



# NIAGARA REGIONAL POLICE SERVICE

## Police Service Board Report

**PUBLIC AGENDA**

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**Subject:** Annual Report – Use of Force – January 1 to December 31, 2023  
**Report To:** Chair and Members, Niagara Police Service Board  
**Report Date:** 2024-05-16

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### **Recommendation(s)**

**The Niagara Regional Police Service Board (Board) receives this report for information.**

### **Key Facts**

- The purpose of this report is to provide the Board with the required information pursuant to Board By-Law 506-2024 relating to procedures on the use of force.
- Board By-Law 346-2014, enacted in response to Ontario Regulation 926 under the Police Services Act, 1990 and the corresponding Provincial Adequacy Standard AI-012 Use of Force, were in force during the review period of this report.
- Board By-Law 506-2024 Use of Force, enacted in response to Ontario Regulation 391/23 – Use of Force and Weapons and Ontario Regulation 87/24 – Training, contains provisions requiring the Chief of Police to report specific information in order to ensure compliance with legislated requirements under the Community Safety and Policing Act (CSPA), which came into force on April 1, 2024.

### **Financial Considerations**

There are no financial implications relating to the recommendations contained in this report.

### **Analysis**

By-Law 506-2024 section 5.2 details specific annual requirements that are to be reported as follows:

The Chief shall make written reports to the Board, including but not limited to an annual report on the use of force/training issues, which shall disclose the following information and be made available to the community:

- a) use of force trends and the Service response to such trends, as disclosed by the procedures referred to in section 4.2.1 of the By-Law and in accordance with prescribed Regulations and Adequacy Standards;
- b) all matters in which Part B of the use of force report that were retained for more than the required timeframes outlined in section 17(1), (2) and (3) of Ontario Regulation 391/23: Use of Force and Weapons made under the CSPA;
- c) all matters in which Part B of the use of force report was retained for more than 30 days, the reasons therefore, and the action taken in respect of members in connection with the retained report;
- d) in respect of training whether use of force training meets or exceeds Ministry standards as amended from time to time;
- e) in respect of training the number of members who did not successfully complete the required training, the reasons for not so doing and the remedial action taken;
- f) a summary of all reports made pursuant to sections 4.4.1. and 4.4.2 of the By-Law regarding the discharge of firearms;
- g) the nature of critical incident trauma aftercare available pursuant to section 4.8 of the By-Law and the number of members using the aftercare arrangements;
- h) Service compliance with equipment standards of the Ministry as amended from time to time;
- i) a summary of Service policy regarding disposition of old equipment and comment on Service compliance with the policy;
- j) anticipated changes in the cost of any of the above matters to be considered in the budget for the ensuing year, which information shall also be included in the training program budget submitted to the Board.

The following is a detailed response to each of the above noted requirements:

- a) use of force trends and the Service response to such trends, as disclosed by the procedures referred to in section 4.2.1 of the By-Law and in accordance with prescribed Regulations and Adequacy Standards:

Please see Appendix A - 2023 Use of Force Statistical Analysis Report.

## TRAINING

- b) all matters in which Part B of the use of force report that were retained for more than the required timeframes outlined in section 17(1), (2) and (3) of Ontario Regulation 391/23: Use of Force and Weapons made under the CSPA:

There were no applicable matters in the reporting period.

- c) all matters in which Part B of the use of force report was retained for more than 30 days, the reasons therefore, and the action taken in respect of members in connection with the retained report:

There were no applicable matters in the reporting period.

- d) in respect of training whether use of force training meets or exceeds Ministry standards as amended from time to time:

Use of force training is scheduled and conducted in a manner that meets or exceeds Ministry Standards. Officers participate in use of force certification/recertification at least once every 12 months. Training Unit instructors are accredited through the Ontario Police College to deliver de-escalation, use of force and firearms training. Training follows O. Reg. 87/24: Training, O. Reg. 391/23: Use of Force and Weapons and Ministry of Solicitor General's Use of Force Guidelines regarding training on communication, physical control, impact weapons, aerosol weapons, conducted energy weapons, and firearms. Training includes legal requirements, the exercise of judgement, safety, theories relating to the use of force, and practical proficiency; delivered via classroom presentation and scenario-based training activities. This ongoing training is to ensure that an officer can assess a situation quickly to determine the appropriate response and to evaluate whether a physical method is required to subdue an individual, or to prevent injury to the individual, the officer, or a member of the public.

- e) in respect of training the number of members who did not successfully complete the required training, the reasons for not so doing and the remedial action taken:

Every year, a small number of members are unable to participate in use of force training due to medical restrictions. In accordance with section 4.3 of the By-Law, and regulations under the CSPA, those members are not deployed to positions that require use of force capabilities until their medical conditions allow them to receive the required use of force training. Of all those members who participate

annually in use of force training, there is generally a small percentage, typically in the firearms requalification, who are required to make a second attempt to achieve the provincial adequacy standard. They are afforded that opportunity to do so as soon as possible, usually the same day. During the reporting period all active-duty members were able to achieve the training standard at first attempt or following remedial opportunities.

- f) a summary of all reports made pursuant to 4.4.1. and 4.4.2 regarding the discharge of firearms:

Section 4.4.1 states that *"The Chief shall ensure that all reports on investigations of death or injury resulting from the discharge of a firearm made pursuant to section 9 of O. Reg. 391/23: Use of Force and Weapons are submitted to the Board within 30 days of such incident occurring"*.

Section 4.4.2 states that *"The Chief shall immediately cause an investigation and file a report to the Board where a member, by the discharge of a firearm in the performance of his or her duty, kills or injures another person"*.

In 2023, one use of force interaction led to the discharge of a firearm, resulting in the death of the subject. In this single incident, the Special Investigations Unit (SIU) was notified and commenced an investigation. The SIU is an independent civilian law enforcement agency that is responsible for investigating circumstances involving police that have resulted in death or serious injury, or if a firearm was discharged at a person. The incident has been cleared by the SIU Director who noted that the involved officers acted lawfully.

- g) The nature of critical incident trauma aftercare available pursuant to section 4.6 of the By-Law and the number of members using the aftercare arrangements:

Service General Order 09.12: Psychological Wellness Programs sets out policy and procedures with respect to the Critical Incident Response facilitated by the Member Support Unit and Peer Support Team, backed by the Service Psychologist and Mental Health Clinician. The teams provide immediate support to members who are involved in a critical incident by organizing a defusing/debriefing and check in with members at regular intervals to offer additional support or to connect members and their families with community resources from a list of pre-screened mental health practitioners. The Member Support Unit also operates an Early Intervention program that monitors members' cumulative exposure to critical incident trauma and ensures that members receive the appropriate level of support.

Further, General Order 254.03: Reintegration Program sets out policy and procedure for supporting members in dealing with the natural stress of critical incidents and exposure to stressful events. Support is provided through delivery of a program integrating exposure, drills and scenarios that have been individualized to the needs of each participating officer and their situation.

Details and statistics on critical incident trauma aftercare programs are reported to the Board annually by the Member Support Unit.

- h) Service compliance with equipment standards of the Ministry as amended from time to time:

There were no amendments to equipment standards during this reporting period.

- i) a summary of Service policy regarding disposition of old equipment and comment on Service compliance with the policy:

The disposal of Service firearms is initiated by the Training Unit, or Quartermaster Stores. Disposal is conducted by the Firearms Officer and the procedure is consistent with that prescribed for seized or received firearms, as set out in General Order 035.13: Evidence and Property Management.

- j) anticipated changes in the cost of any of the above matters to be considered in the budget for the ensuing year, which information shall also be included in the training program budget submitted to the Board:

On April 1, 2024, the Police Services Act R.S.O 1990 was replaced on by the CSPA (2019) and relevant regulations, including O. Reg. 391/23: Use of Force and Weapons and O. Reg. 87/24: Training. The new legislation sets training requirements that will significantly impact on the capacity of the Training Unit to deliver initial and re-certification training, in accordance with a prescribed schedule and following prescribed training standards. The new training regulation mandates Mental Health Crisis Response Training to all sworn members of the Service, delivered via an initial course and re-certification training within every 12 months. Immediate Rapid Deployment training delivered via a 3-day basic course and re-certification training within every 24 months. Incident Command training for front line patrol and supervisory position up to and including Critical Incident Commanders. Patrol Carbine initial 4-day training and re-certification within every 12 months for all member assigned to front line patrol. Additionally, there are new mandates for re-certification training of Training Unit instructors and the provision of appropriate resources to ensure their ongoing professional development, in

order to meet the growing needs of the Service. To meet the demands of this new mandated training, the Training Unit will require the addition of five full-time constables and one full-time sergeant, at an annual recurring cost of approximately \$921,300.00.

### **Alternatives Reviewed**

Not applicable.

### **Relationship to Police Service/Board Strategic Priorities**

To comply with the Board By-Law 506-2024 – Use of Force

### **Relevant Policy Considerations**

Police Service Board By-Law 506-2024 – Use of Force  
O. Reg. 391/23: Use of Force and Weapons made under CSPA  
Provincial Adequacy Standard AI-012  
General Order 053.25 – Use of Force

*This report was prepared by Paul Koscinski, Inspector, Professional Development, reviewed by Sandy Staniforth, Superintendent, Executive Services. Recommended by Luigi Greco, Deputy Chief, Support Services.*



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### **Submitted by:**

Bill Fordy, O.O.M #9615  
Chief of Police

### **Appendices**

Appendix A - 2023 Use of Force Statistical Analysis Report

## Appendix A - 2023 Use of Force Statistical Analysis Report

The following Statistical Analysis Report will review 2023 use of force data collected through mandatory use of force reporting, as outlined in this Appendix forming the Chief's annual report to the Board, directed by Board By-law 506-2024 and specific to section 5.2:

**a) use of force trends and the Service response to such trends, as disclosed by the procedures referred to in section 4.2.1 of the By-law and in accordance with prescribed Regulations and Adequacy Standards:**

The Service's General Order 053.25 provides direction to Members on the use of force and details the procedures to be followed in the reporting of use of force.

A member shall submit a report through the chain of command to the Chief of Police, in the manner prescribed, whenever the member:

- (a) draws a handgun in the presence of a member of the public, excluding a member of a police service while on duty;
- (b) points a firearm (including a long-gun, shotgun or carbine) at another person or discharges a firearm;
- (c) uses Oleoresin Capsicum (OC) aerosol spray and/or OC Fogger on another person;
- (d) draws and displays a conducted energy weapon to a person with the intention of achieving compliance;
- (e) points a conducted energy weapon at a person;
- (f) discharges a conducted energy weapon;
- (g) uses a weapon other than a firearm on another person;
- (h) uses force on another person, including through the use of a horse or a dog, that results in an injury requiring the services of a physician, nurse or paramedic;
- (i) uses a police service dog when such use results in a dog bite; or,
- (j) uses approved Emergency Task Unit weapons or ammunition.

Use of force reporting is prescribed by Ontario Regulation 391/23, which came into force on April 1, 2024.

During the review period of this report, Ontario Regulation 532/22 was in force and reporting was mandated in section 14.5 (1), which outlined the requirements when a member of a police service was required to submit a use of force report; and sections 14.6 (1) and 14.7 (1), which outlined when individual and team reporting in relation to use of force was directed.

An individual report refers to the submission of an electronic use of force report by an individual officer, or by an immediate supervisor if the officer is unable to submit a report.

A team report may be submitted by two or more officers acting in co-ordination in response to a single event; the supervisor of a containment team, tactical unit or hostage rescue team, or an officer designated by the supervisor, on behalf of all the officers if, one or more members do any of the following:

1. A member draws a handgun in the presence of a member of the public.
2. A member points a firearm at a person.
3. A member draws and displays a conducted energy weapon to a person with the intention of achieving compliance.
4. A member points a conducted energy weapon at a person.

If a member has taken an action in relation to which a use of force report must be completed, other than an action set out in paragraphs 1 to 4 above, the officer must personally complete a use of force report in relation to all actions taken by the officer; and a supervisor or officer designated by the supervisor may submit a use of force report on behalf of all the remaining officers.

An incident requiring the response of multiple officers, or the deployment of the Emergency Task Unit (ETU) can result in the submission of multiple use of force reports.

## **PUBLIC INTERACTIONS VS USE OF FORCE INCIDENTS**

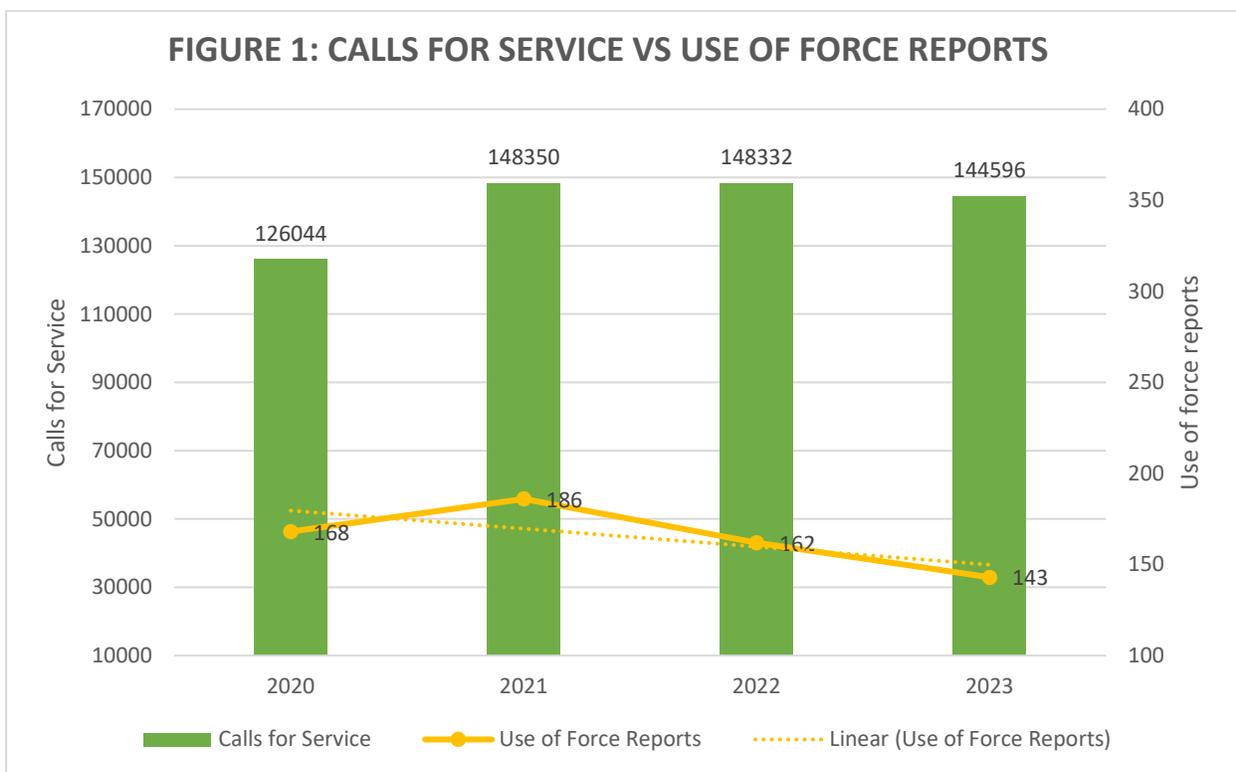
In 2023, members of the Niagara Regional Police Service (NRPS) responded to 144,596 calls for service, documented as incidents in the Records Management System. The number of calls for service does not represent the total of interactions between members of the Service and members of the public. Total interactions are difficult to enumerate as there are often more than one person the police encounter on

any given call; traffic stop, which may not even be recorded as an incident; community engagement; or any other public contact.

Of the total 144,596 recorded incidents and countless other public interactions, there were 143 use of force report submissions, which included 97 individual reports and 46 team reports. This means that in 2023 approximately 0.09% of all recorded public-police interactions resulted in a use of force report.

As indicated above, team reports can be submitted when a handgun is drawn, firearm pointed at a subject, or a conducted energy weapon is drawn, displayed, or pointed at a subject. Individual reports are submitted in the same circumstances by a single responding officer or when the officer applies force that requires the submission of an individual report.

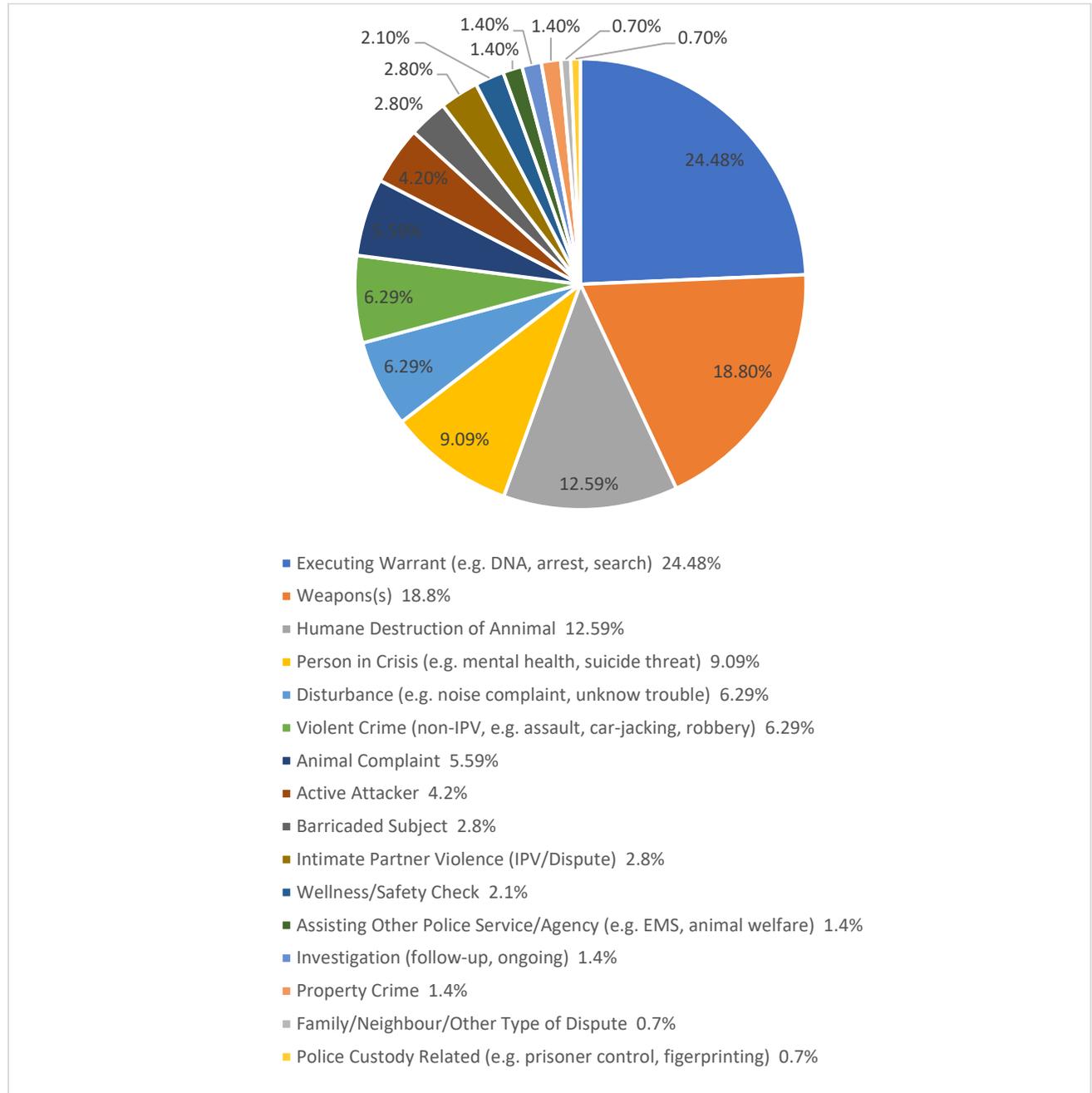
Please see Figure 1, for comparison of calls for service and use of force reports from 2020 to 2023.



## INCIDENT TYPES

The top 3 incident types during which use of force reports were submitted were Execution of a Warrant (24.48%), Weapons (18.18%), and Humane Destruction of An Injured Animal (12.59%), which made up for more than 55% of all incident types. The next 3 highest frequency incidents resulting in use of force report submissions were Person in Crisis (9.09%), Disturbance (6.29%) and Violent Crime (excluding Intimate Partner Violence - 6.29%). These six categories or incident types made up more than 75% of all use of force reports.

**FIGURE 2: 2023 USE OF FORCE - INCIDENT TYPES**



## Incidents Involving Weapons

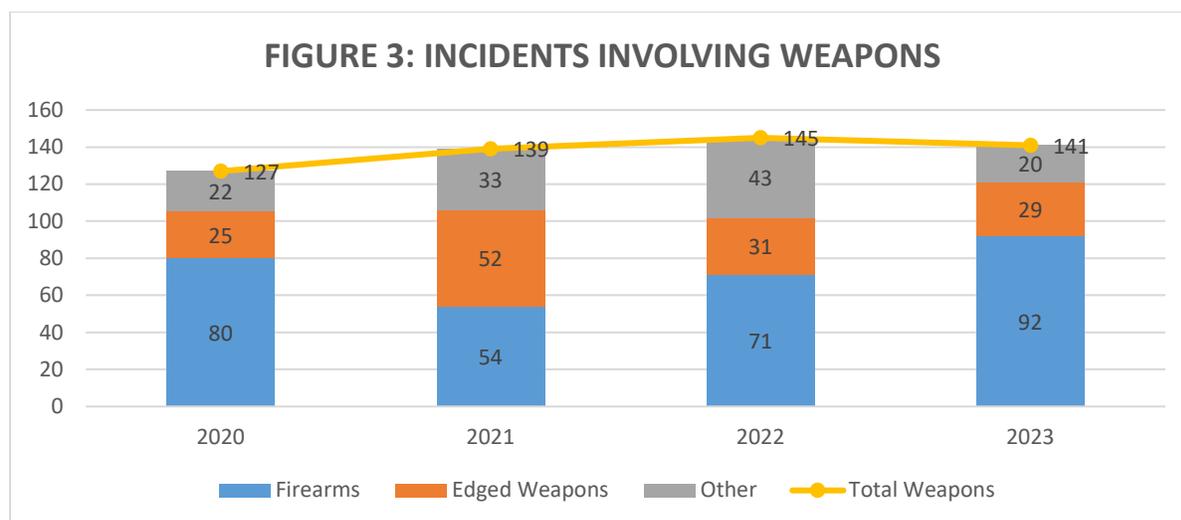
Members draw their firearms when they reasonably believe it is necessary to protect themselves or the public against the threat of serious bodily harm or death. Most use of force report submissions occur when officers respond to weapon-related incidents, or when they reasonably believe that they will encounter weapons during the execution of a warrant, or when a weapon was involved in the incident precipitating police response.

## Incidents with Armed Subjects

In 2023, members submitted use of force reports in response to incidents involving a total of 162 subjects, 125 of whom were believed to have had access to weapon(s). The circumstances of each use of force incident vary, and officers must consider many different factors when deciding on the most appropriate response. Reported weapons data reflects all the information available to officers at the time of response and may include their belief that a subject was armed with more than one weapon.

According to use of force report data, the 125 armed subjects were believed to have had access to 141 weapons: 70 were believed to have been a firearm within reach, 5 were firearm in the subject's hand, and 17 firearms were on their person. Additionally, members encountered 6 impact weapons, 29 subjects edged weapons, 14 weapons of opportunity described as other, including impact weapons, and 1 vehicle used as a weapon.

The number of armed subjects has remained relatively unchanged over the past 3 years, and the number of subjects armed with firearms has fluctuated, with the highest number recorded in 2023 at 92. Please see Figure 3 for a breakdown of subjects armed with firearms and other weapons from 2020 to 2023.



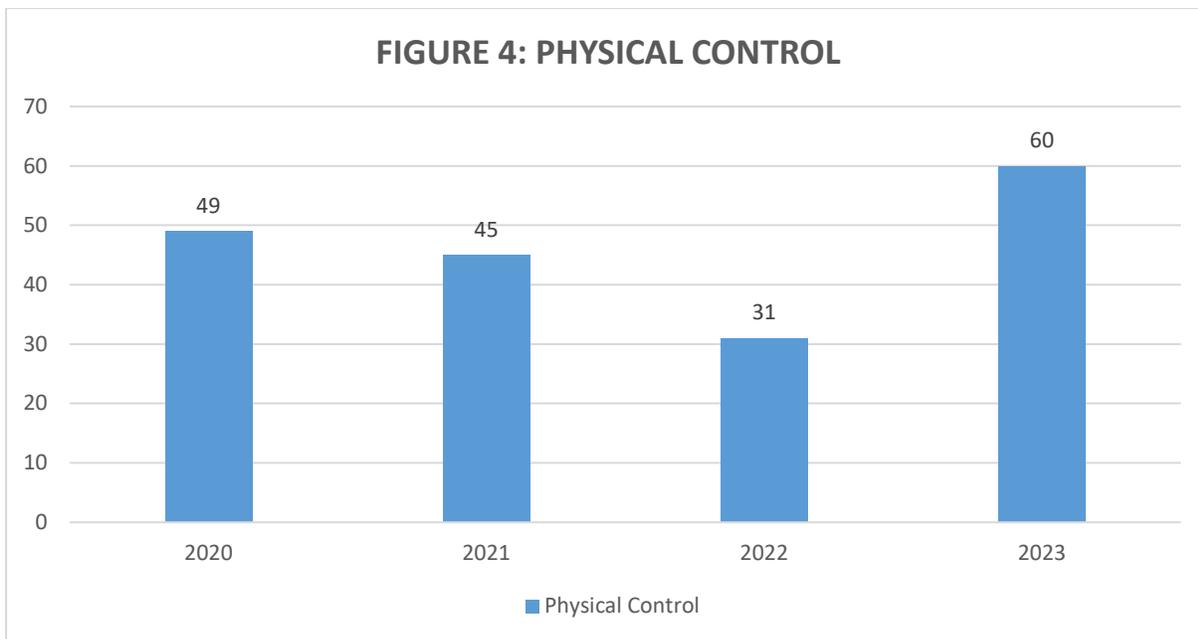
## **USE OF FORCE OPTIONS**

## **Physical Control**

The use of physical control refers to the application of physical force upon a subject and includes soft techniques such as controlling an arm/wrist and hard techniques such as a strike or a grounding technique. The mere act of escorting a subject or placing them in handcuffs is an example of physical control but does not require a use of force report to be submitted.

Use of force reports are mandated following the application of physical control techniques, only if the subject requires medical attention. For example, if an officer strikes and/or grounds an assaultive subject and the subject sustains an injury that requires medical attention, a use of force report must be submitted. A use of force report may also be required when physical control techniques are used in combination with other use of force options, and not necessarily because of injuries requiring medical attention.

In 2023, physical control techniques were reported on 60 occasions compared to 32 occasions in 2022, 45 occasions in 2021, and 49 times in 2020 (see Figure 4).

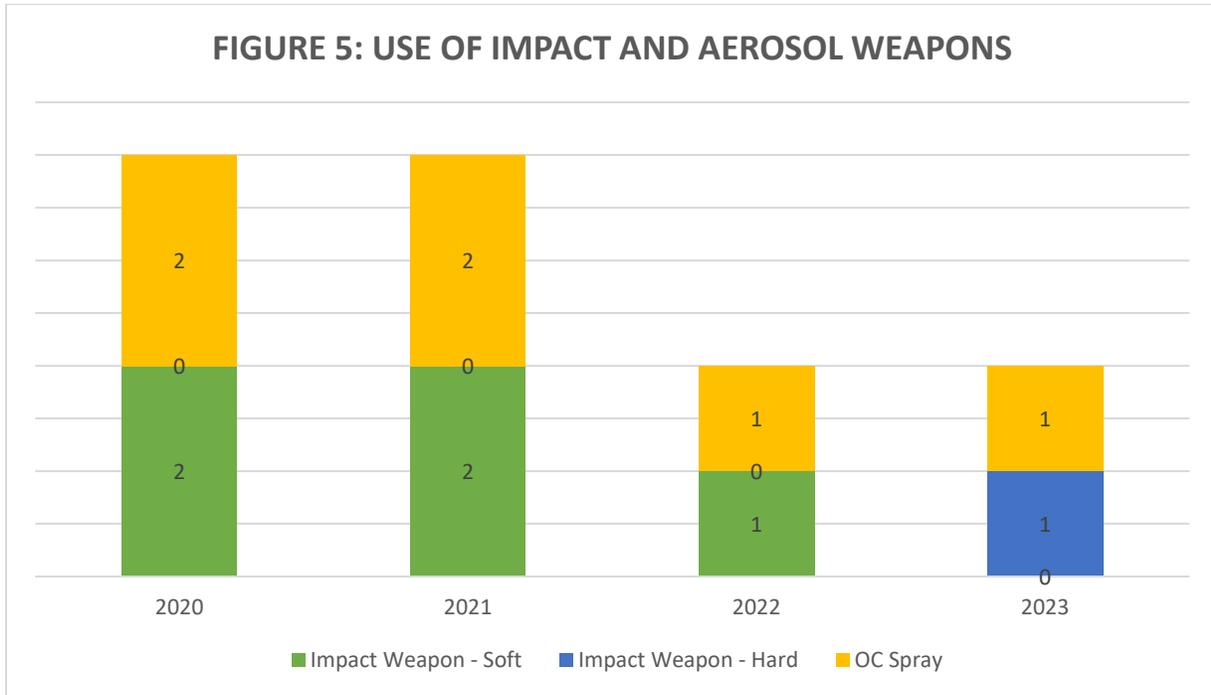


## **Impact and Aerosol Weapons**

OC spray (or pepper spray) is 100% organically based and is classified as an inflammatory agent designed to impair a subject psychologically and physically with no long-lasting effects.

In 2023, there was one application of OC spray, there were one application in 2022, two applications in 2021, and two in 2020.

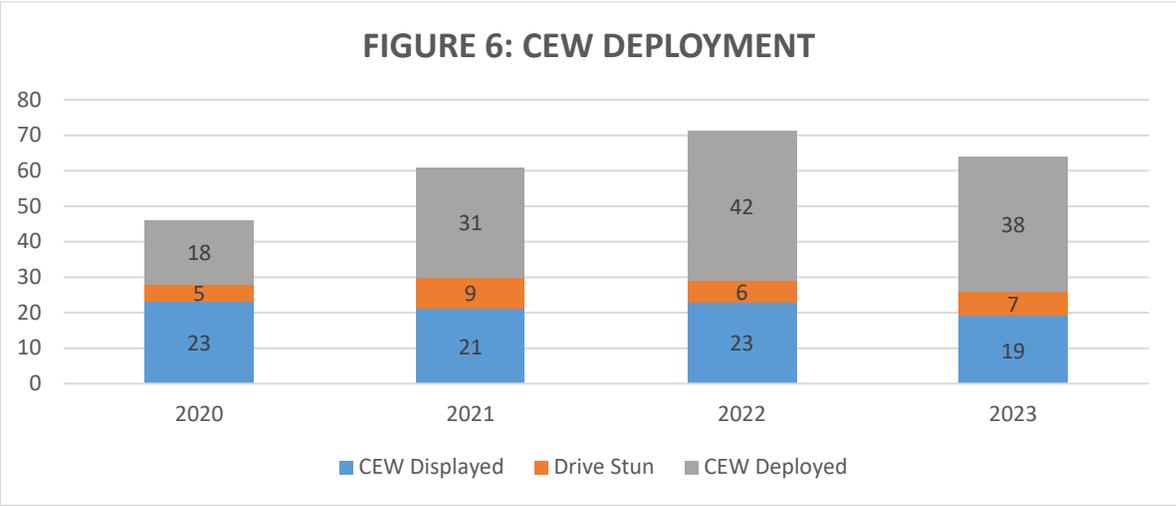
Impact weapons (batons) are deployed in 2 ways: hard (strikes) and soft (used as a lever to aid in physical control). In 2023, an impact weapon was used on one occasion in a hard application, in 2022 it was used on one occasion in a soft application, in 2021 on 2 occasions in soft applications, and in 2020 it was used on 2 occasions in soft applications (see Figure 5).



**Conducted Energy Weapon (CEW)**

The Conducted Energy Weapon (CEW) has proven to be an effective less-lethal option for police officers during use of force encounters. Often, the mere presence of a CEW on display has been effective in de-escalating volatile situations. Officers can utilize the CEW in three methods: demonstrated force presence, during which the CEW is pointed at the subject; CEW deployment, during which dart probes are deployed toward the subject to achieve neuromuscular incapacitation; and drive stun mode, which involves direct contact with of the CEW with the subject to achieve pain compliance.

In 2023, during use of force incidents, the CEW was displayed 19 times, CEW dart probes were deployed 38 times, and the CEW was used in drive stun mode 7 times. Please see Figure 6, for a breakdown of CEW uses from 2020 to 2023.

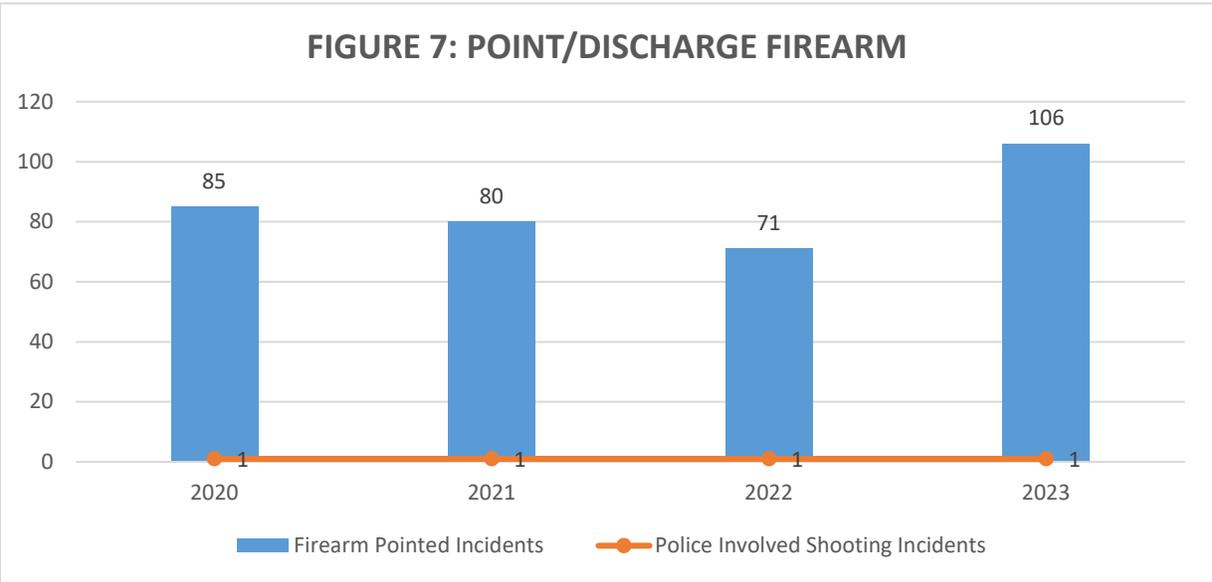


**Firearm**

In 2023, of the 143 use of force report submissions, 60 reports indicated that officers drew their firearms during an interaction with 106 subjects.

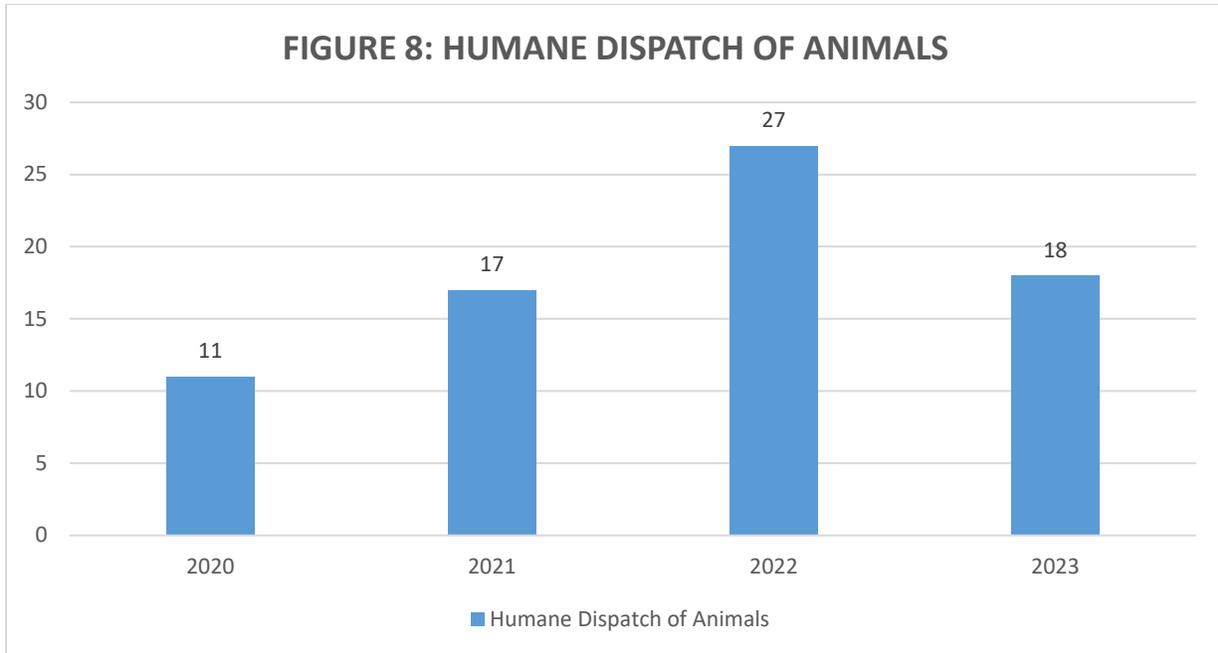
Of these reports, one use of force interaction led to the discharge of a firearm, resulting in the death of the subject. In this single incident, the Special Investigations Unit (SIU) was notified and commenced an investigation. The SIU is an independent civilian law enforcement agency that is responsible for investigating circumstances involving police that have resulted in death or serious injury, or if a firearm was discharged at a person. The incident has been cleared by the SIU Director who noted that the involved officers acted lawfully.

Figure 7 shows a breakdown of incidents involving the use of firearms during use of force encounters from 2020 to 2023.



## **Humane Dispatch of Animal**

In 2023, there were 18 use of force report submission respecting the discharge of a firearm to humanely dispatch an injured animal. The majority of these incidents involved wildlife that had been injured in traffic collisions.



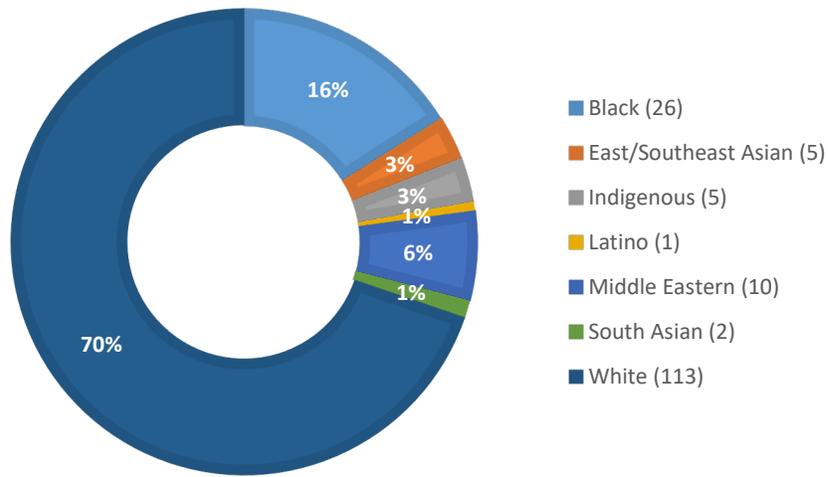
## **PERCEIVED SUBJECT RACE**

Beginning in 2020, the Anti-Racism Act, 2017 (ARA) required police services to report race-based data collected during interactions between the public and the police that resulted in a use of force report submission. The purpose for collecting race-based data, as stated by the ARA, is to eliminate systemic racism and advance racial equity.

The Ministry of The Solicitor General implemented a use of force report form that identified seven race-based categories and required officers to select which of the seven racial categories best describes the individual. The following were identified by the Ministry as the race categories: Black, East/Southeast Asian, Indigenous, Latino, Middle Eastern, South Asian, and White.

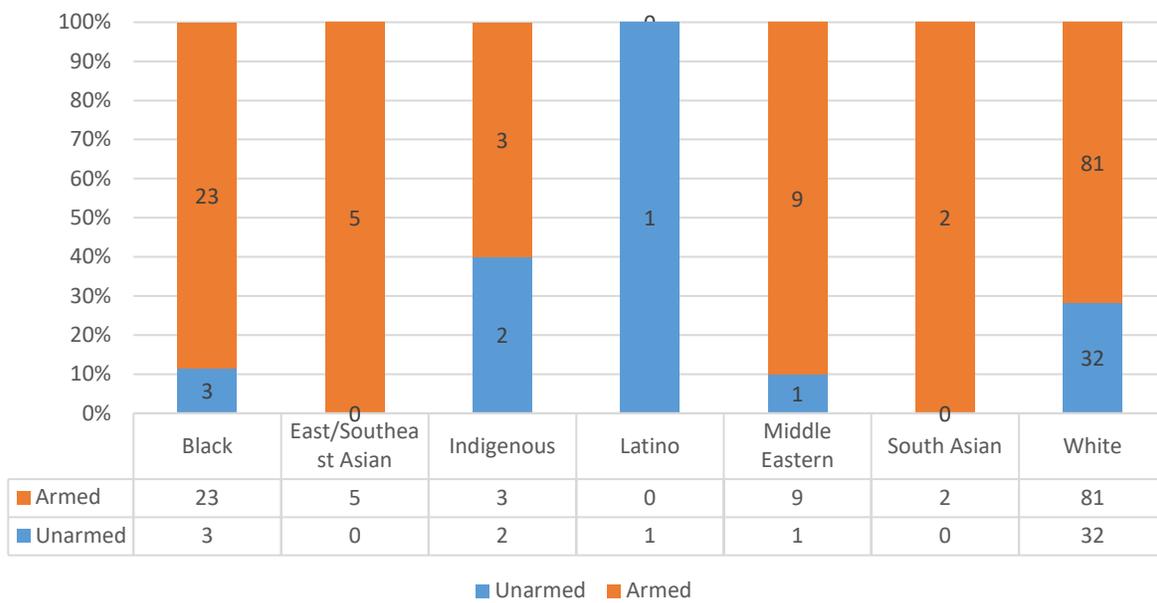
This question is mandatory and reporting officers can only select one of the race categories provided. If a person is perceived to be of mixed race the officer must choose the category that, in their view, the person most resembles. Inaccuracies in the collection of race-based data may exist as the subject may not self-identify and an officer's perception may be incorrect. This may contribute to an over-representation or under-representation of racial groups in use of force reporting.

**FIGURE 9: 2023 PERCEIVED SUBJECT RACE**



The analysis of 2023 race-based data shows that subjects who were perceived as White were involved in the largest proportion of use of force incidents at 70%, followed by subjects perceived as Black (16%), Middle Eastern (6%), East/Southeast Asian (3%), Indigenous (3%), South Asian (1%), and Latino (<1%). Subject perceived race data is aggregated by race category and does not take into account the individual circumstances of each interaction. On further review of use of force reports, there were many single interactions in which officers encountered multiple subjects perceived to belong to varied and distinct race categories.

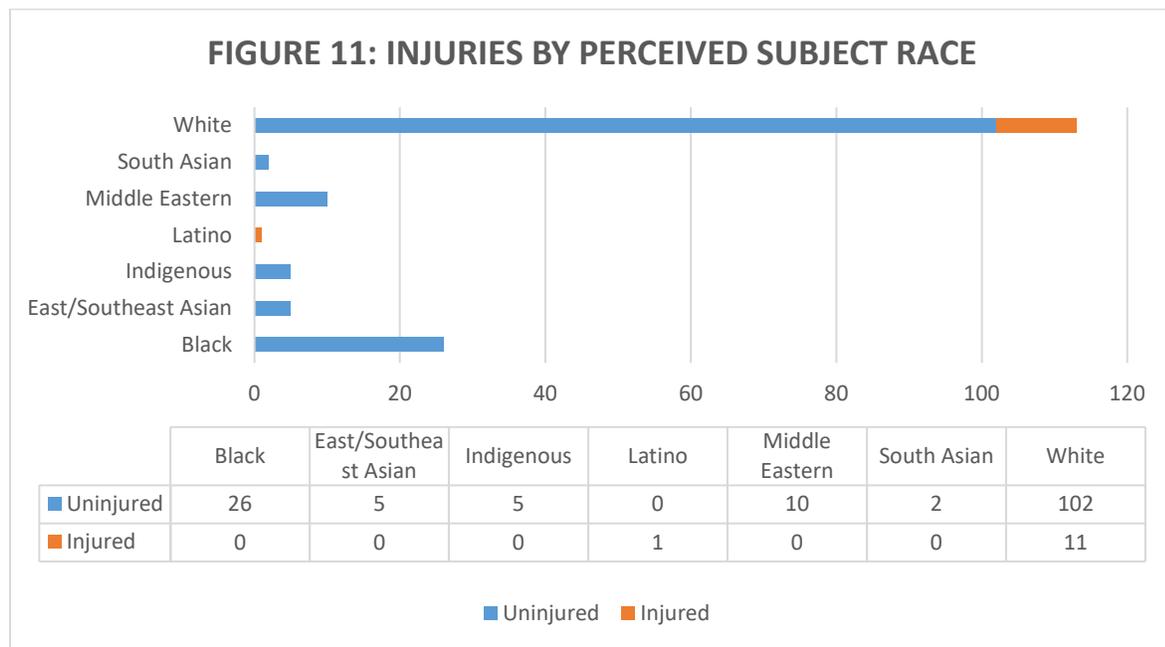
**FIGURE 10: 2023 ARMED VS. UNARMED SUBJECTS BY RACE**



In 2023, officers interacted with 162 subjects requiring the submission of use of force reports. Figure 9 illustrates the perceived race of these subjects. Of those 162 subjects, 125 were perceived to have access to weapons. Figure 10 illustrates the percentage of armed vs unarmed subjects by race category. The reason for including this statistic in the analysis of perceived subject race is that while the Service has undertaken other work to better understand disparities present in the interactions with racialized individuals, use of force reporting is an important marker to help better inform this understanding. More than 87% of all use of force reports indicate that access to weapons is a factor influencing officer response, which leads to a report submission. The main consideration at the start of every interaction involving weapons is public safety and officer safety, and the vast majority of use of force encounters are de-escalated by officers exercising tactics that limit the application of physical force.

### **Subject Injuries**

In 2023, officers interacted with 162 subjects during use of force encounters, of those 162 subjects 12 were physically injured during the interactions. Figure 11 illustrates subject injuries by perceived subject race.



### **CONCLUSION: USE OF FORCE TRENDS AND SERVICE RESPONSE**

The 2023 data indicates that use of force reports have decreased by 11.7% compared to the previous year and are generally trending lower over the past 4 years, with the exception of 2021. Given the dynamic nature of police encounters and the need to maintain public and officer safety, officers cannot eliminate the necessity to employ use of force options in certain situations. The Service continues to monitor use of force

encounters and collaborate with subject matter experts in an effort to facilitate relevant training aimed at enhancing officers' application of de-escalation strategies, critical decision-making skills and improved response to persons in crisis.

The extensive review of use of force reports revealed that regardless of race, officers used a proportionate and reasonable amount of force required in the circumstances of any specific incident. Use of force training continues to focus on subject behaviour and the appropriate and responsible assessment of relevant situational factors. The Service has implemented anti-racism training based on an assessment of Service and community needs.

In 2023, the Service delivered to all members a three-part series of online training entitled "Indigenous Perspectives", which included training on Residential Schools, and Racism and Healing – this training was made available to the Service by the Fort Erie Native Friendship Centre and produced in partnership with the Ontario Arts Council. The Service will continue to engage and collaborate with community partners and subject matter experts in the development of use of force training that is focused on de-escalation and eliminating bias.