



HAMILTON POLICE SERVICES BOARD

**NOTICE OF MEETING
PUBLIC AGENDA**
Tuesday, April 22, 2014
4:00 o'clock p.m.
Hamilton City Hall
Council Chambers

Lois Morin
Administrator

AGENDA

1. CALL TO ORDER

2. PRESENTATIONS & DEPUTATIONS

- 2.1 Member(s) of the Month
- 2.2 P.R.I.D.E. Award
- 2.3 Suspension without Pay
- 2.4 Property and Evidence Management Process Audit Report (PSB 11-089a)
- 2.5 Year-End Report: Use of Force – 2013 (PSB 14-046)
- 2.6 Year-End Report: Professional Standards Branch - 2013 (PSB 14-048)
- 2.7 Year-End Report: Crime Statistics – 2013 (PSB 14-059)
- 2.8 Year-End Report: Crime Prevention Branch & Volunteer – Annual Report 2013 (PSB 14-058)

3. GENERAL

- 3.1 Declarations of Interest

4. CONSENT AGENDA

4.1 Approval of Consent Items

That the Board approve and receive the consent items as distributed.

4.2 Adoption of Minutes – March 17, 2014

The minutes of the meetings held Monday, March 17, 2014, be adopted as printed.

4.3 Hamilton Police Service Monthly Report (PSB 14-060)

That the Board direct the Administrator of the Board to refer this report, in its entirety, to the City of Hamilton, for information.

4.4 For the Information of the Board:

- a) 2013 Business Plan Goals Update (PSB 14-047)
- b) Year-End Report: Victim Services Branch – 2013 (PSB 14-057)
- c) Correspondence from Mr. Andrew Bell with respect to the Refusal of the Hamilton Police Services Board to make public reports of the Chief of Police regarding investigations conducted by the Special Investigations Unit.
- d) Correspondence from Carolyn Biggs, Legislative Coordinator, Office of the City Clerk with respect to approval of the Hamilton Police Service Monthly Report (PSB 14--27) (Item 5.1)
- e) Correspondence from Glenn Murray, Assistant Deputy Minister, Public Safety Division, Ministry of Community Safety and Correctional Services with respect to the Police Services advisors – Zone Assignment Changes.
- f) Correspondence from Chris Murray, City Manager, City of Hamilton with respect to the generous sponsorship of Building Momentum Hamilton which took place on January 30th.

5. DISCUSSION AGENDA

5.1 Correspondence from Chief Glenn DeCaire with respect to Police Service Board Meeting of March 17, 2014 and Correspondence from Jamie Anderson, President of the Hamilton Police Senior Officers Association with respect to the Police Service Board Meeting of March 17, 2014.

That the Board receive the correspondence from Chief Glenn DeCaire and Mr. Jamie Anderson, President of the Senior Officers Association, as printed.

5.2 Year-End Report – Budget Variance – 2013 (PSB 14-044)

That the Hamilton Police Services Board approve the Allocation Plan for the 2013 Operating Budget favorable variance of \$604,141.

5.3 New False Alarm By-Law Proposal (PSB 14-050)

That the Board approve the creation of a new By-Law to regulate the operations of the False Alarm Reduction Unit.

5.4 Correspondence from Ken East, President, Ontario Association of Police Services Boards requesting support for the 2014 Spring Conference, Section 10 Seminar & Annual General Meeting.

That the Board provide support in the amount of \$1,500 to the Ontario Association of Police Services Boards for the upcoming 2014 Spring Conference, Section 10 Seminar & Annual General Meeting.

6. NEW BUSINESS

7. ADJOURNMENT

THE POLICE SERVICES BOARD WILL ADJOURN THE PUBLIC PORTION OF THE MEETING AND RECONVENE IN CAMERA FOR CONSIDERATION OF PRIVATE AND CONFIDENTIAL MATTERS.

Suspension Without Pay



White Paper
An Update to the Hamilton Police Services Board

Hamilton Police Service
'Suspension Without Pay Working Group'
Supt. Nancy Goodes-Ritchie

Submitted by: Chief Glenn De Caire
Hamilton Police Service

March 2014

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Introduction

The Ontario Association of Chiefs of Police (OACP) has adopted three documents pertaining to Suspension Without Pay in Policing;

- an OACP Resolution in 2007,
- a White Paper from the Suspension Without Pay Working Group in 2010, and
- a position paper in support of the previous two in May 2013.

In whole and with supporting documents, the OACP has called for an amendment to the Police Services Act, to permit Police Chiefs to suspend police officers without pay in certain circumstances, namely; the police officer is charged with a serious criminal, CDSA or other federal offence and, when an officer is charged with an offence and held in custody or subject to court ordered conditions that prevent an officer from carrying out their policing duties. The driving premise was, and continues to be, public trust and its subsequent erosion when police officers commit serious offences that are not related to their oath of office or required duties.

The purpose of this document is not to restate but to adopt all previous recommendations, key issues and messages from the three submissions above, and further state that it is additionally necessary to permit a Police Chief to suspend an officer without pay for serious Police Service Act misconducts. Allegations of serious Police Service Act misconduct also represents a fundamental breach of public trust and necessarily, suspension without pay would be reserved for only serious misconduct allegations in which dismissal is sought.

The Police Services Act should be amended to provide for police chiefs the discretionary ability to suspend police officers without pay who meet any of these three criteria.

Background

As outlined in the OACP's White Paper from the Suspension Without Pay Working Group in February 2010, the following is the position put forth in a call for an amendment to the Police Services Act. This position was further endorsed in May 2013.

- Section 89(1) of the *Police Services Act* should be amended to allow Chiefs of Police to suspend their officers without pay in certain, very serious cases, including:
 - 1) When a police officer is charged with a serious offence contrary to the Criminal Code of Canada, the Controlled Drugs and Substances Act or other federal Act, not related to their performance of duty; and
 - 2) When a police officer is charged with an offence and held in custody, or when subject to a judicial release order with conditions that prevent the officer from carrying out their policing duties.
- The O.A.C.P. position recognizes that an allowance for suspension with pay helps protect police officers in the good faith performance of their duties, but this allowance was never intended to shield police officers from the consequences of serious criminal conduct unrelated to the performance of their duties.

Additional Considerations:

In addition to the recommendations contained in the OACP White Paper on Suspension Without Pay in 2010, it is further recommended that suspension without pay should not be limited only to those charged with a criminal offence or those in custody or on bail. Tax dollars should not be spent to pay the salaries and benefits of police officers who have committed misconduct so egregious that it represents a fundamental breach of the public trust and will significantly affect their continued performance of the duties of a police officer. In such exceptional circumstances, the Chief of Police must have the power to suspend without pay. Therefore, these circumstances should also include:

3. When a police officer is charged with a serious misconduct contrary to the Police Services Act.

Consideration must be given to:

- the Police Service would seek dismissal of the police officer and could establish that the allegations, would likely result in dismissal; and
- when failure to suspend without pay would likely bring the reputation of the Police Service as a whole, into disrepute.

It is recognized that each case must be assessed independently, based on the seriousness of the allegations and individual officer's circumstances. Suspension without pay should not be automatic. Vesting the authority to suspend without pay in a Chief of Police is the appropriate response because the chief is responsible for the operation of the police service and the maintenance of discipline as legislated in Part V of the PSA.

In terms of process, in exceptional circumstances (i.e. serious misconduct which does not result in criminal charges), once the Notice of Hearing is served on the police officer in accordance with the *Police Services Act*, the chief of police should have the ability to suspend the police officer without pay. It is recommended that the suspension without pay would come into effect sixty (60) days from the date of service of a Notice of Hearing and the Notice of Suspension without Pay. The Notice of Suspension without pay would also set out the reasons for the suspension without pay.

It is recommended that the police officer would have the ability to seek review of the decision to the Ontario Civilian Police Commission (O.C.P.C.) within 30 days of receiving the Notice of Suspension Without Pay. This would be an administrative hearing (not an adjudicative process) and the police officer would have the right to be heard and to make oral submissions to the Commission. The Commission would either confirm the suspension without pay or reinstate the officer's pay during the period of suspension. This review will only deal with the compensation issue.

Where a police officer is suspended from duty without pay and:

1. the criminal charge is not proceeded with or the police officer is found not guilty of the criminal charge or any included offence; and
2. is found not guilty of all charges on the Notice of Hearing under the *Police Services Act*;

the police officer shall be entitled to all pay, benefits and other rights and privileges to which they would have been entitled if he or she had not been relieved from duty or suspended.

Stakeholder input:

Any amendment to the Act would necessarily require all stakeholders to have input on the process. In particular, the Police Association of Ontario (PAO) would put forward the position of police officers from an Association perspective. It is anticipated however that this premise will not be endorsed by the PAO. In a *Letter to the Editor* on the PAO web-site dated July 11, 2013, President Dave McFadden, states, "*The notion that one person, a Police Chief, should have the power to play judge and jury is a dangerous one. To suspend someone without pay before a finding of guilt delivers a devastating and unwarranted punishment.*" Of note, the PAO are discussing the issue of paid or unpaid

suspensions, as outlined on their website, at the 23rd Annual Police Employment conference, slated for March 3 and 4, 2014.

Provincial / Municipal Legislation:

The issue of suspension without pay is not a new one and there is a recognized need across the country to address this issue. Several provincial legislatures have police-related legislation to allow for the suspension of police officers without pay in certain circumstances:

1. Alberta – Section 8 (Relief from Duty), Police Service Regulation, Alta. Reg. 356/1990
2. British Columbia – Section 110 of the *Police Act*, RSBC, Chapter 367.
3. New Brunswick – Section 26.9 of the *Police Act*, SNB 1977, Chapter P-9.2
4. Nova Scotia – Section 67, Police Regulation, NS Reg 230/2005
5. Quebec – Section 64 of the *Police Act*, CQLR, Chapter P-13.1
6. Winnipeg, Manitoba – Winnipeg Police Service Regulation By-Law No.7610/2000

Case Example:

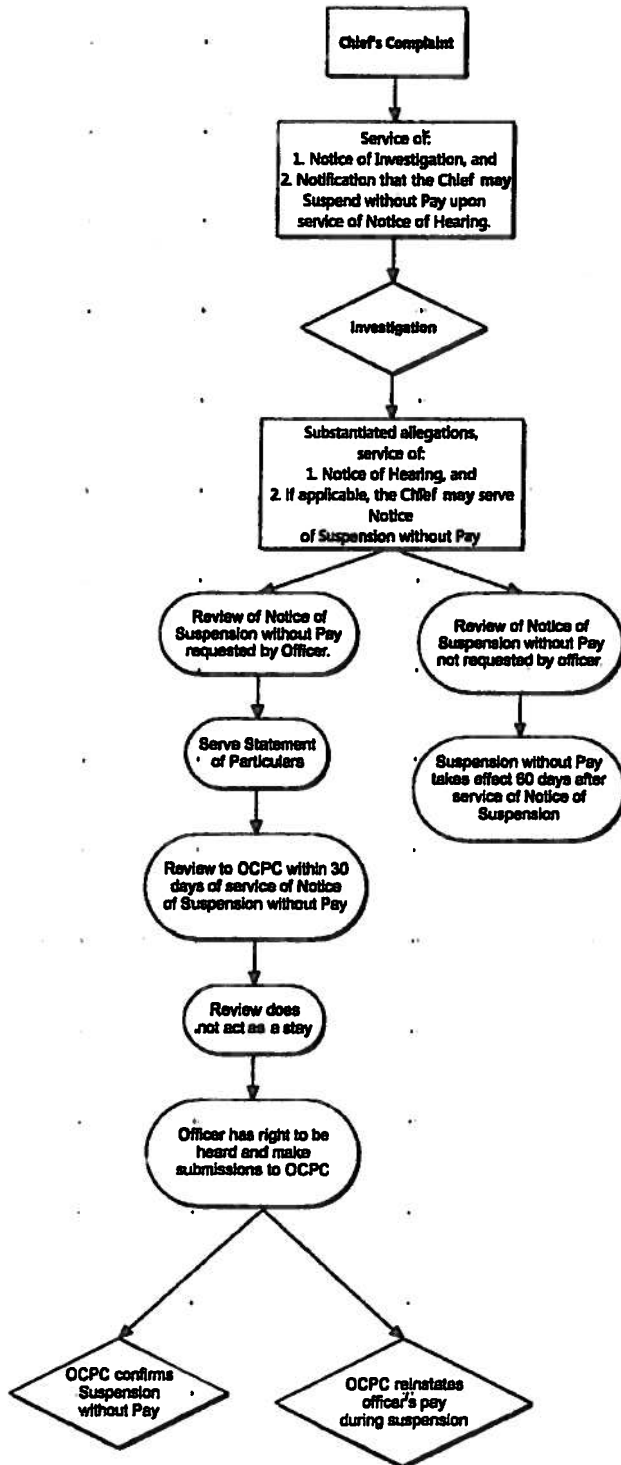
In October 2009, a Hamilton Senior Police Officer was suspended with pay for numerous serious Police Services Act (PSA) offences. In February 2010, he was charged under the PSA for harassment (X2), having sex on duty, having pornography on his police computer, CPIC violations (X3), accessing telephone equipment for personal use, using police cameras for personal use, installing electronic equipment on police computers for personal use, accessing members Activity Reports for personal use, accessing members personal information for personal use and conducting personal investigations while on duty.

After numerous delays, all precipitated by the defence, the Senior Officer tendered his resignation on the first day of the Hearing. During the time that he was suspended, he received approximately \$552,626.00 in salary – an issue which brought tremendous negative feedback from the community. This total amount does not include the cost of the outside Prosecutor, the Hearing Officer, the rented hotel room for Hearing dates or the investigator's time. None of the allegations related to his assigned duty, job description or work performance expectations. All allegations offended his oath of office and offended the public trust.

Conclusion

As stated in the *OACP White Paper – Suspension without Pay in Policing and Opening the Police Services Act/Suspension without Pay*, the fundamental bond of trust between the community and the police is sacred. When police officers breach this trust, the community has deservedly high expectations that the police officer will be held accountable appropriately.

The Hamilton Chief of Police is entrusted to maintain and enhance that trust with the public and call upon the Ontario Government to open the Police Services Act to permit suspension without pay. This discretionary authority is required for police officers charged with committing serious Criminal Code, CDSA or other federal Acts, not related to the performance of their duty, and if the officer is held in custody or has court ordered conditions which prevent the officer from carrying out the duties of a police officer. Additionally, it is recommended that when a police officer is charged with a serious misconduct offence under the Police Service Act where the charges are not related to the officers oath or required performance of duties that the police officer may be suspended without pay if it is a dismissal case.





Resolution 2007-08

Appendix B

Suspension Without Pay June 27, 2007

WHEREAS the Police Services Act requires Chiefs of Police to maintain discipline within their respective organizations, and

WHEREAS public confidence in our police services is dependent upon maintaining the trust of the public we serve, and

WHEREAS maintaining that trust is dependent upon all police officers adhering to the highest standards of public confidence, and

WHEREAS as police leaders, we recognize and support that the law must protect our police officers in the good faith performance of their duties, and

WHEREAS it was never intended that such protection would shield police officers from the consequences of serious criminal conduct not related to the performance of said duties,

WHEREAS the public have a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are in custody will not be paid for duties they are unable to perform.

THEREFORE BE IT RESOLVED that the Ontario Association of Chiefs of Police calls upon the Government of Ontario to amend Police Services Act to allow for the suspension without pay of police officers charged with serious Criminal Code of Canada, Controlled Drug Substances Act, and other federal offences not related to their performance of duty, and

BE IT FURTHER RESOLVED that the Ontario Association of Chiefs of Police calls upon the Government of Ontario to amend Police Services Act to allow Chiefs of Police to suspend without pay police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a Police Officer.

An OACP White Paper



Suspension Without Pay In Policing

***A White Paper from the Ontario Association of Chiefs of Police
Suspension Without Pay Working Group***

**Chief William Blair, Toronto Police Service
Chair**

February 2010

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Introduction

Ontario police services are among the finest in the world. Professionally-minded, community-oriented, and governed by clear and credible legislation, they provide high-quality police services to the citizens of Ontario. The people of this province expect and demand nothing less.

A key element of a successful system of policing that achieves the many – and sometimes difficult – objectives of law enforcement in a modern, multicultural democracy is the creation and maintenance of genuine public trust. Although Ontario police services are fortunate to have a history of such trust and to enjoy the confidence of the citizens we serve, this is not a situation ever to take for granted.

There are occasions and events which test the bond of trust between police and the citizens we serve and which have implications far beyond their immediate scope. The issue of police officers' involvement in serious criminal activity and the response of police services to their alleged criminality is one such issue.

The purpose of this paper is to bring to the attention of the Government of Ontario the strong conviction of Ontario's police leaders, represented by the Ontario Association of Chiefs of Police (OACP), that the *Police Services Act (PSA)* should be amended to allow for the suspension of officers without pay in certain, very serious, circumstances.

Discussion

Police Chiefs in Ontario are intimately aware of the challenges and hazards of policing. Due to the nature of the work and the types of individuals encountered in it, police officers sometimes find themselves facing criminal charges as a result of the duties they perform on behalf of their fellow citizens. Without reasonable protection in law against such risks, the ability of police officers to effectively discharge their duties can be seriously compromised. As well, police officers are office holders, not just employees of the particular organization they work for. Both of these realities are reflected in the provisions of the *PSA* which allow for the suspension of officers with pay. The authority to suspend an officer is set out in section 67(1) of the Act as follows:

67(1) If a police officer, other than a Chief of Police or Deputy Chief of Police, is suspected of or charged with an offence under a law of Canada or of a province or territory or is suspected of misconduct as defined in section 74, the Chief of Police may suspend him or her from duty with pay.

Section 67 is referred to as an administrative suspension. It is imposed at a time when an officer is suspected of or charged with an offence or misconduct.

Ontario's police leaders fully recognize and support that the law, in the form of an allowance for suspension with pay, must protect our police officers in the good faith performance of their duties. However, we vigorously contest any notion that such protection was ever intended to shield police officers from the consequences of serious criminal conduct unrelated to the performance of their duties.

Thus, the primary argument against the current state of affairs is that the legitimate and worthwhile intent of Section 67 is perverted whenever an officer who is charged with a serious crime, unrelated to his or her performance of duty, continues to receive full pay and benefits. In effect, a provision designed to protect officers honourably engaged in the fight against crime is being abused by a very small number of other officers themselves accused of serious crimes.

Consequences

The fact that the Ontario Police Chiefs presently lack the legal authority to take reasonable and appropriate steps in dealing with allegations of serious criminality within their ranks has direct and negative consequences on policing in this province. The first and foremost of these consequences is the erosion of public trust.

In cases where officers' actions are clearly beyond their legal authority, have nothing to do with their official role, or are of an egregious nature, the public expectation is that the responsible authorities will act quickly and competently to address the transgressions. It is an unfortunate but undeniable truth that segments of the population do not readily believe that police organizations can be trusted to investigate and discipline their own members, while still others do trust the professionalism of Ontario police services and in their ability to manage their members to high standards. Neither group, however, nor any one else, can draw any comfort from the current situation.

As very few members of the public are familiar with the *Police Services Act* and, therefore, know that it is not open to a Chief of Police to suspend an officer without pay, they may come to the damaging conclusion that the police are protecting their own when officers accused of serious crimes continue to be paid while suspended and on trial. The protracted nature of many judicial proceedings only aggravates this situation. The end result is that community standards are offended and the public trust jeopardized.

A particularly invidious result of this loss of trust is that it impacts most seriously those who least deserve it. The officers who strive day in and day out to serve their communities according to their oaths of office and the citizens who believe in their police and work with them in creating safe communities are, by turns, diminished and disillusioned when officers accused of serious crimes are allowed to hide behind their badges.

Chief William Blair of the Toronto Police Service has correctly pointed out that this issue is not about money, but rather, the fundamental importance of public trust. When the public learns that officers involved in serious crimes are suspended with pay, it brings the entire profession of policing into disrepute.

It is, however, also the position of the OACP that the citizens of Ontario have a more than reasonable expectation that members of police services who are unable to perform the duties for which they are appointed (by virtue of the fact that they are in custody) should not be paid for duties they cannot perform.

When police officers are charged with serious offences contrary to the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act*, and other federal offences unrelated to the performance of their duty, the public should expect that their tax dollars not be used to pay the salaries and benefits of such officers. Similarly, police officers who are charged with offences and held in custody, or who are subject to a judicial interim release order with conditions that prevent them from carrying out the duties of a police officer, should not receive pay and benefits.

Therefore, the OACP maintains that a Chief of Police ought to have the discretion to suspend a police officer without pay when a police officer:

- a) Is charged with a serious offence contrary to the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act* or other federal Act, not related to their performance of duty, and
- b) Is charged with an offence and held in custody or when subject to a judicial interim release order with such conditions that prevent the officer from carrying out the duties of a police officer.

A balanced and accountable approach to this issue mandates the adoption of a system that allows a Chief of Police to suspend police officers without pay when circumstances so require. Vesting this authority in a Chief is the appropriate response because the Chief is responsible for the operation of the police service and the maintenance of discipline therein.

Additionally, providing the Chief of Police with the right to suspend without pay means that it will not occur automatically but will depend on an assessment of each case, taking into consideration factors such as the seriousness of the allegations and the individual officer's circumstances.

Legislative Reform Across Canada

In 1988, The Royal Canadian Mounted Police External Review Committee submitted a Consultation Report entitled *Suspensions – Consultation Report* which canvassed police services across Canada on this issue.¹ The Committee received replies from law enforcement agencies representing 63 percent of all police officers in Canada. The majority of police services supported a system that would allow the Chief of Police discretion to suspend without pay in certain circumstances.

For its part, the OACP passed a resolution in 2007 on its position with respect to suspension without pay.² The OACP recognizes that public confidence is maintained when police officers are required to adhere to the highest standards. Although police officers should be protected by the law when operating in the good faith performance of their duties, the law should not shield police officers from the consequences of serious criminal misconduct unrelated to the performance of their duties. Police officers who are in custody can not perform their duties and the public has a reasonable expectation that such a police officer should not be paid in such circumstances.

The OACP resolution called upon the Government of Ontario to amend the *PSA* to allow for suspension without pay for police officers charged with serious offences under the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act*, and other federal statutes, unrelated to the performance of duty.

Furthermore, the OACP resolution called upon the Government of Ontario to amend the *PSA* to allow a Chief of Police to suspend without pay police officers charged with offences and held in custody or subject to a judicial interim release order with conditions that prevent the officer from carrying out the duties of a police officer.

¹ Honourable René J. Marin, "Suspensions – Consultation Report", Royal Canadian Mounted Police External Review Committee (1988), online: <<http://www.erc-cee.gc.ca/publications/discussion/dp1-a-eng.aspx>>.

² Attached as Appendix "A".

Amended Legislation

One municipal government and four provincial legislatures have amended their police-related legislation to allow for the suspension of police officers without pay in certain circumstances. The following summarizes the amendments made in other Canadian jurisdictions:

(I) Alberta

The *Alberta Police Act*³ and the Regulations⁴ allow for a Chief of Police to suspend a police officer without pay for up to seven days and, if not charged within the seven days, the officer shall be returned to work.⁵ However, where a Chief of Police is of the opinion that exceptional circumstances exist respecting the alleged contravention of the *Alberta Code of Conduct* by a police officer, a Chief of Police may relieve the police officer from duty without pay.⁶

(II) British Columbia

In British Columbia, the discretion to suspend without pay is vested in the police services board. A police services board may, at any time, discontinue the pay and allowances of a municipal Constable, Chief, or Deputy Chief, if the allegations against the individual (if proved) would constitute a criminal offence.⁷

(III) Manitoba

The City of Winnipeg has addressed the suspension without pay issue through a municipal by-law. City of Winnipeg by-law number 7610/2000 allows for suspension without pay of members of the Winnipeg Police Service.⁸ The by-law provides discretion for the Chief of Police to put an officer on an administrative leave, with or without pay, if the police officer committed a breach of the code of conduct.⁹

(iv) New Brunswick

In New Brunswick, a Chief of Police can suspend a police officer without pay if the officer is convicted of an offence under a provincial or federal statute, even if the conviction is under appeal.¹⁰

³ R.S.A. 2000, c. P-17.

⁴ Alta. Reg. 356/1990.

⁵ *Ibid.* s. 8(6).

⁶ *Ibid.* s. 8(10).

⁷ R.S.B.C. 1996, c. 367.

⁸ City of Winnipeg, By-law No. 7610/2000, *A By-law of the City of Winnipeg to establish and adopt Regulations governing the Winnipeg Police Service* (May 24, 2000).

⁹ *Ibid.* s. 61.01.

¹⁰ S.N.B. 1977, c. P-9.2, s. 26.9 (1).

(v) Quebec

In Quebec, the *Police Act* allows for suspension of police officers without pay where the Director General investigates the conduct of a member and has reasonable grounds to believe that the member's conduct may compromise the exercise of the member's functions.¹¹

Case Studies

Outlined below are four case studies which illustrate the types of incidents police services are confronted with and the financial costs associated with the payment of police officers suspended with pay.

Toronto Police Service

On March 20, 2002, the Ontario Provincial Police laid a number of charges against Toronto Police Constable Y in relation to a domestic situation. On March 22, 2002, based upon observations by the OPP, the Toronto Police Service Professional Standards Unit executed a search warrant at the home of Police Constable Y at which time a quantity of drugs were seized.

On March 28, 2002, Police Constable Y was suspended with pay from the Toronto Police Service. Police Constable Y, pled guilty to pointing a firearm, assault causing bodily harm, and uttering death threats. The remaining charges were withdrawn as a result of the guilty plea. While Police Constable Y remained suspended with pay for the above domestic related charges, a Professional Standards Task Force continued their investigation into the drug squad team of which Police Constable Y had been a member.

On January 5, 2004, as a result of the drugs seized on March 22, 2002, Police Constable Y was charged with possession of cocaine, possession of heroin, and possession of ecstasy. On January 7, 2004, Constable Y was charged as a result of the Professional Standards investigation into the drug squad. The charges that were laid included: conspiracy to attempt to obstruct justice, attempt to obstruct justice, perjury, assault causing bodily harm, and extortion. Police Constable Y remained suspended with pay from the Toronto Police Service.

On January 11, 2006, Police Constable Y attended downtown Toronto where he approached an undercover officer involved in a "John Sweep". He was arrested and charged with communicating for the purpose of obtaining the sexual services of a prostitute and failing to comply with recognizance. Constable Y was found guilty of both charges on January 9, 2008.

The total costs (including benefits) incurred by the Toronto Police Service during the term that Police Constable Y was suspended with pay amounted to \$426,855.48

¹¹ R.S.Q. c. P-13.1, s. 64.

Peel Regional Police Service

Police Constable S was arrested for his off-duty conduct. He was charged criminally with sexual exploitation, procuring the sexual services of a person under 18, sexual assault, and possession of child pornography. On August 4, 2004, Police Constable X was suspended with pay. He is still on suspension.

The total costs (including benefits) thus far incurred by the Peel Regional Police Service while Police Constable S remains suspended with pay amount to approximately \$325,950.

Greater Sudbury Police Service

In February 2006, the Greater Sudbury Police Service received a complaint of sexual assault by Police Constable T and the Province's Special Investigations Unit was notified. The incident occurred in 2004. On March 1, 2006, Police Constable T was suspended with pay. He is still on suspension. In August 2006, Police Constable T was charged criminally. Information was received regarding additional incidents and further criminal charges were laid.

The total costs (including benefits) to date while Police Constable T remains suspended amount to \$194,582.56.

Niagara Regional Police Service

On October 7, 2002, while off duty, Constable U attended the district headquarters to which he had been assigned and retrieved his service issue .40 calibre Glock pistol from his locker. From an unknown location, Constable U threatened to take his own life during conversations over a mobile phone. Constable U then called 9-1-1 and made various demands. While speaking with 9-1-1 operators, Constable U threatened to kill the next innocent person he came across.

Shortly thereafter, Constable U drove to a local landfill site and took three men hostage. During this incident, he had pointed his firearm at the men and fired the weapon in their direction. The three hostages were ultimately released unharmed. Constable U was shot following a confrontation with police officers. He was arrested and taken to a local hospital for treatment of a non-life threatening injury.

As a result of this incident, Constable U was charged with a number of serious criminal offences and suspended with pay. Misconduct proceedings under the *Police Services Act* were also instituted. On March 6, 2007, following a trial at the Ontario Court of Justice, Constable U was found guilty of assault with a weapon, hostage taking, and using a firearm during the commission of an offence. Upon being convicted, Constable U was suspended without pay. He finally resigned from the service on June 11, 2007.

The total costs (including benefits) incurred by the Niagara Regional Police Service while Police Constable U remained suspended with pay amounted to \$392,140.

Conclusion

The members of the Ontario Association of Chiefs of Police recognize that the citizens we serve rightly demand police accountability and transparency. We also recognize that, as Ontario's police leaders, we are entrusted with delivering these safeguards to our citizens. Ontario's police leaders further recognize that the foundation stone of effective policing and community safety is a relationship of genuine trust, a relationship that must be nurtured and protected.

The OACP, therefore, calls upon the Government of Ontario to undertake measures necessary to enhance public trust and the proper functioning of the police services of this province by allowing for the suspension of police officers without pay in the kind of special, serious circumstances discussed above.

Appendix A

OACP Resolution on Suspension Without Pay Adopted on June 27, 2007

WHEREAS the Police Services Act requires Chiefs of Police to maintain discipline within their respective organizations, and

WHEREAS public confidence in our police services is dependent upon maintaining the trust of the public we serve, and

WHEREAS maintaining that trust is dependent upon all police officers adhering to the highest standards of public confidence, and

WHEREAS as police leaders, we recognize and support that the law must protect our police officers in the good faith performance of their duties, and

WHEREAS it was never intended that such protection would shield police officers from the consequences of serious criminal conduct not related to the performance of said duties, and

WHEREAS the public have a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are in custody will not be paid for duties they are unable to perform.

THEREFORE BE IT RESOLVED that the Ontario Association of Chiefs of Police calls upon the Government of Ontario to amend the *Police Services Act* to allow for the suspension without pay of police officers charged with serious *Criminal Code of Canada, Controlled Drugs and Substances Act*, and other federal offences not related to their performance of duty, and

BE IT FURTHER RESOLVED that the Ontario Association of Chiefs of Police calls upon the Government of Ontario to amend the *Police Services Act* to allow Chiefs of Police to suspend without pay police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a Police Officer.



Opening the *Police Services Act*/Suspension without Pay
May 29, 2013

OACP Position

The *Police Services Act* (Section 67-1) should be amended to allow Chiefs of Police to suspend their officers without pay in certain, very serious cases, including:

1. when a police officer is charged with a serious offence contrary to the *Criminal Code of Canada*, the *Controlled Drugs and Substances Act* or other federal Act, not related to their performance of duty; and
2. when a police officer is charged with an offence and held in custody, or when subject to a judicial interim release order with conditions that prevent the officer from carrying out their policing duties.

The OACP passed a resolution on June 27, 2007 calling on the Government of Ontario to act on this position. A *White Paper on Suspended Without Pay* was issued by the OACP in 2010 detailing why it's time for legislative change. To date, the government has chosen to ignore the issue despite on-going public concerns about the financial and ethical implications of the current situation.

The OACP recognizes that an allowance for suspension with pay helps protect police officers in the good faith performance of their duties, but this allowance was never intended to shield police officers from the consequences of serious criminal conduct *unrelated to the performance of their duties*. It is important to note that our position is related to criminal offences not related to an officer's duty. In our view, there is simply no credible argument for continuing to pay officers charged with such serious criminal offences, particularly when doing so gravely damages public trust in their police service.

Key Messages

- The key factor driving this issue is public trust. Without it, the reputation of the entire policing profession is jeopardized.
- Current legislation requires Chiefs of Police to maintain discipline, but it doesn't give them the authority to suspend an officer without pay, even in situations where officers are charged with serious Criminal Code offences not related to their duties.
- The public is likely unaware that a Chief of Police cannot currently suspend an officer without pay. This misconception could lead to the false impression that police leaders are "protecting their own" when, in fact, their hands are tied by inadequate legislation.
- Citizens should reasonably expect that their tax dollars aren't used to pay the salaries and benefits of police officers who can't perform their duties because they are behind bars or because they are out on bail awaiting the outcome of a serious charge or charges unrelated to their duties.
- Every case must be handled sensitively and sensibly. They would be first assessed by the Chief of Police, who would consider the seriousness of the allegations and the individual officer's

circumstances. It might, for instance, see a Chief maintain an officer's benefits so that the officer could access needed help to deal with physical or mental issues.

Background

The authority to suspend an officer is set out in section 89(1) of the *Police Services Act* as follows:

- ***89(1) If a police officer, other than a Chief of Police or Deputy Chief of Police, is suspected of or charged with an offence under a law of Canada or of a province or territory or is suspected of misconduct as defined in section 80, the Chief of Police may suspend him or her from duty with pay. Section 89 is referred to as an administrative suspension. It is imposed at a time when an officer is suspected of or charged with an offence or misconduct.***
- **Ontario's police leaders fully recognize and support that the law, in the form of an allowance for suspension with pay, must protect our police officers in the good faith performance of their duties. However, such protection was never intended to shield police officers from the consequences of serious criminal conduct unrelated to the performance of their duties.**
- **Very few members of the public are familiar with the *Police Services Act*, so they would not be aware that Chiefs of Police cannot suspend an officer without pay. This could lead to the damaging conclusion that the police are "protecting their own" when officers accused of serious crimes continue to be paid while suspended and on trial. The protracted nature of many judicial proceedings only aggravates this situation. The end result is that community standards are offended and the public trust jeopardized.**
- **The officers who strive day in and day out to serve their communities according to their oaths of office and the citizens who work with them to create safer communities are disillusioned when officers accused of serious crimes are allowed to hide behind their badges.**
- **Vesting the authority to suspend without pay in a Chief of Police is the appropriate response because the Chief is responsible for the operation of the police service and the maintenance of discipline.**
- **Additionally, providing the Chief of Police with the right to suspend without pay means that it will not occur automatically but will depend on an assessment of each case, taking into consideration factors such as the seriousness of the allegations and the individual officer's circumstances.**

Resources Available

White Paper on Suspension without Pay in Policing

Suspension Without Pay Resolution

SUSPENSION WITHOUT PAY
March 14, 2014

Appendix E

Resolution Submitted to: Ontario Association of Chiefs of Police – AGM June 25th, 2014

Resolution Submitted by: Glenn De Caire, Chief of Police, Hamilton Police Service

Resolution Submitted by: Zone 4 Approved March 6, 2014

RESOLUTION

WHEREAS the Police Services Act requires Chiefs of Police to maintain discipline within their respective organizations, and

WHEREAS the public confidence in the delivery of police service is dependent upon maintaining the trust of the public that we serve, and

WHEREAS maintaining that trust is dependent upon all police officers adhering to the highest standards of conduct which will enhance public confidence in policing, and

WHEREAS as police leaders, we recognize and support that suspension with pay provisions are designed, in law, to protect our police officers while they are in the good faith performance of their duties, and

WHEREAS as police leaders, we recognize that suspension with pay provisions were never intended to act as protection or to shield police officers from the consequences of serious criminal conduct not related to the performance of their duties, and

WHEREAS the public have a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are suspended should not be paid for duties they are unable to perform, and

WHEREAS the Ontario Association of Chiefs of Police, by way of approved Resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Criminal Code of Canada, Controlled Drugs and Substance Act, and other federal offences not related to their performance of duty, and

WHEREAS the Ontario Association of Chiefs of Police, by way of approved resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a police officer, and

WHEREAS the Ontario Association of Chiefs of Police remain fully committed to Resolution 2007-08 of June 27, 2007,

THEREFOR BE IT RESOLVED that, in addition to the requests contained in approved Resolution 2007-08 of June 27, 2007, the Ontario Association of Chiefs of Police calls upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Police Services Act violations where the Chief of Police will seek dismissal of the officer.



OFFICE OF THE MAYOR
CITY OF HAMILTON

December 12, 2013

The Honourable Kathleen Wynne
Premier of Ontario
Room 281
111 Wellesley Street West
Toronto, ON M7A 1A1

The Honourable Madeleine Meilleur
Minister of Community Safety and Correctional Services
18th Floor, George Drew Building
25 Grosvenor Street
Toronto, ON M7A 1Y6

Dear Madam Premier and Madam Minister:

City Council, at its meeting held on October 23, 2013, approved Motion 7.5 which reads as follows:

7.5 Request for Amendment to the *Police Services Act*

Whereas the *Police Services Act* imposes on municipal council the responsibility of establishing the overall budget for the police services board; and

Whereas the *Police Services Act* requires the Chief of Police to maintain discipline within their respective organizations; and

Whereas public confidence in our police services is dependent upon maintaining the trust of the public; and

Whereas maintaining that trust is dependent upon all police officers adhering to the highest standards of conduct; and

Whereas we recognize and support that the law must protect police officers in the good faith performance of their duties; and

Whereas it was never intended that such protection would shield police officers from the consequences of serious misconduct not related to the performance of said duties; and

Whereas the City of Hamilton citizens have paid, through their taxes, the ongoing salaries of suspended officers while they face serious criminal and *Police Services Act* Charges.

Therefore Be It Resolved:

That the City of Hamilton call upon the Government of Ontario to amend the *Police Services Act* to allow for the suspension of pay of police officers charged with serious *Criminal Code of Canada*, *Controlled Drug and Substances Act*, and other federal offences or serious misconduct under the *Police Services Act*, not related to the performance of duty or in compliance with the Oath of Office.

Your consideration of Council's request is greatly appreciated.

Yours truly

A handwritten signature in black ink, appearing to read "R Bratina". The signature is written in a cursive, flowing style.

R. Bratina
Mayor

SUSPENSION WITHOUT PAY

March 24, 2014

Resolution Submitted to: Hamilton Police Services Board

Resolution Submitted by: Glenn De Caire, Chief of Police, Hamilton Police Service

Resolution Submitted by: Hamilton Police Service Suspension Without Pay Working Group

RESOLUTION

WHEREAS the Police Services Act requires Chiefs of Police to maintain discipline within their respective organizations, and

WHEREAS the public confidence in the delivery of police service is dependent upon maintaining the trust of the public that we serve, and

WHEREAS maintaining that trust is dependent upon all police officers adhering to the highest standards of conduct which will enhance public confidence in policing, and

WHEREAS we recognize and support that suspension with pay provisions are designed, in law, to protect our police officers while they are in the good faith performance of their duties, and

WHEREAS we recognize that suspension with pay provisions were never intended to act as protection or to shield police officers from the consequences of serious criminal or Police Services Act misconduct not related to the performance of their duties, and

WHEREAS the public have a reasonable expectation that a member of a police service who is unable to perform the duties for which they are appointed by virtue of the fact that they are suspended should not be paid for duties they are unable to perform, and

WHEREAS the Ontario Association of Chiefs of Police, by way of approved Resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Criminal Code of Canada, Controlled Drugs and Substance Act, and other federal offences not related to their performance of duty, and

WHEREAS the Ontario Association of Chiefs of Police, by way of approved resolution 2007- 08 of June 27, 2007, called upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with offences and held in custody or when subject to a Judicial Interim Release order with such conditions that prevent the officer from carrying out the duties of a police officer, and

WHEREAS the Ontario Association of Chiefs of Police remain fully committed to Resolution 2007-08 of June 27, 2007, and


WHEREAS the Hamilton Police Services Board on March 15, 2010 fully endorsed, and remain fully committed to, Resolution 2007-08 of June 27, 2007 from the Ontario Association of Chiefs of Police,

THEREFOR BE IT RESOLVED that, in addition to the requests contained in approved Resolution 2007-08 of June 27, 2007 of the Ontario Association of Chiefs of Police, the Hamilton Police Services Board calls upon the Government of Ontario to amend the Police Services Act to allow for the suspension without pay of police officers charged with serious Police Services Act violations where the Chief of Police will seek dismissal of the officer, and

THEREFOR BE IT RESOLVED that, the Hamilton Police Services Board advance this expanded Resolution to the Ontario Association of Police Service Boards for consideration at the Annual General Meeting to be held in Toronto in May 22, 2014.

This Resolution was considered and supported by the Hamilton Police Services Board on

28 day of March, 2014.



Mr. Lloyd Ferguson
Chair, HPSB

HAMILTON POLICE SERVICES BOARD
- INFORMATION -

DATE: 2014 April 22
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
A/Chief of Police
SUBJECT: *Property and Evidence Management Process Audit Report
(PSB 11-089a)*

SUMMARY

Chief De Caire engaged the Internal Audit Office, of the City of Hamilton, to conduct an audit of the Property and Evidence Management Processes at the Hamilton Police Service, in 2011, to determine any gaps in policy or processes. Upon review of the audit, changes to policy and processes were made and reported to the Board in September 2011. Since then, more comprehensive systemic changes have been made. This report highlights some of those changes and the realized benefits that have occurred as a result.

BACKGROUND:

In 2011, Chief De Caire engaged the Internal Audit Office, of the City of Hamilton, to conduct an audit of the Property and Evidence Management Processes, at the Hamilton Police Service. The focus of the audit was on four (4) primary high risk items: currency, firearms, liquor and drugs. The objectives of the audit were to:

- Determine the effectiveness and efficiency of the management and operation of the property and evidence function;
- Evaluate compliance with laws, regulations, policies and procedures, and guidelines concerning property inventory;
- Determine the adequacy of safeguards for property and evidence in storage against loss, fraud or other mishandling;
- Ascertain the completeness and accuracy of the records of all property and evidence; and
- Assess the adequacy of automated applications currently in place.

AUDIT RESULTS AND RESPONSE

The resulting *City of Hamilton Internal Audit Report 2011-02 on the Hamilton Police Service Property and Evidence Management Process* provided general and specific recommendations to the Service for the implementation of best practices and opportunities for improvement in the efficient, effective and safe handling of property and exhibits at the Service.

Under the direction of Deputy Chief Girt, immediate efforts were undertaken to address the policy, auditing, security and facility issues identified wherever possible. As well, in June 2012, Deputy Chief Girt struck the Niche/Property Management Committee to identify and implement technological solutions to the property/exhibit chain wherever possible. Members of the committee led by Insp. Jamie Anderson were:

S/Sgt. Paul Evans	Niche Resource Team
P.C. Margaret Couch	Niche Resource Team
Ms. Lynne Holt	Niche Resource Team
Mr. Peter Bailey	Records Manager
Ms. Jan Griese	Property Branch Supervisor

Technology and Automated Applications

Based on the results of the audit and with a determination to implement automated processes wherever they would result in efficiencies, the committee reviewed policy and legislation and mapped out local business processes related to property and exhibit management policy. All aspects were documented and analyzed for efficiency, effectiveness, risk and accountability. This resulted in the following:

- changes were made to business processes where necessary; storage locations were confirmed, changed or established,
- the NICHE Records Management System was upgraded and the Property Management module was turned on,
- bar coding printers, scanning equipment, and electronic signature pads were purchased, tested and deployed, and
- training was developed and delivered.

Full deployment of these activities was completed in November 2013.

The end result of this work was an increase in efficiency, time savings for staff, improved accountability and accuracy, and a reduction in the risk to the Service in the *property and evidence management process*. More specifically, benefits of this work within the high risk items of the audit - currency, firearms, liquor and drugs – and for property and exhibits in general included:

- New workflow processes and a more fulsome use of NICHE resulted in more thorough and accurate property and exhibit data being entered into NICHE by the front line submitting officer. Quality control work was reduced by up to 95% at the back end as a result.
- With these changes, all property is accurately and thoroughly documented and searchable within NICHE, and more easily associated to a particular occurrence. This increased the amount of found property able to be returned to its rightful owner or related back to a particular occurrence assisting with the solving of crimes.
- NICHE generates Exhibit Status Requests (ESRs) automatically to the submitting officer 180 days after seizure. These automated processes save countless hours for Property Branch staff that used to perform the task manually. Officers are required to respond back through NICHE with directions to retain the item for court purposes, return it to its owner, or dispose of it by way of auction or destruction. With over 8,300 items entered into NICHE as general property in 2013, at an average of ten (10) minutes prep time each, the time savings of this automated process is almost 1,400 hours or almost .75 FTE.
- The Property Management Module of the NICHE RMS has made the Stores Management System (SMS) legacy database redundant on a go forward basis within the Property Branch. With the information already being entered into NICHE by the front line officer, the Property staff are no longer required to manually enter property and exhibit information into the SMS for tracking purposes as they had from paper reports.
- By making use of the bar-coding function in the NICHE property module, labels are produced and affixed to property. This eliminated the need for paper property tags that in past would get lost or destroyed or provided inadequate information. The new 'stick-on' tags include a bar code and item description for easy identification and traceability.

- Court Preparation time for front line officers has also been reduced by moving to a bar-code label. Prior to court, the officer simply attends the Property Branch, presents the bar coded label affixed in their notebook. The bar code is scanned by the clerk who is then able to quickly identify the location of the item(s) from within NICHE and then to quickly retrieve it from its shelf.
- Two factor authentication is used to track any items removed from the Property Branch. This is accomplished by an electronic signature captured within the occurrence report in the RMS which is confirmed by the receiver's identification. All drugs, guns, money and general property that are signed out of property for testing, court, or removed by an officer/civilian for any other reason are tracked in this way. This provides up-to-date information as to who has possession of the property, the state of the property (either in or out), the date and time the property was removed, its current location, and the expected return date of the property. If an item remains unreturned after seven (7) days, an ESR is automatically sent to the signing officer for a status update.
- At the conclusion of matters before the courts a forfeiture order is completed directing the police on how to dispose of any exhibits related to that case. By having forfeiture orders scanned into NICHE, property clerks are now more quickly and consistently informed about the status of exhibits and are able to dispose of it as soon as legally authorized.
- Electronic signature pads are also used when returning items to their lawful owner. Linking the signature to the bar code affixed to a property item automatically associates the signature to that item within the NICHE occurrence eliminating any question in the future as to what was returned to the owner.
- Seized drugs and related exhibits not required for prosecution require the permission of Health Canada prior to its destruction. Property Branch staff now receive notification through NICHE which immediately triggers the permission process to begin. This effort alone has eliminated a one-year backlog, and has enabled existing staff to stay current with workload.

- The ability to complete bulk moves and bulk disposals of all property and exhibit items using NICHE and electronic scanner technology has resulted in significant time savings for Property Branch staff. With a record number of items disposed of in the past year due to this revised process, valuable storage space was cleared and further eliminated the need to look for additional space.

The Hamilton Police Service has gone from an entire paper process, to being one of the only services in Canada with 100% electronic submissions at source. This achievement has allowed the Service to track every piece of property from the moment it is collected, to its disposal, thus mitigating against risk throughout. In addition, it has provided the ability to quickly link offenders to crimes, and to identify and return stolen property to owners. Because of the gaps in the “paper process” this was not always accomplished.

The audit and the resulting work have increased the efficiency and effectiveness of the management and operation of the property and evidence function. The Service has confirmed that mechanisms are in place to ensure compliance with laws, regulations, policies and procedures, and guidelines concerning property inventory and that there are adequate safeguards for property and evidence in storage against loss, fraud or other mishandling. The processes in place using the NICHE RMS system and peripheral technologies linked to it ensure the completeness and accuracy of the records of all property and evidence, and assist the Service in taking advantage of automated applications wherever possible.



Eric Girt
A/Chief of Police

EG/J. Anderson

cc: Eric Girt, Deputy Chief, Community Policing
Ken Leendertse, Deputy Chief, Field Support
Michael Shea, Superintendent, Corporate Services
Peter Bailey, Manager, Records Business Centre
Jamie Anderson, Inspector, Court Services

HAMILTON POLICE SERVICES BOARD
- INFORMATION -

DATE: 2013 April 22
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
A/Chief of Police
SUBJECT: *Year-End Report: Use of Force - 2013*
(PSB 14-046)

BACKGROUND:

Attached you will find the annual Use of Force Report for 2013. 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.

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.

P&P 1.02 *Use of Force* addresses the member requirements for submitting Use of Force Reports at the Hamilton Police Service.



Eric Girt
A/Chief of Police

EG/D. Clark

Attachment: *2013 Use of Force Statistical Report*

cc: Kenneth Leendertse, Deputy Chief, Field Support



2013
USE OF FORCE STATISTICAL REPORT

Prepared by:
Sergeant Jon Alsbergas

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2013 Use of Force Statistical Report

Introduction

This report will provide a statistical summary of reported Use of Force incidents that occurred in 2013; where a particular Use of Force option was utilized by a member of the Hamilton Police Service. The report will also compare the number of 2013 Use of Force incidents with the number incidents from the years 2000 to 2012. The report will also compare the total number of force options used in 2013 to the total force options used in the years 2008-2012. In addition this report will focus upon Use of Force incidents by Service Branch (i.e. Patrol, ERU or other) and by officer's years of service, as well breaking down 2013 incidents into the following categories: incidents per month, incidents per day of the week and incidents per time of day. The source material for the data is Use of Force reports and/or Hamilton Police Service Conducted Energy Weapon (CEW) reports submitted by the involved officer(s). All data prior to 2005 was provided by the Professional Standards Branch.

As per the Ontario Police Services Act Regulation 926 Sec. 14.5(1) Reports on Use of Force and Hamilton Police Service Policy and Procedure 1.02, Use of Force Reporting, Hamilton Police Service members shall complete and submit Hamilton Police Service Use of Force Reports to the Chief of Police, through their Command Officer, prior to the completion of their shift, as follows:

Parts A and B whenever the Member:

- 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; or
- 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.

Parts A, B, C and D whenever the Member deploys a Conducted Energy Weapon (CEW) in the cartridge deployment and/or push stun modes.

Parts C and D whenever the Member draws, points or displays a Conducted Energy Weapon in the presence of a member of the public, excluding a Member of the Police Service while on duty, other than on a Police Range; in the course of a training

exercise or ordinary CEW maintenance in accordance with Service Policies and Procedures.

This report only summarizes those incidents in which a Use of Force Report was submitted and does not totally reflect all instances in which a Use of Force option was used upon a member of the public. For example, handcuffing a person is considered a Use of Force application; however if no injury is incurred a Use of Force report is not required.

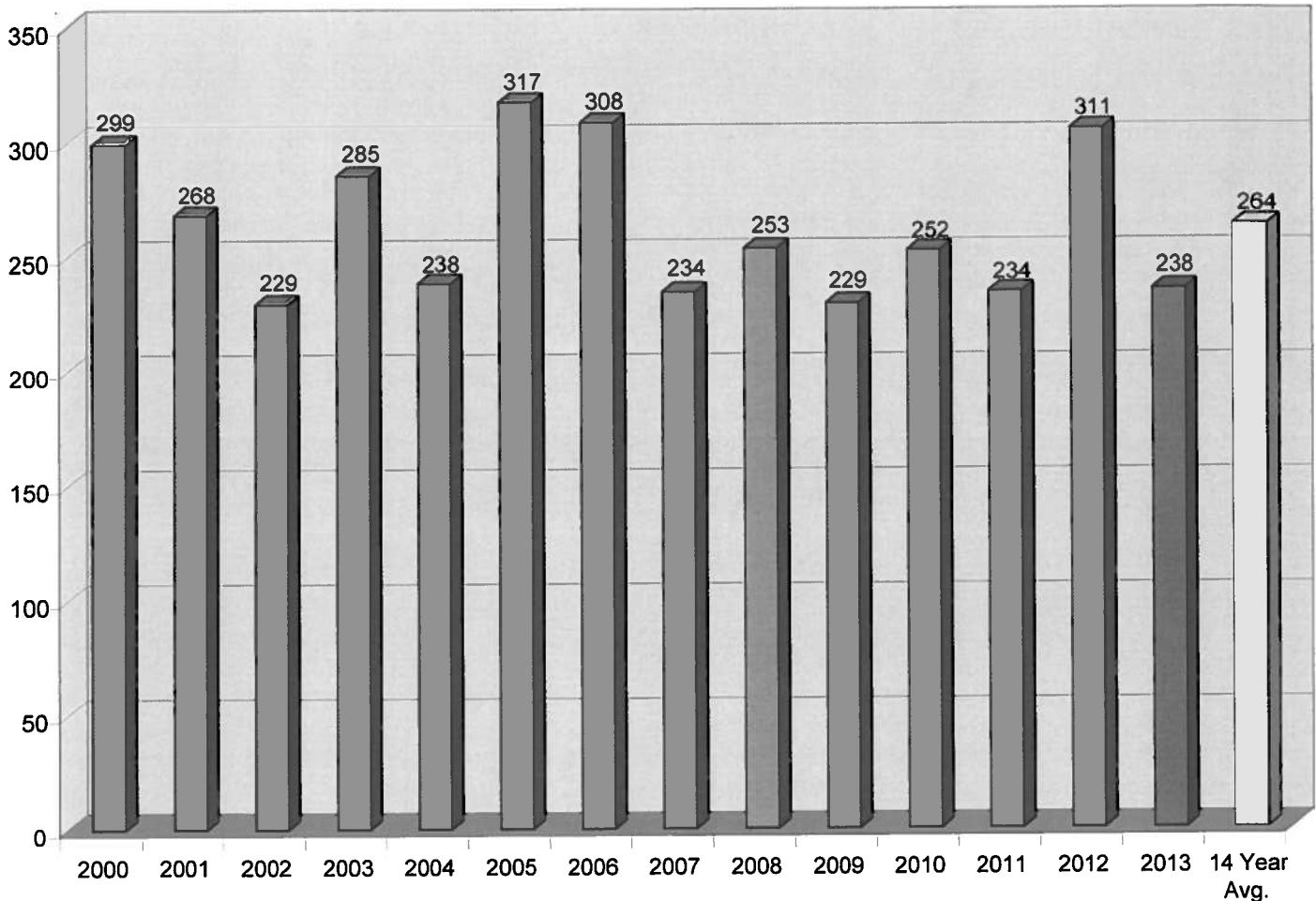
The Use of Force options that are tracked by Use of Force reports are:

- Firearm Discharged
- Firearm Pointed
- Handgun Drawn
- Aerosol Weapon (Oleo capsicum (OC) 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)
- Conducted Energy Weapon (CEW), in the cartridge deployed, contact and display modes.

Statistical Summary of Use of Force Incidents

During the fourteen year period from 2000 – 2013 the average number of incidents reported was 264 incidents per year, with a low of 229 incidents in 2002 and a high of 317 incidents in 2005. The total number of reported Use of Force incidents in 2013 is 238. This is lower than the fourteen year average of 264 incidents per year.

Total Incidents 2000-2013



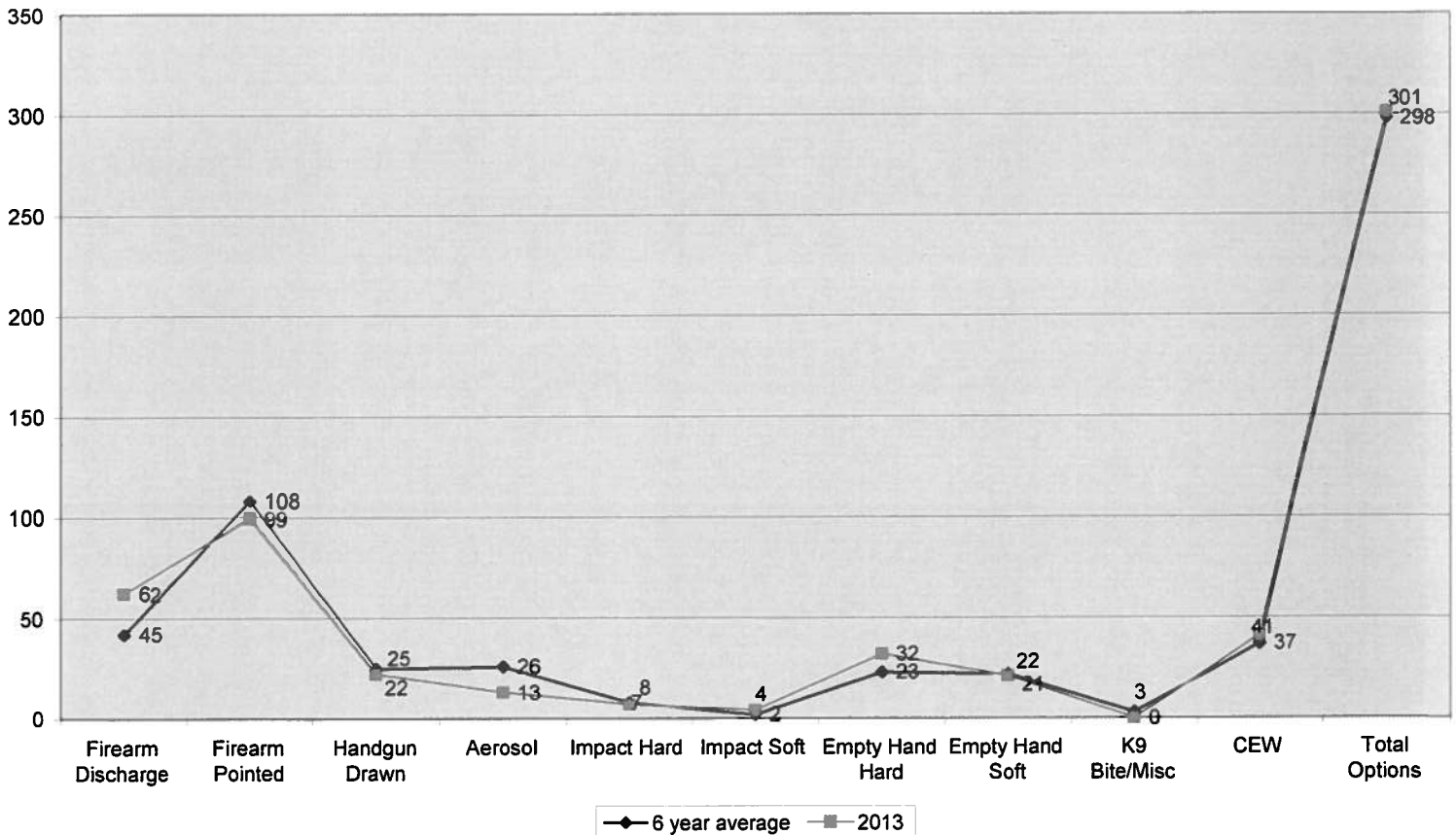
In 2013 our officers reported 238 incidents. In 48 of them, more than one option was used for a total of 301 options. For example an officer(s) may use more than one option to resolve an encounter, such as initially attempting empty hands soft and then deploying an aerosol weapon.

Summary of Force Options 2008-2013

	Firearm Discharge	Firearm Pointed	Handgun Drawn	Aerosol Weapon (O/C)	Impact Hard	Impact Soft	Empty Hand Hard	Empty Hand Soft	K9 Bite /Misc	CEW	Total Incidents	Total Options
2008	33	91	27	46	15	1	13	7	3	35	253	271
2009	45	91	18	28	10	1	17	8	2	27	229	247
2010	42	112	17	28	5	2	22	26	3	45	252	302
2011	43	110	13	21	6	1	19	31	4	22	234	270
2012	46	145	52	22	7	2	35	39	5	49	311	403
2013	62 (64*)	99	22	13	7	4	32	21	0	41 (42*)	238	301
6 year average	45	108	25	26	8	2	23	22	3	37	253	298

In 2013 there were 238 reported Use of Force incidents. In 48 incidents officers used more than one response option for a total of 301 options used. *There were 62 Firearms discharged incidents. In two of them, 2 officers fired their weapon for total of 64 discharges. CEW deployed in 41 incidents and in one it was used in both cartridge and contact mode for a total of 42 uses.*

2013 Options versus 6 Year Average



2013 vs 2012 Options Used/Total Incidents			
	2013	2012	+/- percentage increase/decrease
Firearm Discharge	62 (64)	46	+35%
Firearm Pointed	99	145	-32%
Handgun Drawn	22	52	-58%
Aerosol Weapon	13	22	-41%
Impact Hard	7	7	0%
Impact Soft	4	2	+100%
Empty Hand Hard	32	35	-9%
Empty Hand Soft	21	39	-46%
K9 Bite/Other	0	5	-500%
CEW	41 (42)	49 (50)	-16%
Total Options	301	403	-25%
Total Incidents	238	311	-23%

As per the above, the number of Use of Force options used in 2013 of 301 is slightly greater than the 6 year average of 298. However the total options used in 2013 are 25% less than total options used in 2012 and total Use of Force incidents in 2013 of 238 is 23% less than the 311 incidents reported in 2012.

Firearm Discharged: The discharging of a service pistol, shotgun, or one of the tactical firearms is a very serious but not uncommon occurrence. Officers are taught as per the Ontario Use of Force 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 62 reported incidents in 2013 where Hamilton officers discharged a firearm. The six year average for discharge firearms is 45 incidents per year. The most common use of service firearms is to euthanize injured animals. In 2013, 60 animals were euthanized. This included 54 deer, 1 horse, 1 moose, 3 coyotes and 1 vicious dog. There was one incident in which two officers fired at a human threat that was coming at the officers with a shovel. The subject suffered fatal injuries as a result. The incident was investigated by the Province’s Special Investigations Unit (SIU) and the officers were cleared. In another, incident two officers fired at a vehicle being driven at them. Neither the officers nor suspects were injured.

Firearm Pointed:

Again, officers are taught as per the Ontario Use of Force Model and Police Services Act Regulation 926, Section 9; “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.” The types of incidents where a service pistol is removed from its holster (or rifle, shotgun, etc.) and pointed at a member of the public, range from officers making high risk arrests where weapons are believed to be involved, to the Emergency Response Unit (ERU) making dynamic entries; i.e.: barricaded individuals, warrant execution involving weapons, etc.

The six year average for Firearm Pointed incidents is 108 incidents per year. In 2013, there were 99 firearm pointed incidents. This is below the six year average and a decrease of 32% compared to 2012’s 145 incidents. As mentioned previously, the majority of firearm pointed incidents involve the high risk arrest of armed/suspected armed suspects and /or the use of specialty units (ERU, Vice & Drugs, etc.) in high risk premise entries.

Handgun Drawn:

The drawing of a member’s handgun from its holster is something different from the pointing of a firearm, in that as per Regulation 926 s. 14.5(1)(a) a Use of Force Report is only submitted when a handgun is drawn in the presence of a member of the public. Again, 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.” The numbers reflected in this category are much lower than the pointing of a firearm. This can be attributed to the fact that an Officer will respond to a serious call that warrants the pistol being drawn, but at the time of deployment is not directly pointed and/or the weapon is drawn in front of a member of the public who is not directly related to the incident; i.e.: pistols are drawn prior to a Dynamic Entry or Building Search and this is witnessed by members of the public; therefore a Use of Force report is required to be submitted. There were 22 reported incidents in 2013 where an officer drew their handgun in front of a member of the public. This is below the six year average of 25 incidents per year and 58% less than 2012’s 52 incidents.

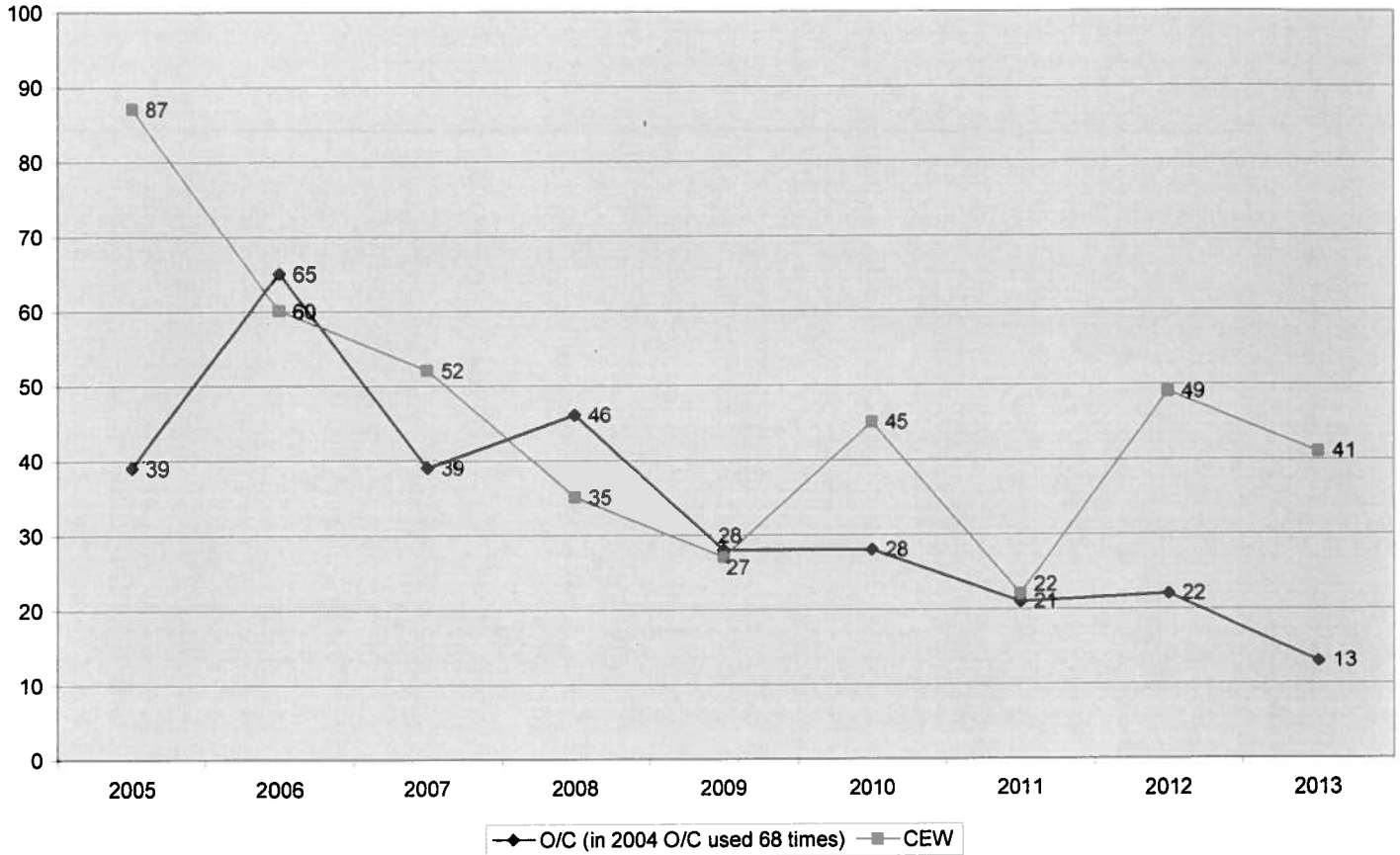
Aerosol Weapon (Oleo Capsicum – (O/C):

O/C is classified as an “intermediate weapon” and a subject/threat must exhibit at minimum, “actively resistant” behaviour before its use can be considered. There were 13 O/C incidents in 2013 which is below the six year average of 26 incidents per year.

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; but the correlation between

“decreased” O/C use and “increased” CEW use is not borne out by the data as there doesn’t appear to be a direct correlation. However, overall, O/C use has generally declined since 2005.

O/C versus CEW Use 2005-2013



Impact Weapon Hard:

Impact weapons “hard” refers to using the ASP Baton to strike an “assaultive” subject. The ASP Baton was used 7 times in 2013 to strike a subject displaying assaultive behaviour, which is lower than the six year average of 8 incidents per year but the same as 2012’s seven incidents.

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 very rarely utilized. There were 4 reported incidents of Impact Weapon Soft in 2013, with a six year average of 2 incidents per year.

Empty Hands Hard:

The use of empty hands “hard” refers to the striking of a generally 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; i.e.: Empty Hands Hard in conjunction with O/C.

There were 32 reported incidents in 2013 of Empty Hands Hard. This is greater than the six year average of 23 incidents per year. This is a decrease of 9% when compared to 2012.

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. Again, 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 i.e.: Empty Hands Soft in conjunction with OC or CEW. In 2013 there were 21 reported incidents of Empty Hands Soft. This is slightly below the six year average of 22 incidents per year and a decrease of 46% compared to 2012.

Other:

The “other” section of reported incidents involving UOF includes weapons of opportunity (could include anything used as a weapon i.e.: chair, flashlight, etc.), K-9 bites, Mounted Patrol Unit incidents and specialized Emergency Response Equipment such as the ARWEN multi launcher and ballistic shield. In most instances Officers will use only Service issued weapons and not available weapons of opportunity.

The instance of an Officer grabbing a weapon of opportunity is rare and the statistics reflect this. While specialized tactical equipment is reflected in this statistic, they too are rarely used. There were 0 incidents in 2013 where an “other” weapon or weapon of opportunity was used.

Conducted Energy Weapon (CEW)

Conducted Energy Weapons, also known as TASERS were authorized for limited police use in Ontario, late 2004. Their use was originally limited to Tactical Teams, Containment Teams and Front Line Patrol Supervisors and designates when acting in a supervisory capacity. The definition of Front Line Supervisor was expanded in 2007, 2008, 2009 to include Crime Beat Managers, Vice and Drug Officers, Gangs and Weapons Enforcement Officers, Break, Enter, Auto Theft and Robbery Unit (B.E.A.R.) Officers, Fugitive Apprehension Unit Officers, Mounted Patrol Unit and Addressing Crime Trends In Our Neighbourhoods (A.C.T.I.O.N) Supervisors.

In 2005 a Hamilton Police Service TASER Report was implemented to track CEW use and deployment mode(s) that were not being captured by a Use of Force report. Officers are only required to submit a Use of Force with respect to CEW use when a cartridge is fired at a subject or when directly applied in the contact mode.

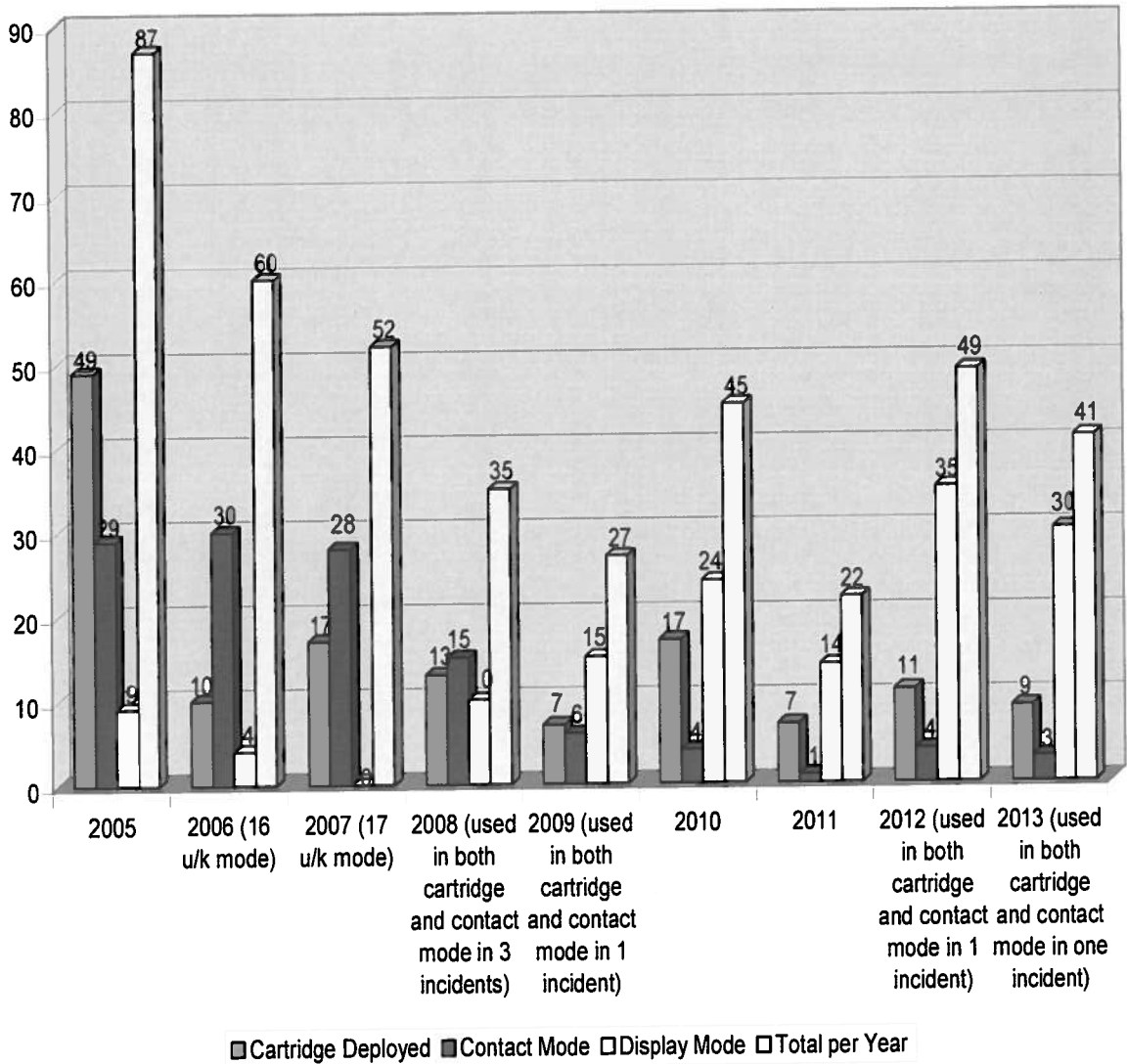
The TASER report captures the following deployment modes: a) CEW used in the “cartridge deployed” mode where a cartridge is fired at a subject; b) CEW used in the “contact” mode where the CEW is applied directly to a subject otherwise referred to as “touch tase, drive stun or push stun” and c) Force Presence/Display mode; in any instance in which the CEW is removed/drawn from it’s holster in front of a member of the public; or where the CEW’s laser sight is applied to a subject; or when the CEW is “spark tested” in front of a subject in the effort to gain subject cooperation without having to actually apply the CEW. The use of the Hamilton Police Service TASER Report was discontinued in early 2006; but was re-designed and re-implemented in November, 2007. The report was further re-designed and is now Parts C and D of the H.P.S. Use of Force Report

As per the Ontario Use of Force Model, the CEW is an “intermediate weapon”, which police can consider to use when a subject exhibits “actively resistant” behaviour. However, in June, 2009 the Hamilton Police Service changed its CEW policy to; a subject must exhibit at minimum “assaultive and/or serious bodily harm or death behaviours to themselves or another person” before CEW use can be considered. This is a reflection of current national and provincial best practices.

CEW Use:

The CEW was used in 41 incidents in 2013; a decrease of 16% below the 49 incidents in 2012. In 30 or 73% of the 2013 incidents the CEW was deployed in the “display mode” only. As per the below chart, since 2009, the majority of CEW use is in the display mode.

CEW by Deployment Mode 2005-2013

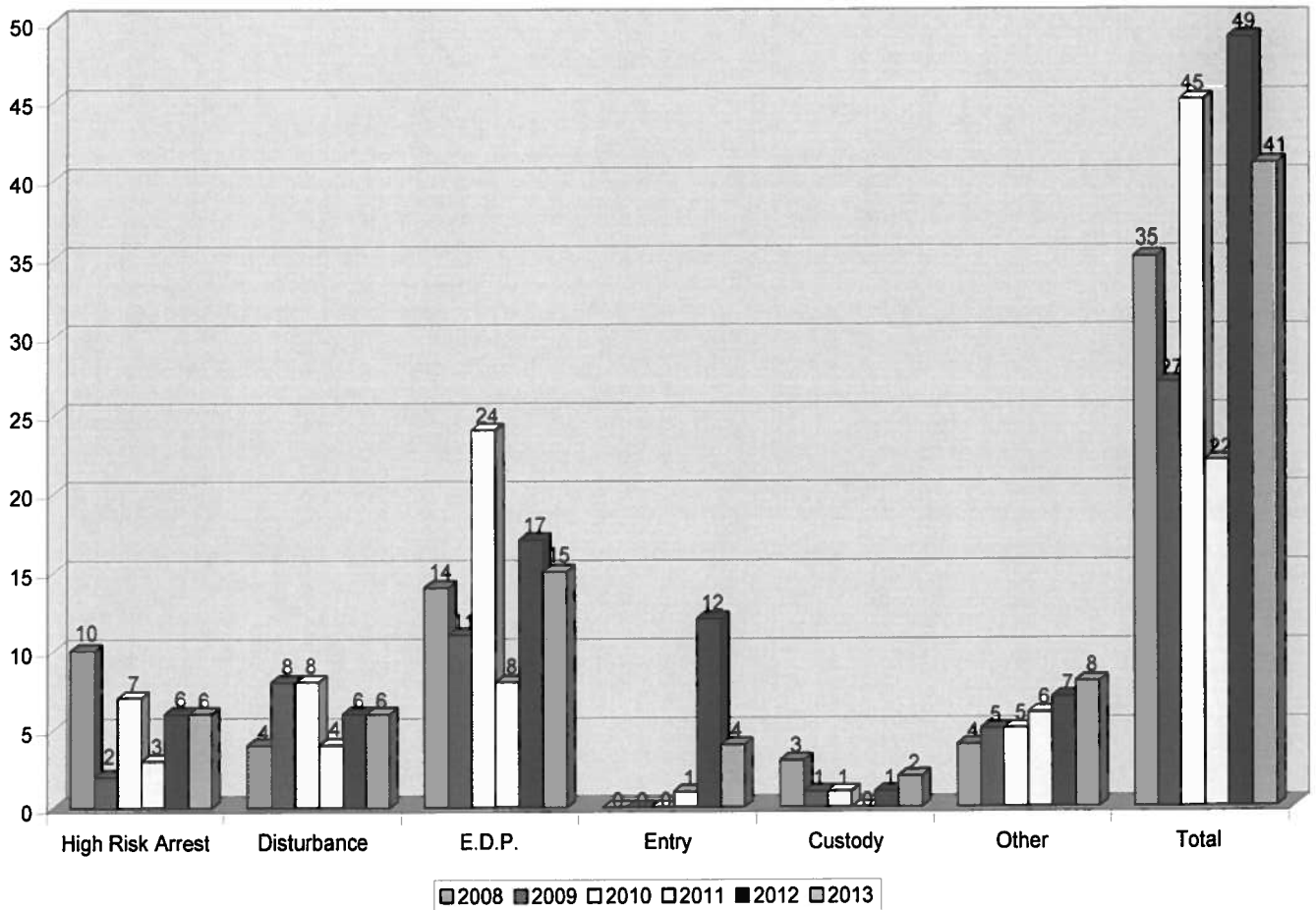


CEW by Incident Type:

The CEW was deployed to apprehend/control Emotionally Disturbed/Mentally Ill Persons (15 incidents), High Risk Arrests where an individual was armed or thought to be armed with a weapon (6 incidents), Disturbances, usually involving Liquor License Act violations (6 incidents), Other Incidents, which are general arrests involving assaultive suspects (8 incidents) Courts/Custody, usually involving assaultive prisoners (2 incidents) and Dynamic Entry (4 incidents).

In 15 of the 2013 CEW incidents the subjects were carrying or displaying a weapon. Twelve involved an edged weapon of some type.

CEW Use by Incident Type 2008-2013

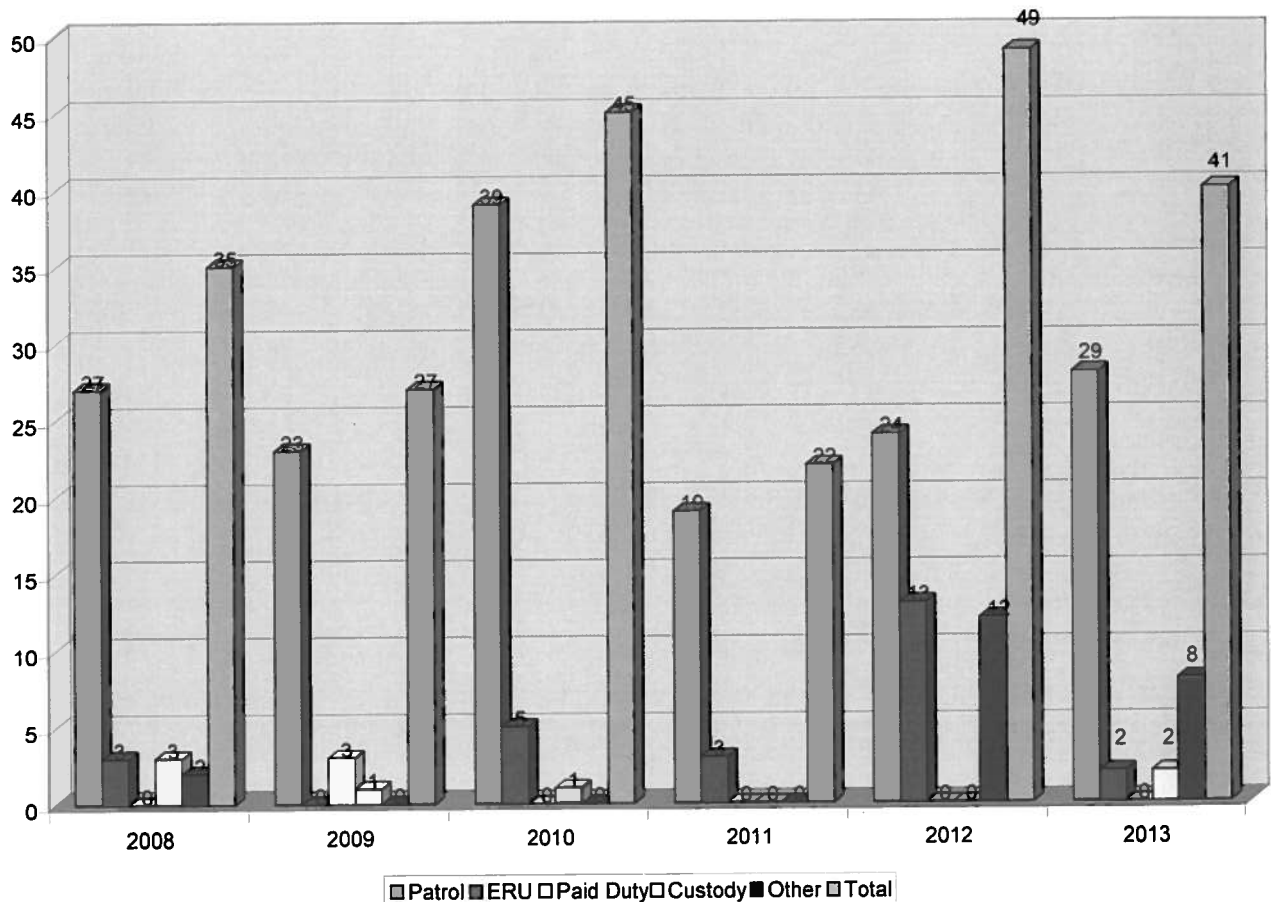


CEW Use by Service Branch:

With respect to Use of Force by Branch, the Service is divided for statistical purposes into six groups or branches; 1. Uniform Patrol, 2. Emergency Response Unit (ERU), 3. Other (Vice and Drugs, Intelligence, BEAR, HEAT, etc.), 4. Courts/Custody, 5. K9 and 6. Paid Duties. CEW use in 2013 by Branch is as follows; General Patrol-29 incidents, Emergency Response Unit-2 incidents, Courts/Custody-2 incidents and Other-8 incidents. Paid Duties and K9 did not have any incidents involving CEW use.

As mentioned earlier, CEW use decreased in 2013 and was predominantly deployed in the Force Presence/Display Mode. The increase of the CEW in the Force Presence/Display mode would suggest that the presence of a CEW at an incident appears to act as a general deterrent.

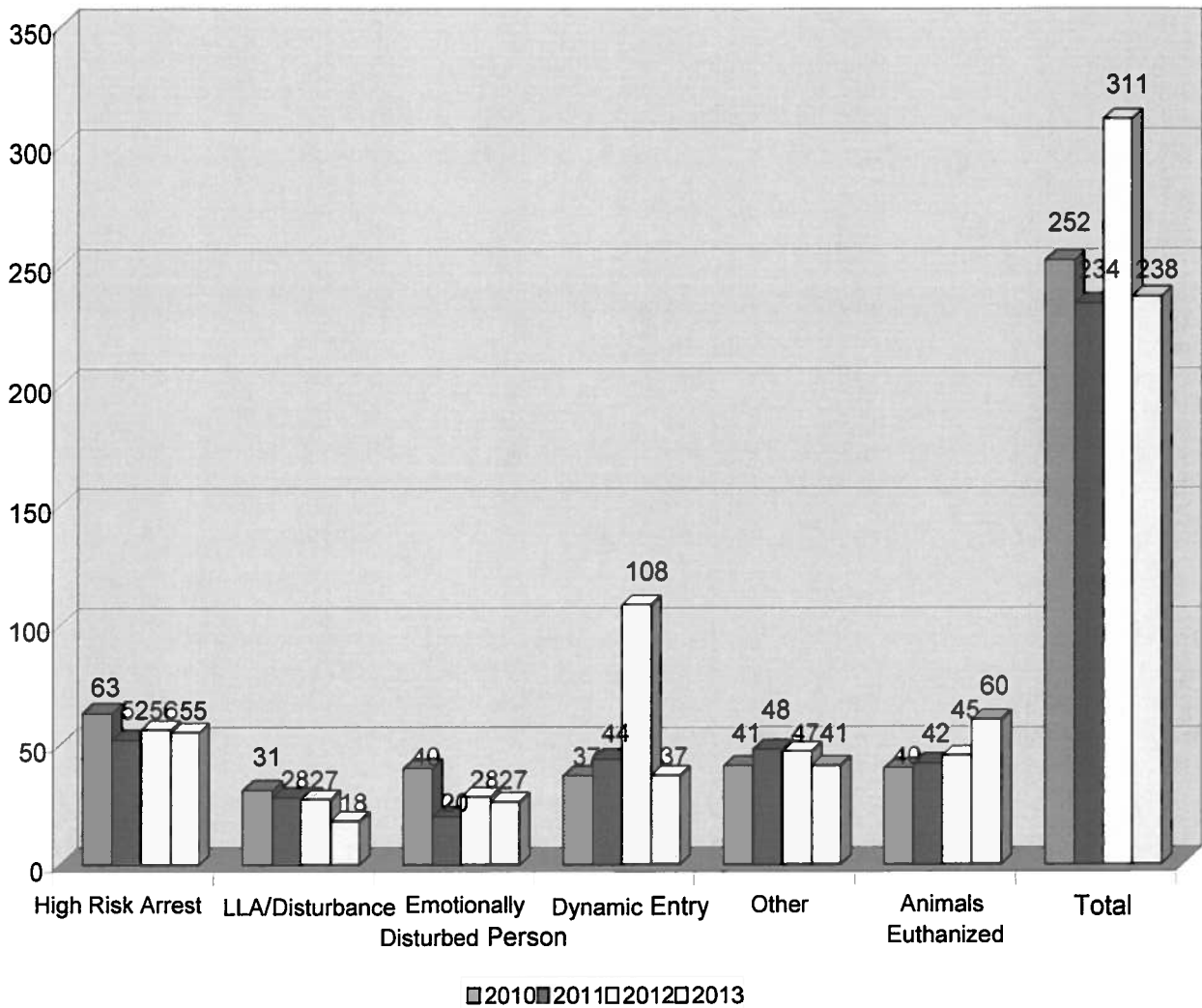
CEW Use by Branch 2008-2013



Use of Force by Incident Type:

Use of Force incidents were grouped into the following categories: 1. High Risk Arrests where a subject was/believed to be armed with a weapon, 2. Emotionally Disturbed/Mentally Ill Persons, 3. Liquor Licence Act/Disturbances, 4. Dynamic Entry Warrant Execution generally upon a premise, 5. Other; which includes subjects who were assaultive, Court and Custody incidents and 6. Animals euthanized.

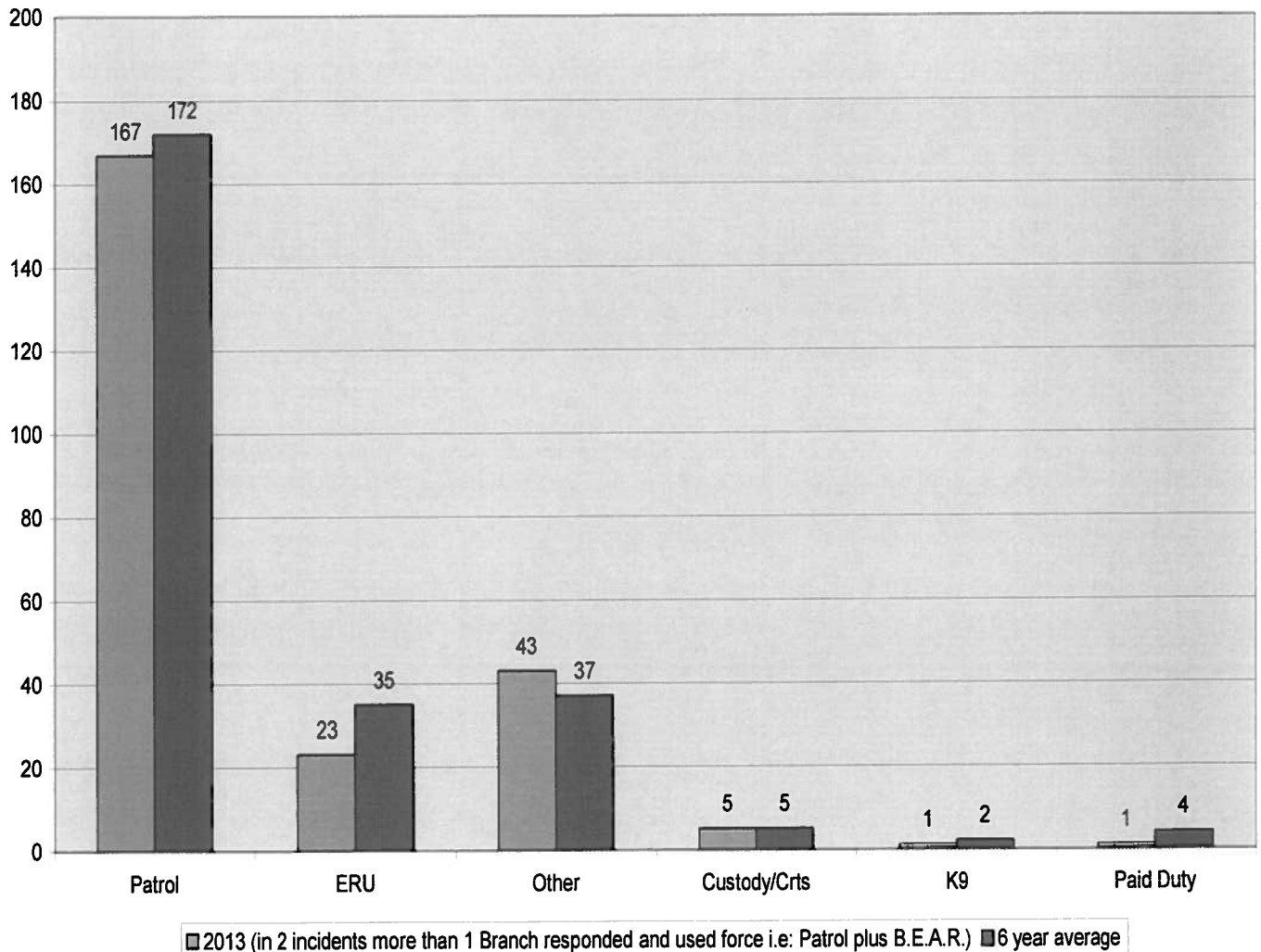
2010-2013 Incidents by Incident Type



Use of Force by Branch:

As previously mentioned the Service is divided for statistical purposes into six groups or branches; 1. Uniform Patrol, 2. Emergency Response Unit (ERU), 3. Other (Vice and Drugs, Intelligence, BEAR, HEAT, etc.), 4. Courts/Custody, 5. K9 and 6. Paid Duties. Although there were 238 reported Use of Force incidents in 2013, in the 2 of the incidents more than one Branch responded and used force; i.e.: Patrol plus B.E.A.R. Uniform Patrol Officers accounted for 167 (70%) of reported incidents and ERU accounted for 23 (10%) of reported incidents, primarily in dynamic entries. There was only 1 Paid Duty incident, 5 in Courts/Custody and a K9 officer was involved in 1 incident. Specialized "Other" Units accounted for 43 (18%) of reported incidents

2013 Incidents by Branch versus 6 Year Average

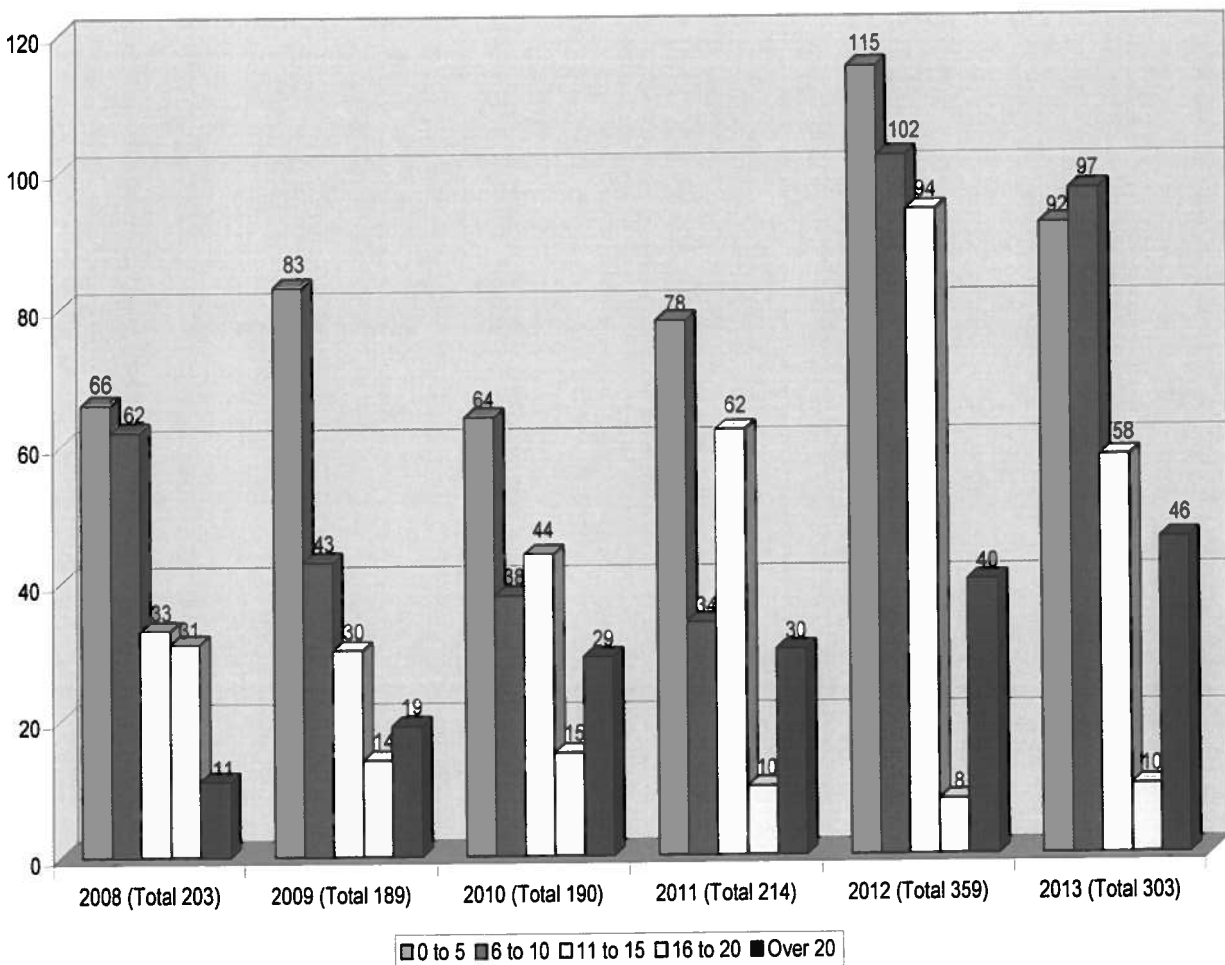


Use of Force by Years of Service:

The Use of Force report has a Length of Service section to be completed by the submitting officer. Of the 238 incidents, 215 had this section completed. The most common reason for this area not being completed is when the Emergency Response Unit files a "team" report. A risk reduction strategy has been developed in relation to the Use of Force Reporting Policy (1.02) revised in 2012. If a Use of Force report is required as a result of the actions of several officers in a common incident, each officer shall submit their own Use of Force report. The ERU shall be the only unit permitted to submit a 'team' report. In 47 of the incidents more than 1 officer submitted a Use of Force report and identified their years of service for a total of 303 officers submitting a report and identifying their years of service.

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.

Incidents by Years of Service



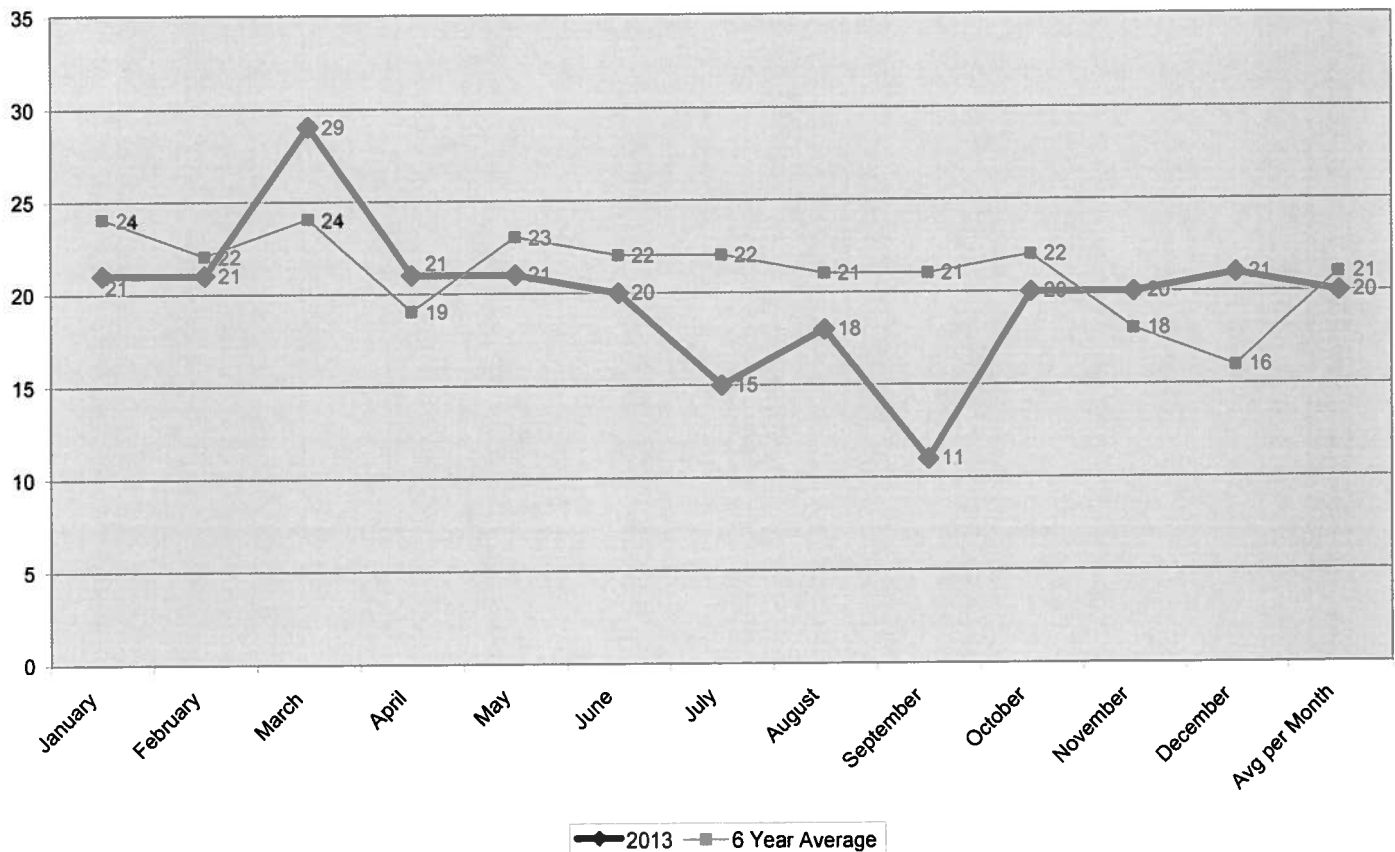
As per the Incidents by Branch and Incidents by Years of Service charts, Uniform Patrol is involved in the majority of 2013's Use of Force Incidents as would be expected. The 0-5 Years of Service is involved in approximately 30% of the 303 reports where years of service was indicated. This is easily explained as approximately 32%* of officers assigned to Uniform Patrol have less than 5 years of service so their involvement in Use of Force incidents is proportional to their numbers.

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

Use of Force by Incidents per Month:

There were 238 reported Use of Force incidents in 2013 for an average 20 incidents per month; with a high of 29 incidents in March and a low of 11 in September. The 6 year average; 2008-2013, is 21 incidents per month. There does not appear to be a significant relationship between number of Use of Force incidents and the month of the year other than they appear rise in March for an unknown reason, plateau during the spring and summer and then decrease in November and December.

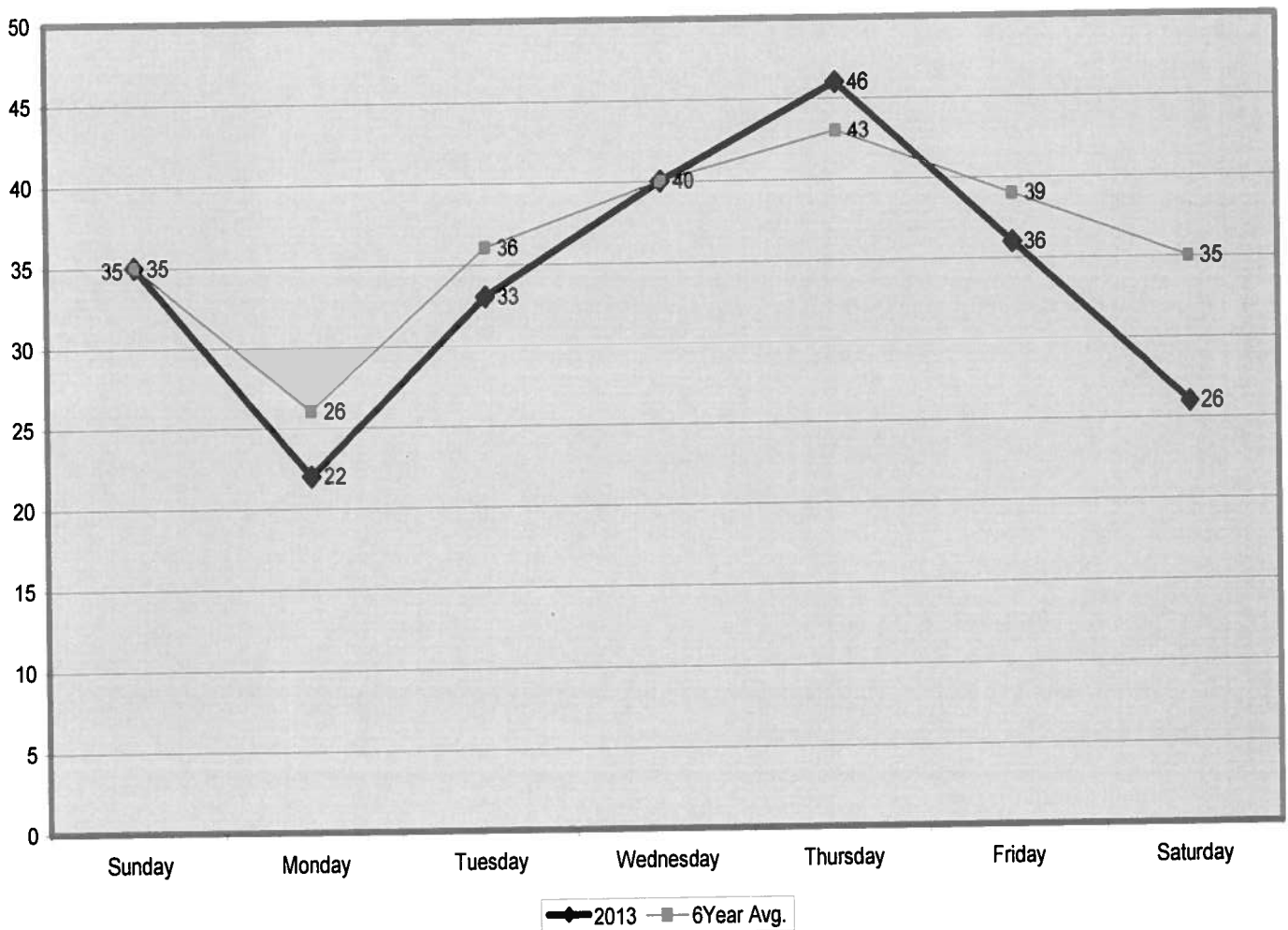
Incidents Per Month versus 6 Year Average



Use of Force by Incidents per Day of the Week:

This is the sixth year that Use of Force incidents have been tracked by number of incidents per day of the week. In 2013, Thursday with 46 incidents had the highest number while Monday had only 22 incidents. When 2013 data is compared to the 6 year average it is clear that the incident rate goes down on Mondays, rises to a peak on Thursdays and plateaus over Friday, Saturday and Sunday. There is no obvious explanation for this pattern.

Incidents by Weekday versus 6 Year Average

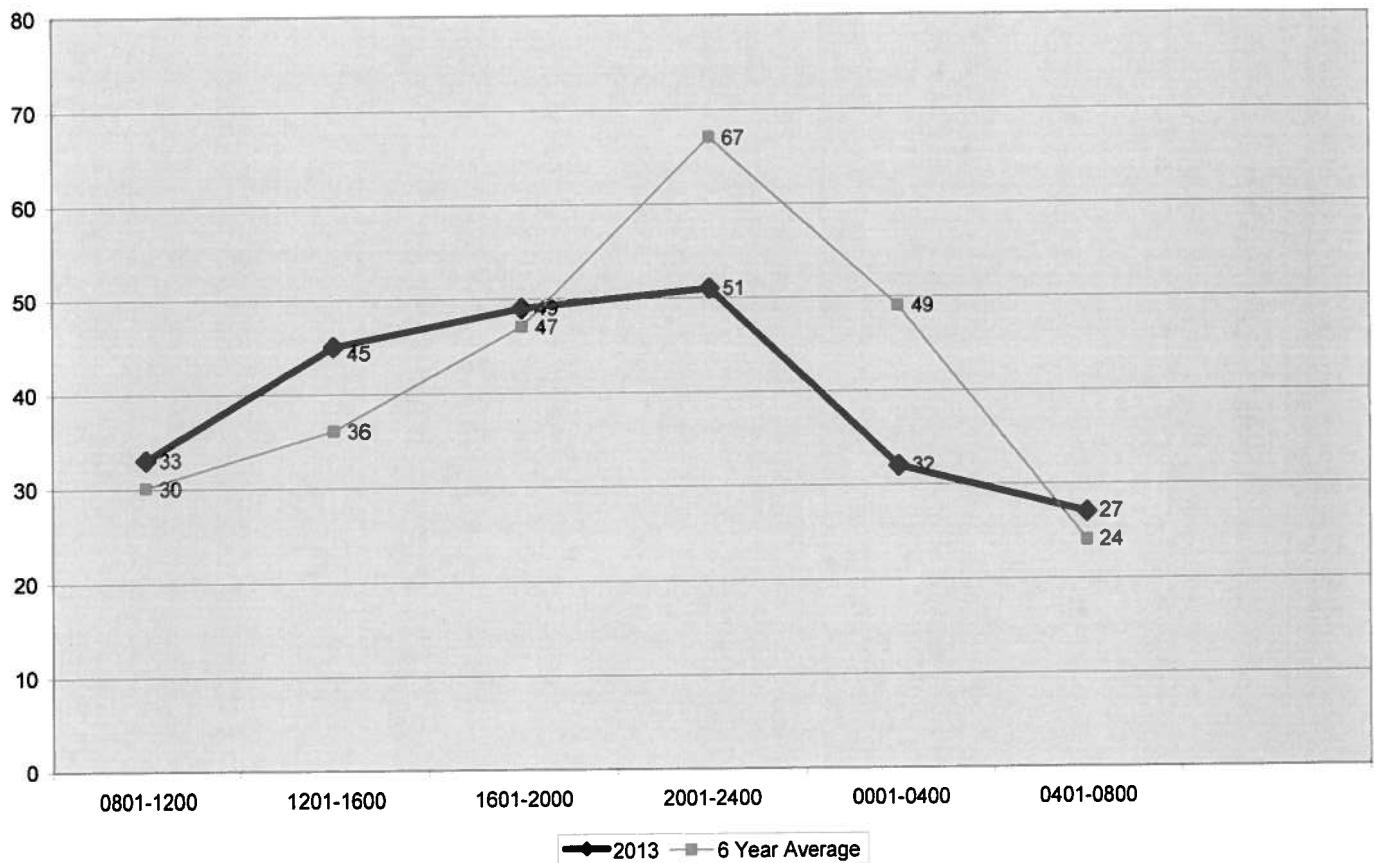


Use of Force Incidents by Time of Day:

This is the sixth year that Use of Force incidents have been tracked by the time in which they occur. The day was separated into 6 time periods: 0801 – 1200, 1201-1600, 1601-2000, 2001-2400, 0001-0400 and 0401-0800.

A review of the 6 year average data (2008-2013) indicates that the bulk of Use of Force incidents occur in the eight hour period between 2001 to 0400 hours. The least number of incidents occur in the eight hour period between 0401 to 12 noon. The number of incidents begins to rise steadily beginning at noon hour and peaks between 2001 and midnight. Data from 2013 loosely corresponds with the aforementioned trend.

Incidents by Time of Day versus 6 Year Average

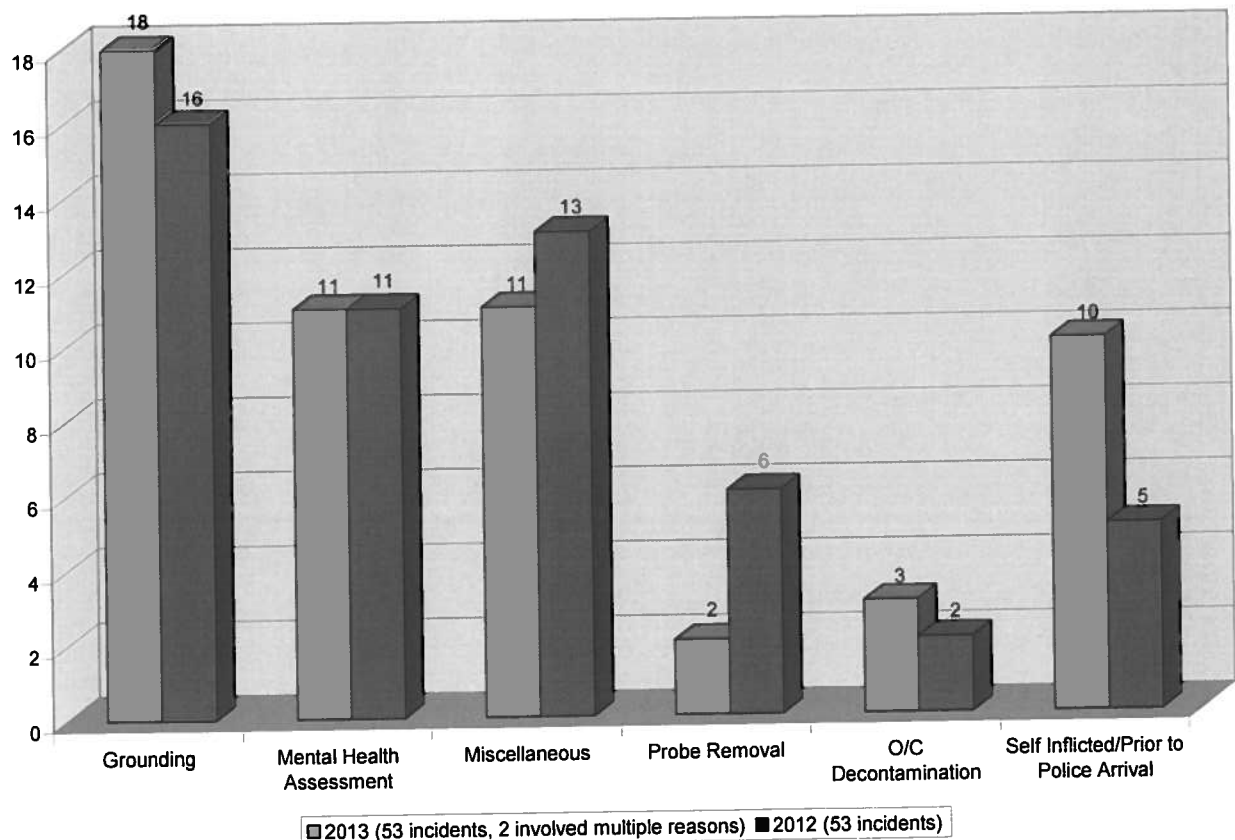


Suspects/Police Officers Injured/Require Medical Attention:

In 2013 there were 53 incidents in which either a subject, a police officer or both, were reportedly injured, with 50 subjects injured or requiring medical treatment and 11 officers injured. There were 53 incidents in 2012 where a subject and/ or police officer required medical attention. In one of the 2013 incidents the subject was fatally shot by police. In the majority of all other incidents the injuries to both officers and subjects were reportedly minor in nature.

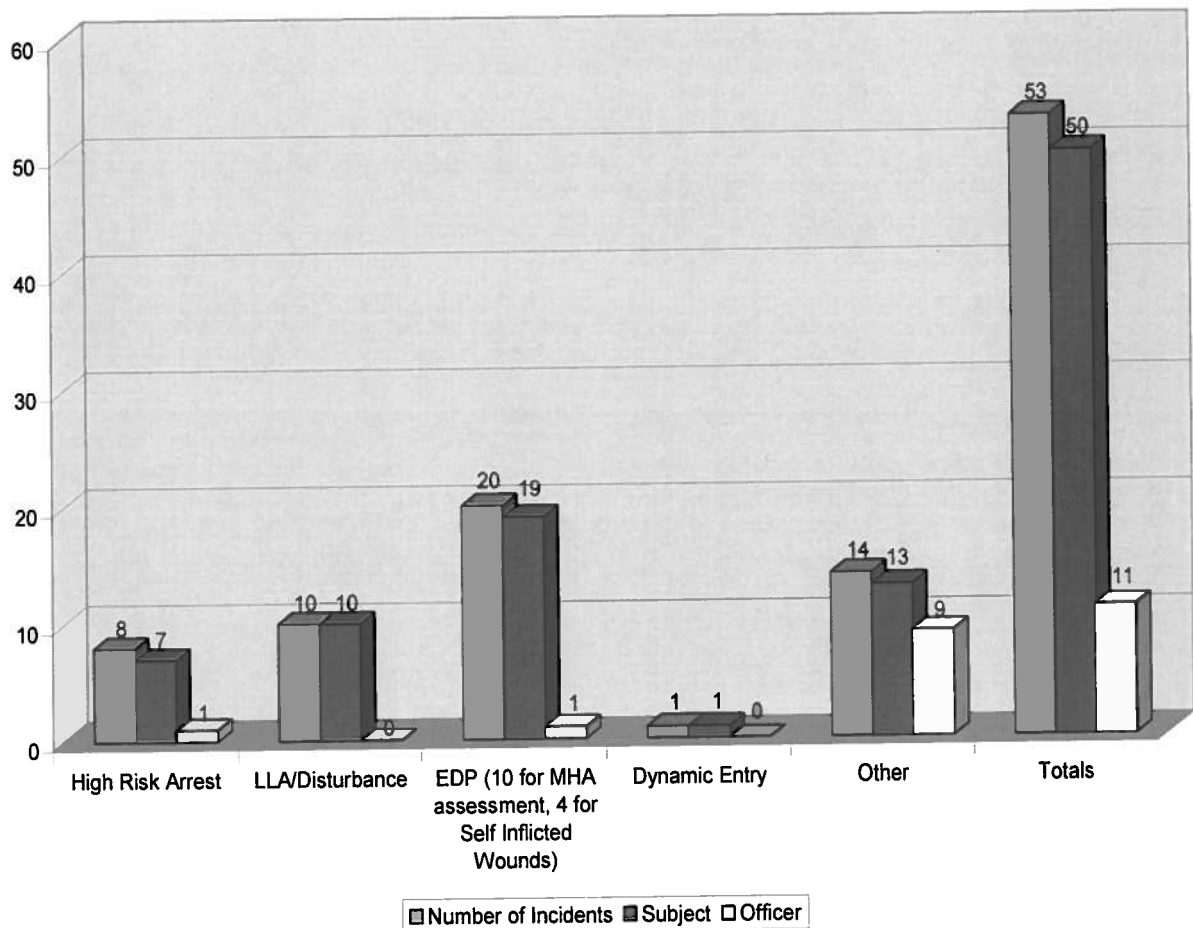
The reasons/causes for either a subject or officers receiving an injury or requiring medical attention in 2013 are as follows: Grounding-18 incidents, Mental Health Assessment-11 incidents, Miscellaneous-11 incidents Self Inflicted/Occurred prior to Police Arrival-10 incidents, O/C Decontamination-3 incidents, and CEW Probe Removal-2 incidents. In one incident the subject required medical attention for both Mental Health Assessment and O/C Decontamination and another incident for self inflicted wounds as well as CEW probe removal. Note: the 11 miscellaneous incidents include incidents where the subject or officer was injured due to punches, knee strikes, baton strikes, physical struggle, fell down, etc.

Reason/Cause of Injury/Medical Attention 2013-2012



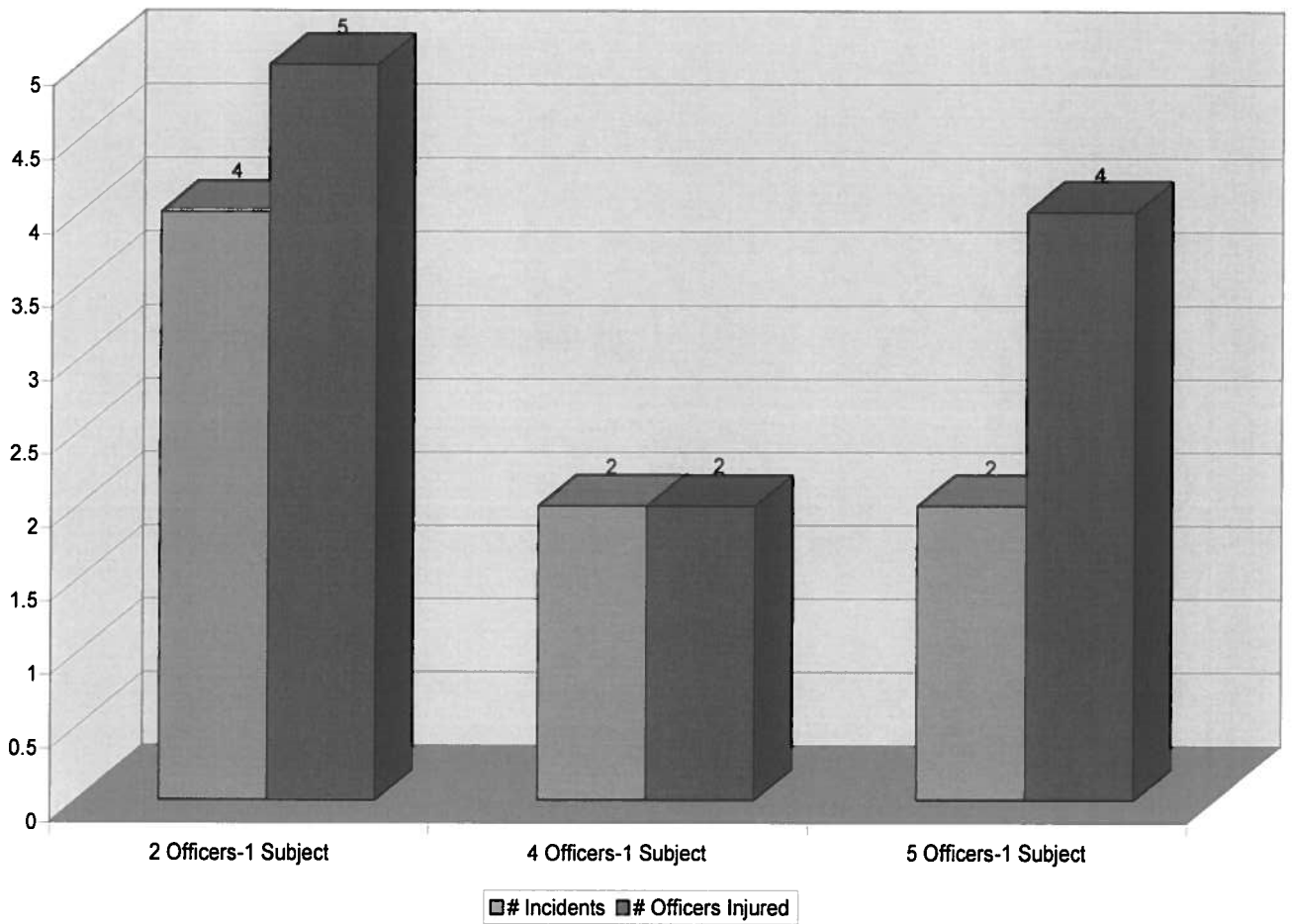
With respect to injuries by incident type, the majority of subjects were injured/required medical attention as the result of an Emotionally Disturbed Person/Mentally Ill Person incident (20 incidents). However, in 10 of the EDP incidents the subject was taken to the hospital for a mandatory mental health assessment and in four of the incidents the subjects required medical attention for self inflicted injuries.

Subject/Officer Injury by Incident Type



There were 8 incidents where an officer was injured for a total of 11 officers injured. In three of the 8 incidents, 2 officers were injured. The officers to subject ratio is as follows: 4 incidents where 2 officers and 1 subject were present and a total of 5 officers were injured. 2 incidents where 4 officers and 1 subject were present and a total of 2 officers were injured and 2 incidents where 5 officers and 1 subject were present and a total of 4 officers were injured. All officer injuries were reportedly minor in nature.

#Officers Present vs #Subjects and #Officers Injured



Use of Force Incidents and Suspect's Weapons:

In 2013 there were fifty incidents reported where the suspect was actually carrying or had access to a weapon close-by. In four of the incidents the suspect(s) had access to more than one weapon type for a total of 54 weapons. An edged weapon of some type was the most frequently reported involving 20 knife incidents. There were 14 incidents where a firearm/replica/toy gun was used and in 2 incidents a vehicle being driven at the officer was identified as the weapon.

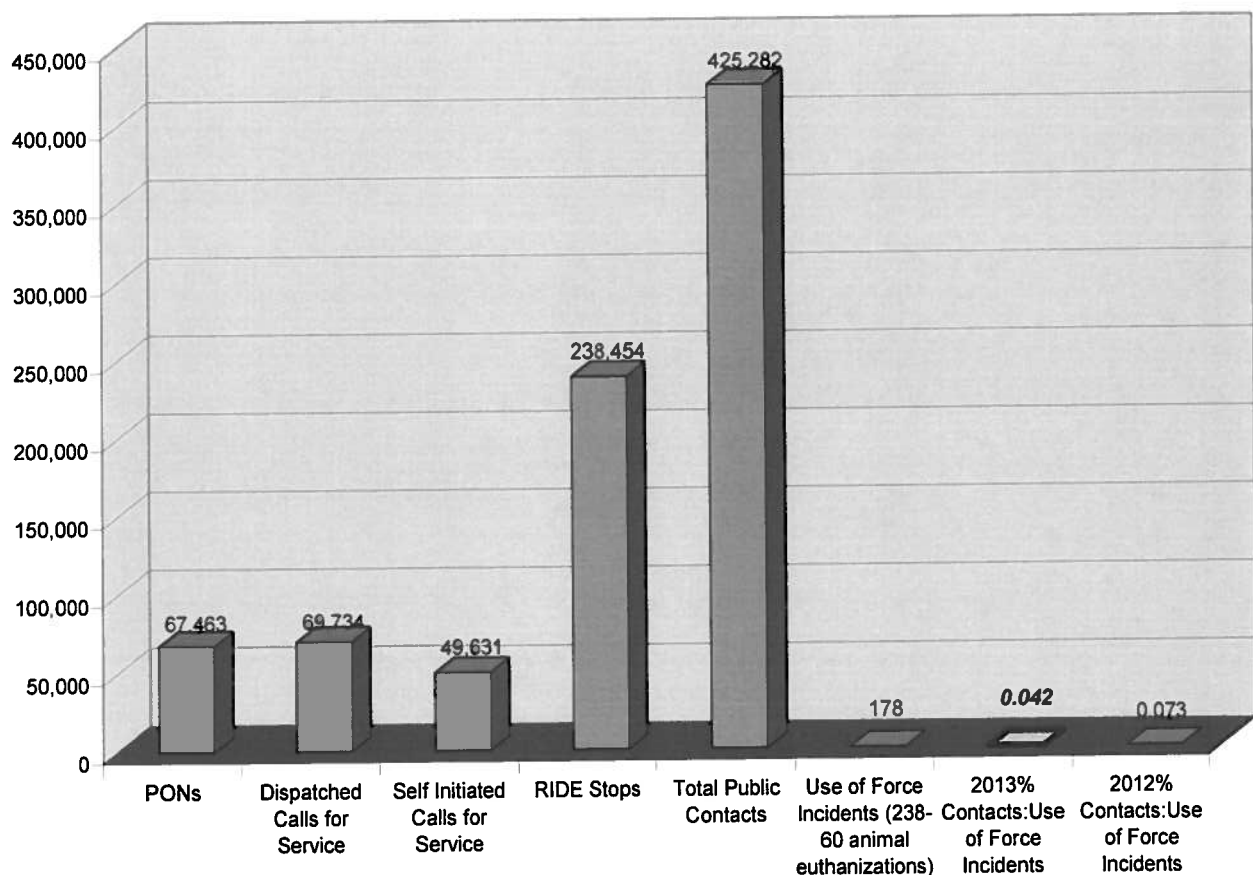
Suspect's Weapons	
Weapon	Number of Incidents
Knife	20
Axe	2
Machete	1
Scissors	1
Baseball bat	1
Shovel	1
Hammer	2
Vehicle	2
Firearm/Replica/Pellet Gun	14
Club	1
Broken Glass Bottle	1
Dog	1
Electric Cutting Tool	1
Golf Club	1
Hypodermic Needle	2
Hockey Stick	1
Wooden Toy Car	1
Boiling Water	1
Total	50 incidents, 54 Weapons (4 incidents involved more than 1 weapon type)

Use of Force in Relation to Public Contacts:

In 2013 members of the Hamilton Police Service were involved in 238 incidents where a Use of Force report was submitted including 60 animal euthanizations. However when compared to the total number of contacts* the police had with the public, only .042% of contacts resulted in a Use of Force incident. The Service also arrested 7,061 suspects resulting in a Use of Force incident rate of 2.5%.

*Public Contact and Arrest data supplied by Planning and Research.

Public Contacts versus Use of Force Incidents



Conclusion/Trends:

During the 14 year period from 2000-2013 the average number of reported incidents is 264 per year, with a low of 229 incidents in 2002 and a high of 317 incidents in 2005. There were 238 reported incidents in 2013, which is lower than the 14 year average.

1. The number of times an Officer discharges a firearm increased to 62 incidents in 2013. The average since 2009 is 45 discharges per year. This is directly attributable to the number of times in which Officers are being called upon to euthanize injured animals. Hamilton officers euthanized 60 animals in 2013.
2. There is a marked decrease in the use of Empty Hands-Soft (-46%) and to a lesser extent Empty Hands-Hard (-9%) in 2013 compared to 2012. However the use of these options is still higher than their 6 year average.
3. The use of Aerosol Weapons has reached a plateau in the last several years with an average of 22 incidents per year since 2009 and only 13 incidents in 2013. As per the O/C versus CEW Use chart on page 9 the relative low use of OC weapons in 2005 when compared to other years appears to have a direct correlation with the introduction of the CEW. However the decline in OC weapons use in recent years does not appear to be linked to CEW use.
4. The introduction of the CEW in late 2004, early 2005 had an immediate impact on how Police Officers use force but its use has generally declined in subsequent years. In 2013 CEW use decreased from 49 incidents in 2012 to 41 incidents in 2013, which is below the nine year average of 46 incidents per year. However the CEW is deployed more often in the Force Presence/Display mode accompanied by a steady decrease in contact/push stun mode use.
5. Uniform Patrol is the Branch of the Service most likely to encounter incidents requiring an application of Force and therefore submits the most Use of Force reports.
6. This is the sixth year that Use of Force incidents have been tracked by number of incidents per month. There does not appear to be a significant relationship between month of the year and number of Use of Force incidents per month other than they seem to plateau in May, June and July and decrease in November and December. Data from future years should solidify/confirm any trends.
7. This is the sixth year that Use of Force incidents have been tracked by number of incidents per day of the week. It appears that that the incident rate goes down on Monday, rises to a peak on Thursday and plateaus over the weekend. There is no obvious explanation for this pattern. Again, data from future years should solidify/confirm any trends.
8. This is the sixth year that Use of Force incidents have been tracked by the time in which they occurred. It is clear when comparing the 2008-2013 data that the bulk of Use of Force incidents occur in the eight hour period between 2001 to 0400 hours. The least

number of incidents occur between 0401-1200 hours. The number of incidents begins to rise from 1200, peaking between 2001 and 2400 hours. Data from future years should solidify/confirm any trends.

9. This is the third year where Suspects' Weapons has been tracked. It is clear that an edged weapon of some type is the weapon of choice. In 2013, 20 of 50 incidents involved a knife and in 2012, 27 incidents involved a knife. Use of Force training should continue to emphasize Knife Defence techniques.

10. This is the third year in which Officer and Subject injuries have been tracked. The injury rate for both Officers and Subjects is relatively low (11 Officers and 50 Subjects) and it is clear that the use of Empty Hands Hard-Grounding Techniques is the most common cause of injury to both Officers and Subjects. Use of Force should continue to train officers in proper Grounding techniques.

11. The Use of Force incident rate is extremely low when put into the context of total public contacts (425,282) compared to Use of Force incidents (178 incidents; 238 incidents minus 60 animal euthanizations), resulting in a Use of Force reporting incident rate of .042%. In addition the Hamilton Police Service arrested 7,061 individuals in 2013 of which, 2.5% of arrests resulted in a Use of Force reported incident.