In 2020, the number from Monday to Thursday are relatively even, with a large spike on Fridays, sudden drop on Saturdays then returning to the average on Sunday. There is no obvious explanation for this pattern.





## Use of Force Incidents by Time of Day

A review of the 10-year average data (2010 -2019) indicates that the bulk of UOF incidents occur in the twelve hour period between 1600 to 0400 hours. In 2020, the least amount of incidents occur in the eight hour period between 0100 to 0900hrs. The number of incidents begins to rise steadily beginning at 1000hrs and peaks between 2001 and 0400 hrs. The 2020 data below indicates that higher amounts of UOF incidents occurred between the hours of 1800 to 0100hrs. UOF incidents declined between 0300 and 0800 hours. The hours between 1000 hours and 1500 hours remain relatively consistent.



## Suspects/Police Officers Injured/Require Medical Attention

In 2020, there were **140** incidents in which a subject, a police officer, or both, were reportedly injured.

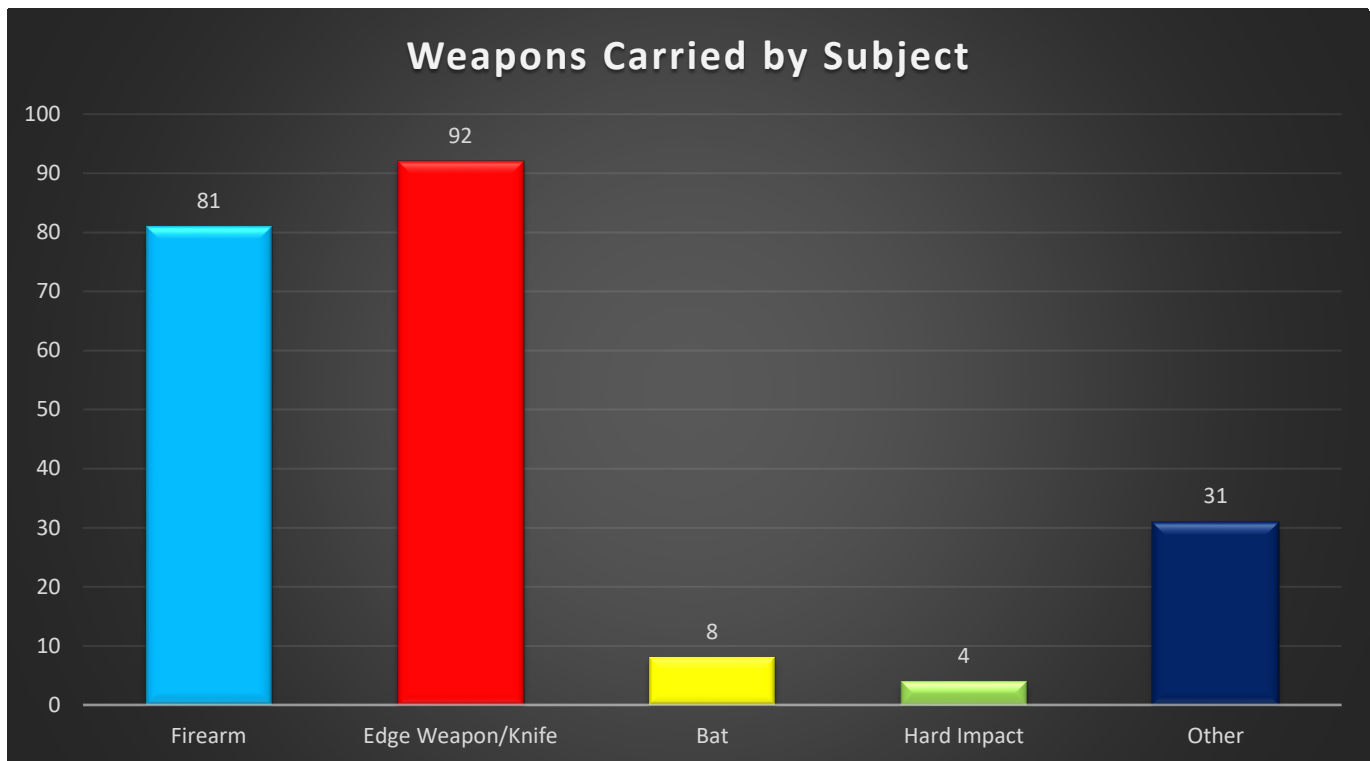
With the new UOF reporting system, officers are unable to identify causes of the injury and can include incidents in which the subject was injured prior to police arrival. Of the 140 incidents, 108 identified incidents in which the subject was injured or required medical attention. When an individual is apprehended under the Mental Health Act this would also be counted as medical attention. There were also 32 incidents where officers were injured.



## Use of Force Incidents and Suspect Weapons

In 2020, there were **216** incidents reported where the suspect was actually carrying or had access to a weapon. An edged weapon of some type was the most frequently reported involving **92** incidents. There were **81** incidents where a firearm (57) or replica/toy gun (24) was used. This is a **170%** increase from 2019. In eight incidents, a bat was identified as the weapon, four in which a hard impact weapon (crowbar, pole) and 31 in which other weapons including an axe, hammer and shovels were identified weapons. This trend would have a direct correlation to the increase seen in firearms pointed and handgun drawn by officer statistics (as per p. 6).

In 2019, there were a total of **99** incidents involving weapons. Knives were the dominant weapon (32) carried by subjects.



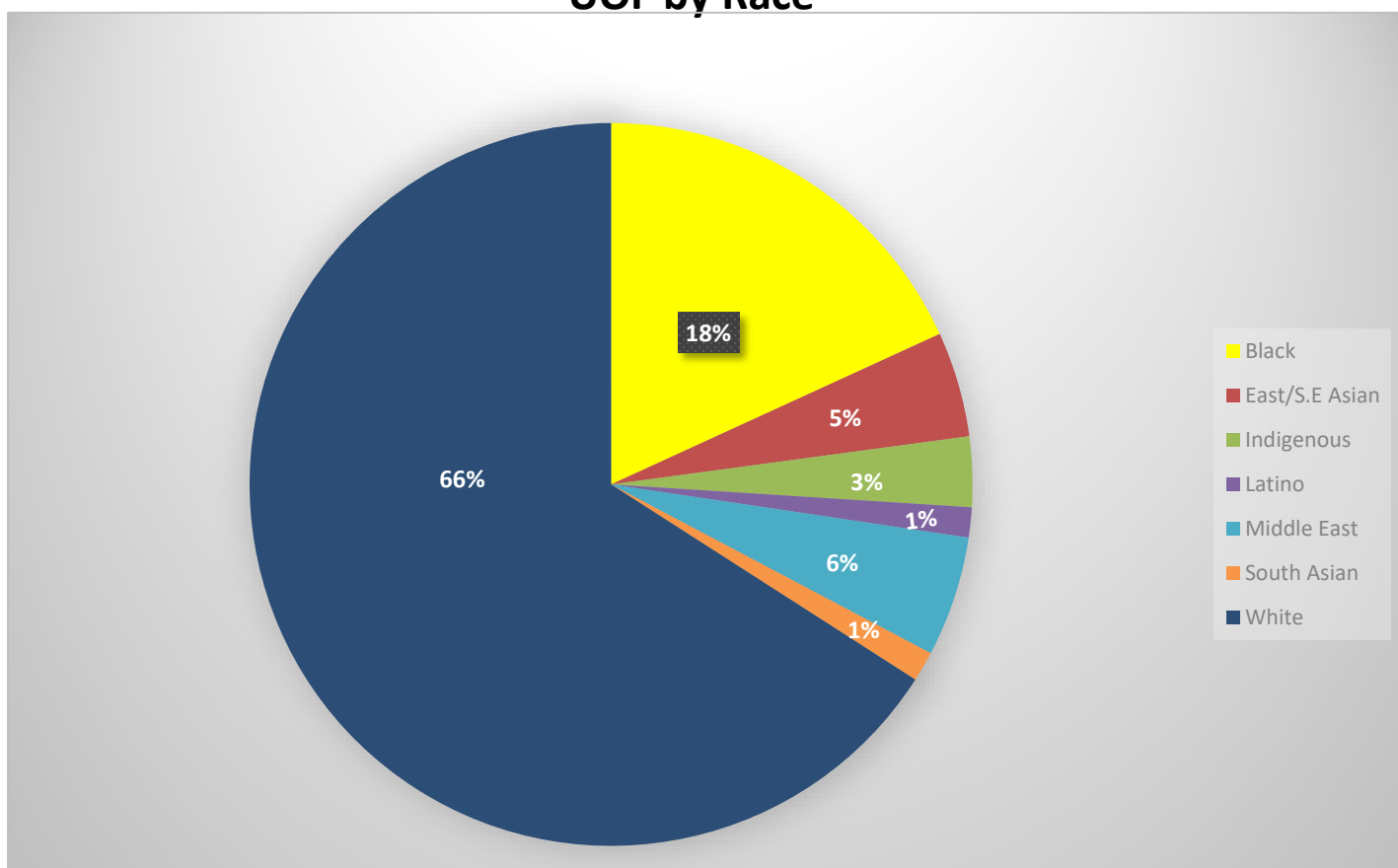
## Use of Force By Subject Race

In 2020, a new way of tracking UOF encounters was introduced by the Ministry of the Solicitor General. In response to the Ontario Anti-Racism Act, police services are now required to track the race of individuals involved in UOF encounters with police. The information is based on the perception of the officer involved in an encounter. Officers do not ask the race of the individual or find alternate ways to determine the race of the individual or individuals involved. The determination is based solely on the officer's perception of race at the time of the UOF incident.

The Ministry of the Solicitor General has identified the following race groups for officers to select from; Black, East/Southeast Asian, Indigenous, Latino, Middle Eastern, South Asian, White. There is no option for officers to select unknown. Officers must identify a race unless the incident involves an animal.

The information below is a total of race based on the 431 UOF reports submitted by HPS members.

### UOF by Race



In 2020, HPS members submitted **431** UOF reports, in which a total of **557** subjects were identified. In order to provide a clear accounting, and for the purposes of this report, when multiple officers responded to a scene and identified the subject as a particular race, this statistic was captured once. For example, if eight officers conducted a high risk arrest on a single subject in which firearms were drawn and pointed, and all the officers identified the subject as the same race, this was captured as one individual and not eight. If multiple officers responded to a call and officers identified the subject's race differently, this report captures each race identified, therefore resulting in the appearance of multiple subjects for a single incident.



After analyzing the UOF reports, the number of subjects was reduced from 557 to a total of **446** subjects as being involved in a UOF incident. The 446 subjects were identified in the following manner; Black – 81 subjects (18%), East Southeast Asian – 21 subjects (5%), Indigenous – 14 subjects (3%), Latino – 6 subjects (1%), Middle Eastern – 24 Subjects (6%), South Asian – 6 subjects (1%), White – 294 subjects (66%).

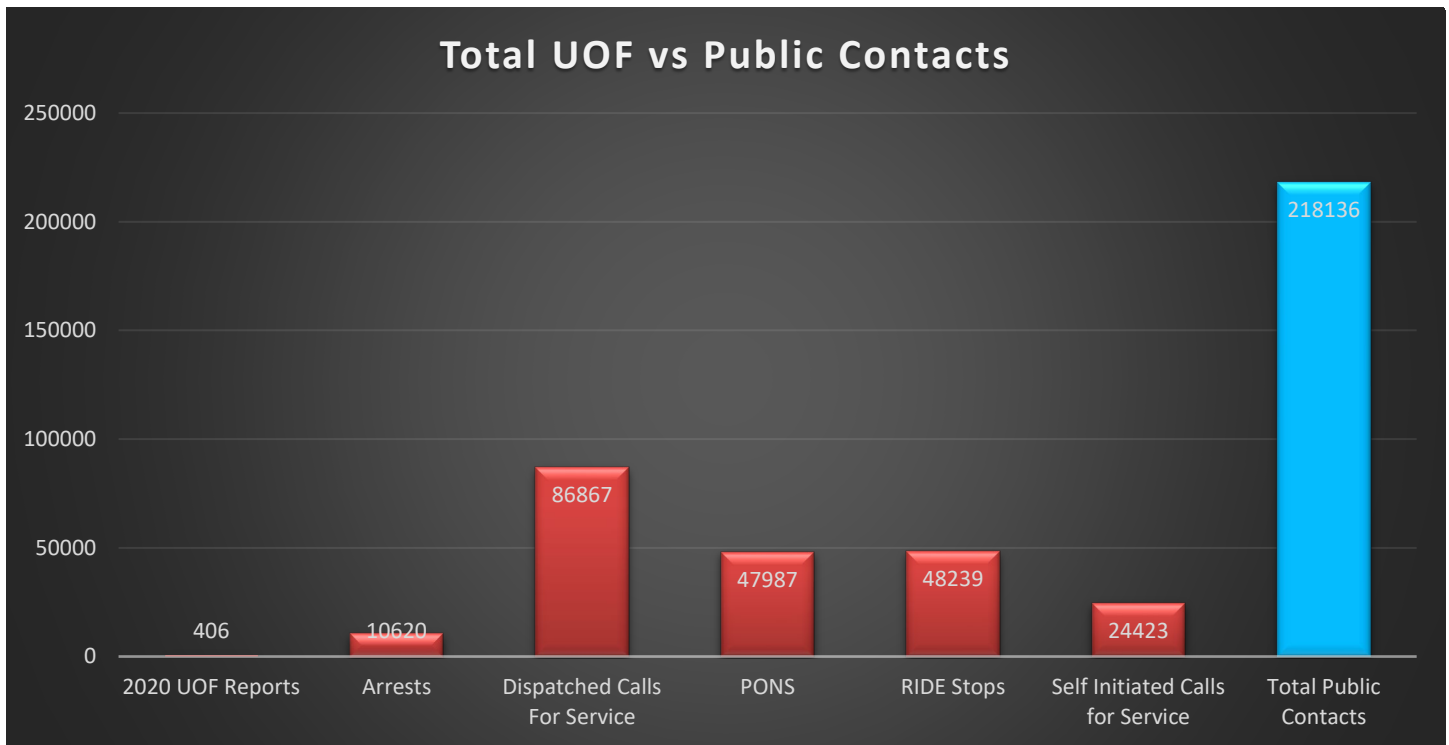
The numbers in this report are based on UOF reports and do not represent the number of people police officers interacted with in 2020. For example, if four officers respond to an incident and force is used by all the officers, this event would count as four separate incidents. This would be reported to the Ministry that the police used force on four separate subjects despite it being a single incident. As this statistic is captured from the police officer's perception of the individual's race, it could impact the accuracy of the statistic, as two officers at the same call could identify the same individual as two different races.



## Use of Force in Relation to Public Contacts

In 2020, HPS members submitted 431 UOF Reports, which includes 25 animals that were euthanized. This ultimately means that there were 406 incidents where force was used in relation to a member of the public. Compared to the total number of contacts police had with the public, **.18%** of contacts resulted in a UOF incident.

In comparison, UOF incidents vs. public contacts rose slightly in 2020 (**0.18%**) compared to 2019 (**0.12%**) and 2018 (**0.1%**).



NOTE \*Public Contact data supplied by the Crime Information Analysis Unit and the Traffic Unit.

## Conclusions / Trends

With the inclusion of CEW displays, the 10-year average is **346** UOF incidents per year. There was a low of **363** incidents reported in 2014 and a high of **431** incidents in 2020. This information is based on the number of UOF Reports submitted by HPS members.

In 2020, officers discharged a firearm 27 times, which is less than the 28 incidents in 2019. Since 2011, HPS has averaged 35 discharges per year. The majority of discharges are for euthanizing injured animals. Last year, two officers discharged their firearm at an individual.

Uniform Patrol is most likely to encounter incidents requiring an application of force and therefore submit the most UOF reports.



Police are most likely to encounter suspects brandishing an edged weapon but there has been a **170%** increase in incidents involving a gun or replica firearm over 2019. This trend is concerning and most likely a contributing factor to the increase in the number of times police pointed or drew a firearm.

This year's report also captures the first year of tracking race in UOF encounters. At this time, it is too early to identify trends as there is not enough data to analyze.

The UOF incident rate for 2020 remains low at **.18%** when compared to the number of times police came into contact with the public. In 2020, HPS members had **218,136** public contacts and used force **406** times (431 incidents minus the 25 animals euthanized).

