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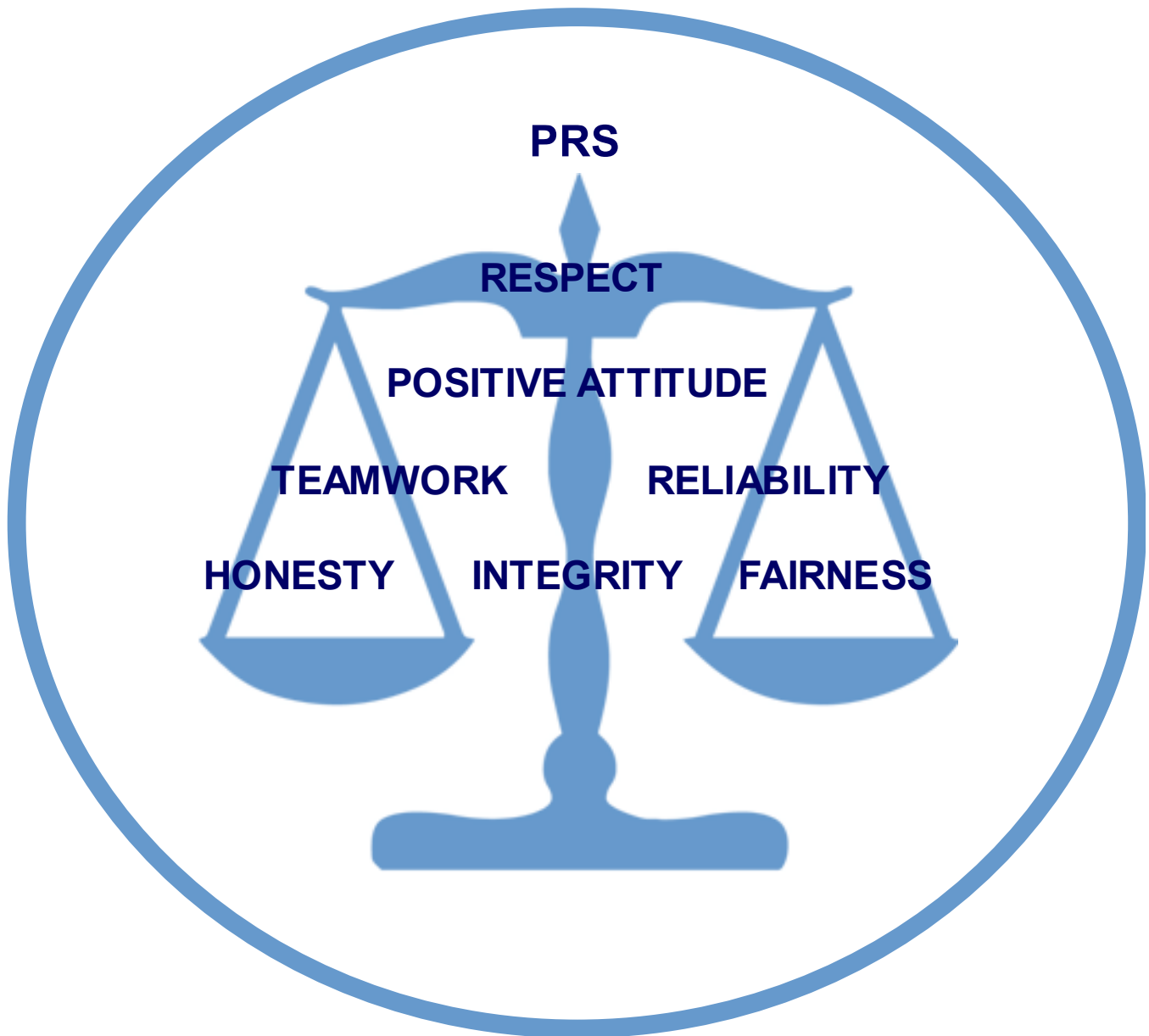
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PROFESSIONAL STANDARDS Annual Report

2011



Toronto Police Service
To Serve and Protect

Professional Standards
Semper Vigilis



Statistical information included in the Professional Standards Annual Report has been compiled from data contained in the Professional Standards Information System (PSIS) with additional data from individual units, including:

- Prosecution Services
- PRS-Investigations (Criminal and Conduct)
- Legal Services
- Awards
- Special Investigations Liaison Unit
- Toronto Police College
- Human Resources Management

The data contained in this report includes records entered into PSIS between January 1 and December 31, 2011 inclusive.

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Executive Summary

Professional Standards (PRS) provides effective support to the Toronto Police Service (TPS), ensuring that prescribed Service standards concerning the administration, promotion and support of professionalism are upheld. These standards include the practices, conduct, appearance, ethics and integrity of its members, with a goal to strengthen public confidence and co-operation within the community.

The Professional Standards Unit is comprised of the Investigative Unit, the Risk Management Unit, and Legal Services.

The Investigative Unit investigates all forms of complaints (criminal and conduct) alleged against Toronto Police members and is comprised of the following sub-units: Complaints Administration; Conduct Investigations; Criminal Investigations, and; Investigative Support Unit.

The Risk Management Unit is comprised of Awards, Information Security, Inspections Unit, Prosecution Services, SIU Liaison, Analysis & Assessment, and the Duty Desk. The unit performs a number of essential duties for the organization including: pro-actively analysing and reviewing trends and patterns in relation to high risk behavioural factors; conducting inspections; liaising with the province's Special Investigations Unit (SIU), and; preparing and prosecuting disciplinary charges against police officers.

Legal Services is comprised of: the main office which includes Counsel, Legal Researcher and two Law Clerks; Court Process office; Civil Litigation and Human Rights.

Professional Standards also provides a liaison function to other TPS units and committees (Disciplinary Hearings Office, Business Intelligence Unit, the Use of Force committee), as well as other external agencies (The Office of the Independent Police Review Director, SIU).

PRS Unit Initiatives

The Investigative Unit

In 2011, the Investigative Unit designed and implemented a new process for tracking side issues identified during investigations. The process includes a requirement for Unit Commanders to respond to the Unit Commander PRS-InV and advise of action taken to address those side issues. Members of the Investigative Unit continue to deliver ongoing training guidance and support to Unit Complaint Coordinators at all TPS Divisions and Units. This training has been expanded to delivering presentations to all frontline units and divisions. These presentations are in response to identified trends and issues regarding conduct that appear to be common throughout the service.

Complaints Administration

Complaints Administration sub-unit has implemented a number of changes to recording, reporting and tracking processes in 2011 to make complaint intake and tracking more efficient. The unit has also increased its utilization of functions available within the PSIS software to assist with efficiencies and improving reporting timelines relating to the OIPRD.

Prosecutions

In 2011, Prosecution Services continued to liaise with the Investigative Unit and other Risk Management Units to discuss both trends and conduct issues. These units also conduct quarterly meetings to review the status of suspended officers to determine the requirement for an ongoing suspension or if circumstances have changed which would allow an officer to return to administrative or full duties. The goal is to have the officer return to work more quickly as a positive productive employee, while also satisfying the principles of specific and general deterrence.

Information Security

In 2011, the Information Security Unit delivered training sessions regarding information and computer security, aimed at promoting stronger ethical and security awareness within the Service. Netpresenter was used each month as a mechanism to distribute security posters relating to information privacy, identity theft, passwords, viruses and other topical security issues. Unit members received enhanced training in computer forensics, and application security relative to the email and desktop operating system.

Awards

The Awards section continued to administer the TPS awards program, recognizing outstanding contributions and achievements by Service members and the public. The section continually looks for external awards that TPS members may be eligible to receive.

SIU Liaison

The SIU Liaison Unit continued to work with the provincial SIU to facilitate SIU investigations. Presentations were delivered by the SIU Liaison Unit in 2011 to Police constables responsible for coaching recruits in frontline uniform opera-

tions. These presentations emphasized frontline officers' roles and responsibilities when involved in incidents where the SIU has invoked their mandate.

Analysis & Assessment

In 2011 the Analysis & Assessment Unit provided trend analysis and statistical information to assist various Service units to ensure compliance with Service procedures relating to searches, pursuit training, and the processing of property. Enhancements were made to the Early Intervention program to provide a more comprehensive analysis to assist supervisors in developing a strategy that will best assist identified members. These improvements further strengthened the risk reduction capability of the EI program.

Legal Services

Legal Services continued to provide Counsel for TPS members, disclosure to the Crown, response to legal compulsion and liaison with outside counsel for Civil Litigation and Human Rights Tribunal of Ontario matters.

Highlights

The PRS Annual Report provides statistical comparisons and trend analysis on the following topics: awards; public complaints; civil litigation; external Applications to the Human Rights Tribunal of Ontario; Police Service Act charges; use of force reporting; SIU investigations; and suspect apprehension pursuits.

Awards

In 2011, 518 awards were presented to members of the TPS, the community and other police services by the Toronto Police Services Board. This is an increase from 391 awards presented in 2010 and 493 awards given in 2009. It should be noted that two awards presentations that were cancelled in 2010 were held in 2011. TPS members also received 371 awards from external agencies in 2011.

Public Complaints

Public complaints made against Toronto Police officers are processed by the TPS Professional Standards Complaints Administration Unit. In 2011, a total of 847 public complaints were received concerning the conduct of uniform members and/or the policy/service of the Toronto Police Service a decrease of 4.7% from complaints received in 2010.

Civil Litigation

The number of civil actions has increased steadily over the past three years. Changes to the Small Claims Court process in 2010 may have contributed to this increase, with a monetary limit increase imposed and court forms and rules improved to make the process of filing claims simpler to complete.

Police Services Act Charges

Prosecution Services reviews disciplinary investigations to determine the appropriateness of holding a hearing and prosecutes disciplinary charges against officers. In 2011, there was an increase in the number of new cases and officers charged. Of charges dealt with at Tribunal, there was an increase in the number of findings of guilt.

Use of Force

Officers are required to submit the ministry standard Use of Force Form 1 report when they use force in the performance of their duties. In 2011, there was a slight decrease in both the number of incidents in which officers reported force used, and the number of Form 1's submitted. There was also a decrease in the number of incidents in which a conducted energy weapon was used in full deployment, and a decrease in the number of incidents where officers and/or subjects were injured. In consideration of the overall number of encounters police have with the public (such as arrests, calls for service, and contact cards), an extremely low proportion of encounters result in the use of force.

SIU Investigations

The Ontario Special Investigations Unit (SIU) is a civilian law enforcement agency, independent of the police, that investigates circumstances involving police and civilians which have resulted in serious injury, including sexual assault, or death. There was a decrease in the number of incidents involving TPS officers where the SIU invoked its mandate in 2011. There was also a decrease in the number of SIU investigations that resulted in criminal charges laid against the officer involved, from seven in 2009 and six in 2010 to one in 2011. The SIU invoked its mandate to investigate nine deaths, compared to nine deaths in 2010. Of the deaths investigated by the SIU in 2011, officers were exonerated in seven incidents, the SIU withdrew its mandate in one incident, and one incident is still under investigation.

Suspect Apprehension Pursuits

The Ontario Ministry of the Solicitor General has established detailed guidelines regarding police pursuits, including when and how pursuits are to be commenced and continued. In these instances, officers are required to submit the ministry standard Fail to Stop Report. In 2011, there was a decrease in the number of pursuits initiated, which is consistent with a four year decreasing trend. This trend can be attributed to training initiatives undertaken by the Police Vehicle Operations unit to educate TPS members of the risks involved with pursuing vehicles and to offer alternative strategies to engaging in pursuits. Subject officers and/or supervisors continue to discontinue the majority of pursuits in the interest of public safety.

Public Contact

Community-based policing is a priority for the TPS. Service members make extensive contact with the community in order to ensure public safety. In 2011, TPS Communications Services received over 2 million calls for service. Service members issued over 600,000 provincial offence tickets and documented almost 400,000 field contacts with the public. Over 53,000 arrests were made over the course of the year. Additionally, many positive interactions between the police and the community were not formally documented.

It is important to consider this context when evaluating the statistics presented in this report. At a minimum, Service members made over 2 million public contacts in 2011. With 847 public complaints, only a very small fraction of 1% of those interactions results in a complaint. When considering 1317 use-of-force incidents relative to 53,000 arrests, force was required in less than 3% of those events.

The SIU invoked their mandate on 64 occasions relative to 53,000 arrests. As such, significantly less than 1% of arrests resulted in the SIU mandate being invoked. A total of 132 vehicle pursuits were initiated in 2011. Over 600,000 provincial offence tickets were issued throughout the year. Service members performed hundreds of thousands of vehicle stops, with only a small fraction of 1% of those stops resulting in pursuits.

Moving Forward

Professional Standards will continue to be proactive in identifying strategic issues, goals and actions to build upon the initiatives embarked upon this year.

PRS will continue to educate members to raise their awareness of the potential risk exposures they face and ways to mitigate that risk. Complaints Administration, for example, is developing an information package designed for dissemination to all Unit Complaint Co-ordinators with the Service. This package will contain a comprehensive list of legal authorities to assist and guide the UCCs when conducting their investigations.

To ensure continued alignment with the TPS mandate, PRS plans to conduct reviews of our policies and processes. This includes Legal Services, who will implement a custom-designed tracking system to fit the needs of the various sections of the unit in one consistent and unified database.

PRS is also committed to identifying and rectifying areas of risk exposure to the Service. To this end, Information Security has undertaken the development of an analysis tool and report framework to complete Privacy Impact Assessments on all new programs, systems and/or service delivery where personal information is collected, used and disclosed.

The initiatives mentioned, and the many others that the unit is planning, support the commitment Professional Standards has made to promote safety for both TPS members and the citizens we serve.

Professional Standards Information System

The mandate of the Professional Standards Risk Management Unit is to act as an effective support unit and to contribute to the achievement of the Toronto Police Service's overall priorities and core values. To accomplish this, the Professional Standards Information System (PSIS) was implemented in 2003 to collect data pertinent to the conduct of all Service members in order to pro-actively analyze and review trends surrounding the practices, conduct, ethics and integrity of TPS members. PSIS utilizes database software designed specifically for the law enforcement industry and contains data pertaining to Complaints, Civil Litigations, Use of Force reports, Suspect Apprehension Pursuits, Service Vehicle Collisions, and additional investigative files.

Data Collection and Statistical Reporting

The Analysis and Assessment Unit (A&A) within the Risk Management Unit of Professional Standards is responsible for maintaining the data integrity of PSIS and uses the system to produce statistical and trend analysis reports to Service management, individual members, and the community at large on indicators related to the performance of members and the Service as a whole.

In 2011, A&A continued to use PSIS to provide trend analysis and statistical information to assist various Service units such as Corporate Planning, Police Vehicle Operations and the Toronto Police College. The information given to these units was used in the development of targeted training programs and to ensure compliance with Service procedures, specifically relating to searches, pursuit training, and the processing of property. Members of A&A continued to participate in the Use of Force committee and the Service Vehicle Collision and Pursuit Reduction committee in order to provide ongoing assistance in mitigating risk exposure to the Service.

The Executive Command Strategic Plan (ECSP) was initiated in 2011 with goals to improve Service members' satisfaction, improve customer service and improve the public's trust in the Service. As part of the ECSP, A&A conducted a review of PSIS to evaluate established processes of data collection and analysis and to look for areas of innovation within the PSIS software application and other business intelligence systems. The review has allowed A&A to improve statistical and trend analysis and provide predictive analysis in support of the Early Intervention program described below.

Early Intervention

Early Intervention (EI) is a proactive process that seeks to identify Service members with potential conduct or performance issues and provide the member with assistance to correct the issue in a non-disciplinary format. This approach is intended to guide and support employees that may be at risk for entering the disciplinary process.

In 2011, enhancements were made to the EI program as a result of testing of updated PSIS software and feedback gained as part of the ECSP. The enhancements implemented include an expansion of the criteria through which members are identified and a more comprehensive analysis to assist supervisors in developing a strategy that will best assist identified members. These improvements will further strengthen the risk reduction capability of the EI program.

Awards

The Awards Program is coordinated by Professional Standards to recognize outstanding contributions and achievements by Service members and the public. Recipients are recognized individually or in groups for acts of excellence, bravery, altruism and innovative contributions to community policing, public safety and professional excellence. Members are also recognized for their dedicated long service with milestone awards such as the 25-year watch, and 20, 30 and 40 year commemorative pins. In 1998, the Board approved a formal Awards process that is administered by Professional Standards. In 2009, the Toronto Board of Trade in partnership with the Toronto Police Services Board expanded the Police Officer of the Month/Year awards, to include a Business Excellence Award. A Standing Awards Committee, comprised of uniform and civilian members (of various ranks and positions) from across the Service, reviews eligibility of awards to ensure fairness and consistency. In 2011, there were 6 award ceremonies hosted by the Toronto Police Services Board in which 518 awards were presented to members of the TPS, the community and other police services. In addition, TPS members received 371 awards from external agencies.

Internal Awards

In 2011, 518 internal awards were presented to members of the Toronto Police Service, the community and other police services by the Service and the Toronto Police Services Board. This is an increase from 391 awards given in 2010.

Chief of Police Excellence Award

Granted by the Chief of Police to any person for acknowledgement of achievement through dedication, persistence or assistance to the Service. 45 awards presented.

Merit Mark

Granted by the Board to a police officer or a civilian member for exemplary acts of bravery, performance of duty, community policing initiatives, or innovations or initiatives that enhance the image or operation of the Service. 13 awards presented.

Commendation

Granted by the Board to a police officer or a civilian member for exceptional performance of duty, community policing initiatives, or innovations/initiatives that enhance the image or operation of the Service. 34 awards presented.

Teamwork Commendation

Granted by the Board to a group of police officers and/or civilian members for exceptional performance of duty, community policing initiatives, or innovations that enhance the image or operation of the Service. 66 awards presented.

Auxiliary Commendation

Granted by the Board to an auxiliary officer for outstanding or meritorious police service. 1 award presented.

Community Member Award

Granted by the Board to a citizen for grateful acknowledgement of unselfish assistance rendered to the Service or for an initiative/innovation that had a positive affect on the image or operation of the Service. 44 awards presented.

Partnership Award

Granted by the Board for grateful acknowledgement of unselfish assistance given to the Service by groups of citizens or organizations for an initiative/innovations that had a positive impact on the image or operation of the Service. 2 awards presented.

Civilian Long Service Recognition Pin (20, 30 & 40 yrs)

Granted by the Board and presented to civilian members upon the completion of 20, 30 and 40 years of employment with the Board. 194 presented.

25-Year Commemorative Watch

Granted by the Board and presented to police officers, civilian members and Auxiliary officers upon completion of 25 years of full-time employment. 119 presented.

In addition to the above awards for outstanding performance, the Board presented 188 members with their retirement plaques.

External Awards

There were 371 awards presented to Service members by external agencies or organizations in 2011, compared to 284 external awards given in 2010. The external awards presented in 2011 are listed below.

OHIA - Mike Matthews Award

Presented to the Homicide Investigator who displayed the courage, tenacity, and compassion that are the hallmarks in a homicide investigation. 1 award presented.

Ontario Auxiliary Police Medal

Presented by the Chief of Police of Toronto on behalf of the Ontario Government to auxiliary members for the dedication to 20, 25, 30, 35 and 40 years of service. 9 awards presented.

Ontario Women in Law Enforcement Award

Presented in recognition of outstanding achievements made by women, uniform and civilian, in Ontario law enforcement. Categories include: valour, community, mentoring, and leadership. 7 awards presented.

Order of Merit of the Police Forces

Presented by the Governor General on behalf of the Sovereign to recognize conspicuous merit and exceptional service by members and of Canadian police forces whose contributions extend beyond protection of the community. Three levels of membership – Commander (C.O.M.), Officer (O.O.M.) and Member (M.O.M.) reflect long-term outstanding service in varying degrees of responsibility. 4 awards presented.

Police Exemplary Service Medals

Granted by the Governor General of Canada to recognize long and meritorious service of active police officers. The medal is presented to eligible police officers who have attained 20 years of service; a silver bar is presented upon completion of every 10-year period. 315 medals presented.

Police Officer of the Month 2010

Presented since 1967 by the Toronto Board of Trade in partnership with the Toronto Police Service to recognize officers who make significant contributions to the safety of citizens of Toronto. 25 awards presented.

Police Officer of the Year 2010

Presented annually since 1967 by the Toronto Board of Trade in partnership with Toronto Police Service to recognize the individual efforts of outstanding police officers on behalf of the Toronto community. The recipient is selected from the list of Police Officer of the Month Awards. 3 awards presented.

TPS Business Excellence Award

Presented by the Toronto Board of Trade in partnership with the Toronto Police Service to members who have made significant contributions to the TPS and the city of Toronto based on innovation, community service, technical achievement and customer service & reliability. 6 awards presented.

Webber Seavey Award (nominee)

Presented annually in recognition of a law enforcement agency's contribution and dedication to the quality of life in its local communities.

Civil Litigations

Lawsuits against police officers are commenced by plaintiffs for a variety of reasons, including allegations of false arrest, negligent investigations, malicious prosecutions, misfeasance in public office, excessive use of force, and Charter of Rights violations as defined in the Glossary of Terms section of this report. The Legal Services' Civil Litigation Co-ordinator processes civil action commenced against TPS members, as well as action against the Board, and liaises with Counsel on behalf of TPS.

Trend Analysis

In 2011, a total of 131 civil actions were issued against the Toronto Police Services Board, the Chief of Police, or named officers compared to 130 in 2010, a 0.8% increase (Fig. 1.1).

Of the civil actions received in 2011, 102 were Statements of Claim (including both new Statements of Claim and Statements of Claim received further to a Letter of Intent), an increase from 90 Claims in 2010, and 64 Claims in 2009 (Fig 1.2).

Factors influencing the increasing trend of civil actions and statements of claim include changes to Small Claims Court procedures introduced in 2010 which both streamlined the process of filing claims and increased the monetary limit of claims.

Figure 1.1
Civil Actions Received

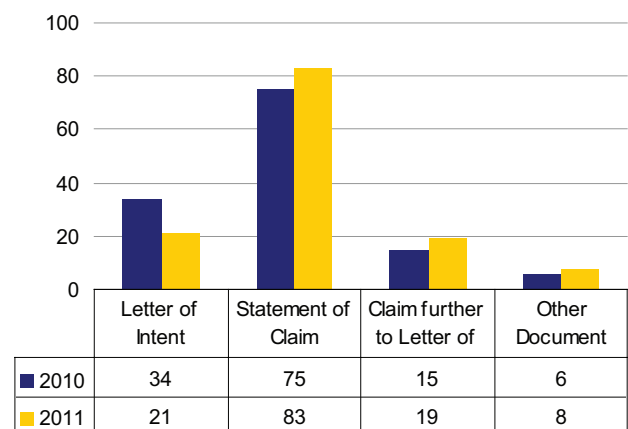
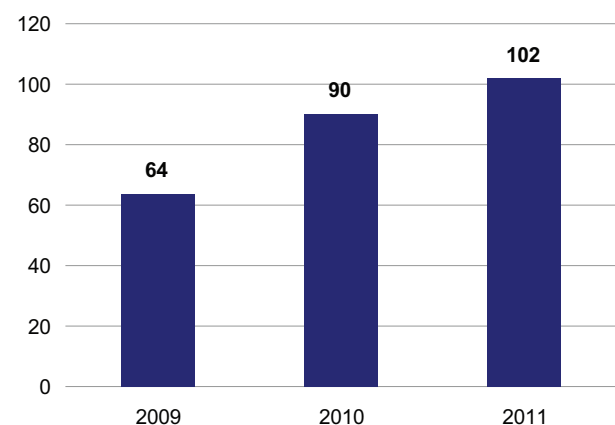


Figure 1.2
Statements of Claim



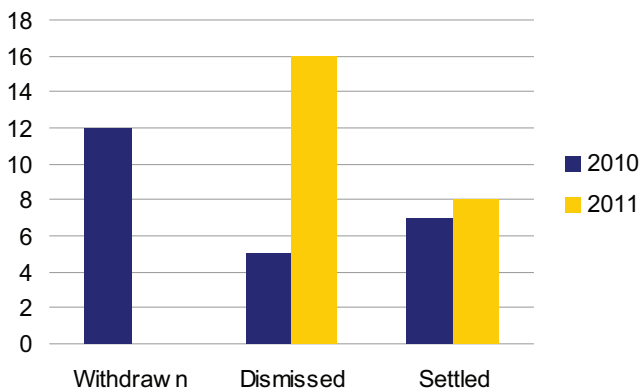
Human Rights

Human Rights Applications filed with the Human Rights Tribunal of Ontario (HRTTO) against the TPS or one of its members are commenced by applicants for a variety of reasons, including allegations of false arrest, negligent investigations, and excessive use of force. However, the main reason of the allegations is discrimination of a prohibited ground as listed under the *Human Rights Code*. Legal Services of the TPS processes and manages these files.

Figure 2.1
Grounds of Discrimination Alleged in Human Rights Applications

Grounds of Discrimination	Year	
	2010	2011
Race	24	21
Colour	21	20
Ancestry	11	11
Place of Origin	10	8
Citizenship	5	3
Ethnic Origin	17	15
Disability	5	13
Creed	0	5
Sex	2	4
Sexual Solicitation	0	0
Sexual Orientation	1	0
Family Status	5	2
Marital Status	4	1
Age	8	4
Associated with a Person Identified by a Prohibited Ground	5	1
Reprisal	6	5

Figure 2.2
Resolution of Human Rights Applications



Trend Analysis

Human Rights Applications Received

In 2011, there were 32 Human Rights Applications brought against TPS members by members of the public. This is an increase from 27 Applications made in 2010 and 20 Applications in 2009; following a three-year increasing trend.

Classification of Applications

In 2011, 21 Human Rights Applications alleged discrimination based on race, while 20 Applications alleged discrimination based on colour, comparable to 2010. There was a significant increase in 2011 in the number of Applications that alleged discrimination based on disability, from 5 Applications in 2010 to 13 Applications in 2011. It should be noted that a single Human Rights Application can allege discrimination on multiple grounds. Figure 2.1 compares the grounds of discrimination alleged in Human Rights Applications for 2010 and 2011.

Resolution of Applications

There were 24 Human Rights Applications resolved by the HRTTO in 2011. Of those, 16 Applications were dismissed, compared to 5 Applications dismissed in 2010. There were 8 Applications settled in 2011, compared to 7 in 2010. Applicants did not withdraw any Applications in 2011, compared to 12 in 2010 (Fig 2.2).

Public Complaints

The Police Services Act governs all police services across the province of Ontario. Section 80 of the Act defines police misconduct. Misconduct includes any violation of the code of conduct described in Ontario Regulation 268/10. The code of conduct categorizes misconduct as discreditable conduct, insubordination, neglect of duty, deceit, breach of confidence, corrupt practices, unlawful or unnecessary exercise of authority, damage to clothing or equipment and consuming drugs or alcohol in a manner prejudicial to duty.

Ontario Regulation 3/99 requires every chief of police to prepare an annual report for their police services board reflecting information on public (external) complaints from the previous fiscal year. This section of the report is intended to address the annual reporting requirement.

The Office of the Independent Police Review Director (OIPRD)

The Office of the Independent Police Review Director (OIPRD) is a civilian-staffed independent agency that acts as an objective, impartial office to accept, process, investigate and oversee the investigation of public complaints against police officers in Ontario. In addition to processing and investigating public complaints, the OIPRD is responsible for setting up and administering the public complaints system, including oversight, systemic reviews, audits, education and outreach.

Investigation of complaints received by the OIPRD may be conducted by OIPRD investigators, an outside police service or may be sent to the Service in question for investigation. The OIPRD reviews all complaints to determine their classification as either a conduct, policy or service complaint.

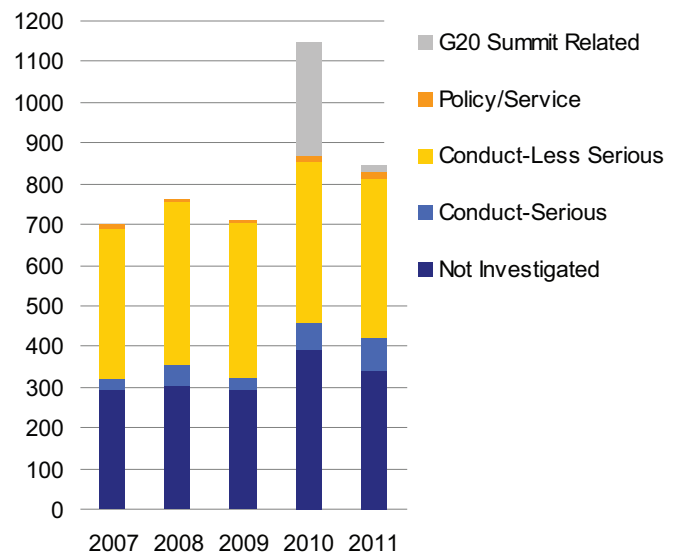
The legislative amendments to the PSA and corresponding changes to the public complaint process have impacted the TPS public complaint process and the criteria by which complaints are investigated. For example, prior to the inception of the OIPRD, complaints could be concluded without investigation in instances where the complainant was not directly affected or the complaint was over six months old. Presently, the OIPRD permits the investigation of complaints made by third party complainants and those received beyond the six month limitation period.

Trend Analysis

In 2011, a total of 847 public complaints were received concerning the conduct of uniform members and/or the policy/service of the Toronto Police Service. While this represents a significant decrease (26.2%) from 2010, it should be noted that 275 complaints received in 2010 and 16 complaints received in 2011 were directly related to the G20 Summit which occurred in June of 2010 (Fig. 3.1). When omitting these complaints, there has actually been a decrease of 4.7% in public complaints received in 2011.

In order to produce a relevant year to year comparison, complaints directly related to the G20 Summit have been omitted from the following trend analysis.

Figure 3.1
Number of Complaints Received



Sub-Classification of Complaints based on Alleged Misconduct

The PSA Code of Conduct is used by the TPS as a means of sub-classifying conduct complaints received by the OIPRD. A single complaint may involve one or more subject officers who in turn may be alleged of multiple categories of misconduct. The most serious allegation in a single complaint is used to sub-classify the complaint as a whole. It should be noted that a public complaint is classified on the initial allegations provided by the complainant and information gathered during the intake process. Complaint classifications and sub-classifications may be revised based on investigative findings upon conclusion.

Discreditable Conduct was cited more frequently than any other type of misconduct, comprising 58.3% of complaints investigated in 2011, similar to the five-year trend. It should be noted that this broad sub-classification captures any conduct that may bring discredit to the Toronto Police Service.

Allegations of excessive use of force and unnecessary arrest accounted for 27.7% of investigated complaints in 2011, a 5.0% decrease from 2010. The percentage of complaints categorized as neglect of duty has increased from 4.2% of complaints investigated in 2010 to 9.1% of complaints investigated in 2011. Figure 3.2 details the sub-classifications of investigated complaints received in 2011.

Figure 3.3 shows investigated complaints received in 2011 that have been sub-classified as discreditable conduct further categorized by specific charges under the Police Service Act Code of Conduct. A description of these charges is included in the Glossary of Terms section of this report.

In 2011, allegations of incivility accounted for 12.1% of discreditable conduct allegations, which reflects a decreasing trend over the past five years from a high of 52.5% in 2007. Conversely, allegations of disorderly conduct have increased over the past five years, from a low of 37.3% in 2007 to 85.8% in 2011.

Years of Service and Rank of Subject Officer

In 2011, TPS officers with one to five years of service or less accounted for a large number (45.6%) of subject officers named in public complaints. This can, in part, be attributed to the fact that officers with one to five years of service represent nearly one third of uniform strength Service-wide at 26.3% and are most likely to be in contact with the public on a daily basis (Fig. 3.4).

Police Constables continue to account for the majority (86.9%) of subject officers named in public complaints. This can be explained by the fact that the majority of uniform strength Service-wide (76.1%) are constables and, by nature of their roles and responsibilities, are the first line of police interaction with the public. Figure 3.5 shows a comparison of the percentage of officers named in public complaints to the percentage of officers by rank service-wide.

Figure 3.2
Classification of Alleged Misconduct

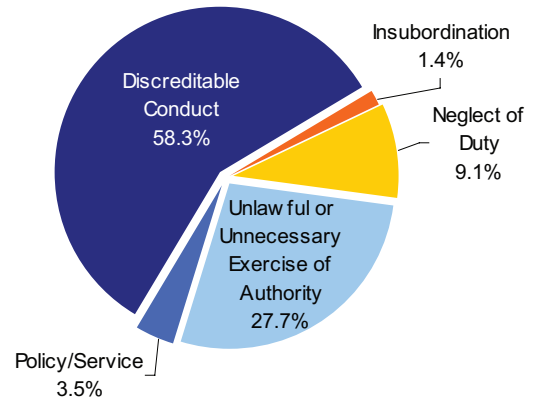


Figure 3.3
Discreditable Conduct Allegations

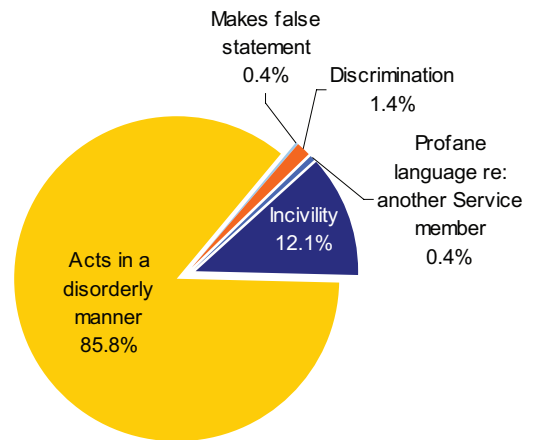


Figure 3.4
Years of Service of Subject Officer

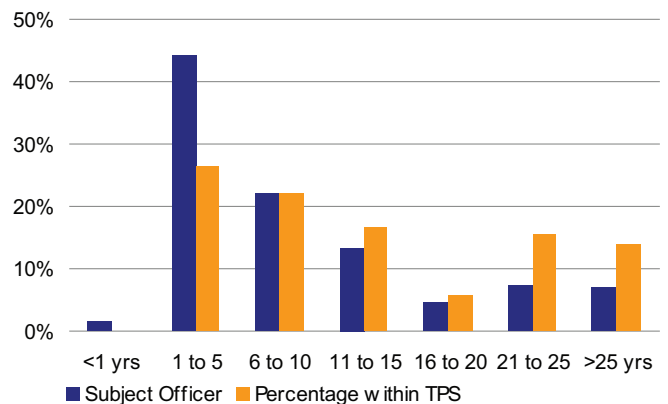


Figure 3.5
Rank of Subject Officer

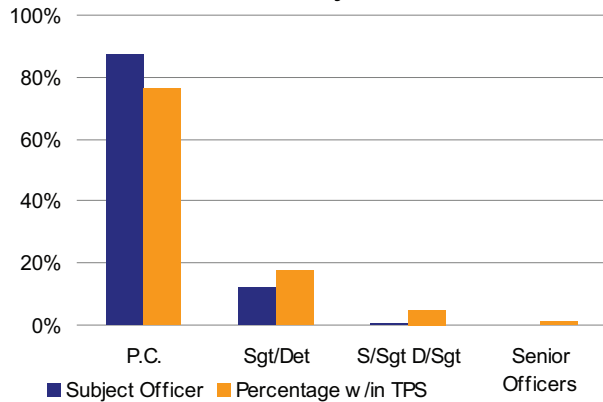


Figure 3.6
Complaints by Command

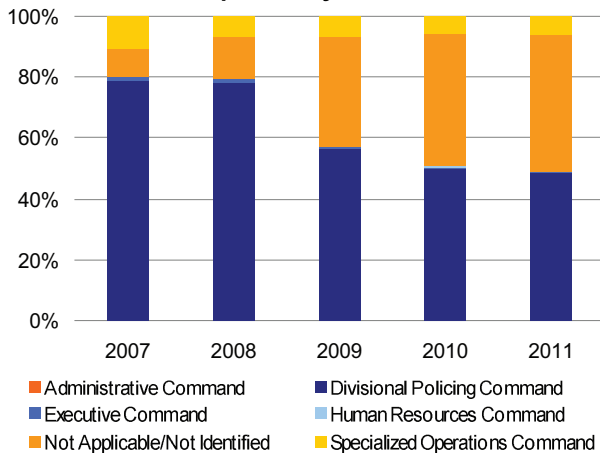
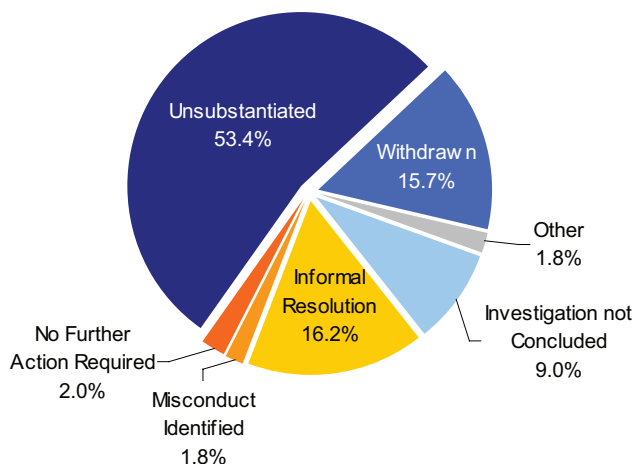


Figure 3.7
Disposition of Investigated Complaints



Complaints by Command and Unit

Complaints classified to Divisional Policing Command accounted for almost half (48.5%) of public complaints received in 2011. Divisional officers assigned to primary response duties fall under this command, and these officers are responsible for responding to calls for service and general patrols that afford them frequent daily interaction with the public.

Subject officers and/or Commands have not yet been identified in 44.5% of complaints received in 2011. This number is expected to decrease as more investigations are concluded. Complaints that have not been investigated have been classified as Not Applicable. Figure 3.6 displays the breakdown of complaints received by Command in 2011.

An expanded chart comparing the number and percentage of complaints for all divisions and units is contained in the Supplementary Data section of the report.

Disposition of Investigated Complaints

Of the complaints received in 2011, over half (53.4%) have been concluded with the allegations unsubstantiated, a slight decrease from 57.4% of complaints investigated in 2010.

Complaints withdrawn by the complainant represent the disposition for 15.7% of concluded complaints received in 2011, compared to 13.4% in 2010. The number of complaints where misconduct is identified continues to represent a small proportion of all investigated complaints from 2007-2011 (Fig 3.7).

To-date, misconduct has been identified in nine public complaints received in 2011. Of those, two complaints have been forwarded to the police tribunal for a disciplinary hearing. Police Service Act (PSA) violations brought before the police tribunal are discussed in further detail in the PSA Charges section of this report.

Complaint Review and Appeal Bodies

Public complaints against police officers can be appealed to an independent civilian agency on the basis of the complaint classification and/or disposition. The OIPRD is an independent agency of the Ontario Ministry of the Attorney General that processes and oversees the investigation of public complaints against police officers in Ontario.

Upon review of a public complaint investigation, the OIPRD may determine that the classification or disposition of the complaint requires more action and can refer the decision back to the originating Service for further investigation, or retain the complaint to conduct their own investigation.

In 2011, 40 cases were either appealed to the OIPRD, or the OIPRD directed a further investigation be conducted, compared to 36 cases in 2010.

Time Taken to Conclude Complaints

TPS procedures outline that complaint investigations and dispositions shall be completed within 90 days, however, provisions are indicated for investigations that may take additional time. For complaints received in 2011, 91.0% have been concluded. Of the concluded investigations, 72.4% of investigations were completed within 90 days, an increase from 69.4% in 2010 and higher than the five year average of 68.3%. Figure 3.8 compares the time taken to conclude complaints that were received between 2007 and 2011.

Figure 3.8
Days to Conclude Investigations

	2007	2008	2009	2010	2011
0 to 30 days	301	301	285	383	365
31 to 60 days	86	113	102	121	101
61 to 90 days	80	82	90	99	105
<hr/>					
91 to 120 days	73	66	73	95	92
121 to 150 days	39	52	45	58	66
151 to 180 days	39	30	29	44	41
Over 180 days	79	114	83	68	18

Police Services Act Charges

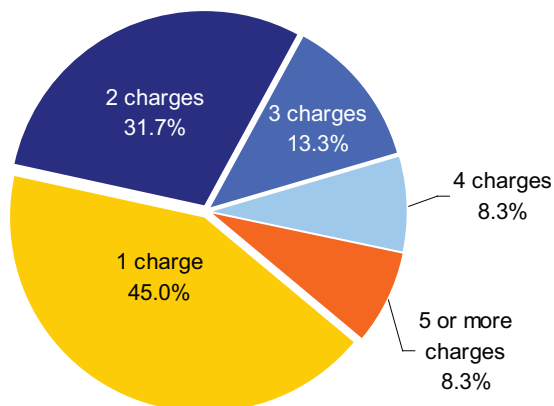
Part V of the Police Services Act (PSA) outlines the complaints process and defines misconduct for the purpose of the Act. Part V of the Act also defines the responsibilities of the Chief of Police or designate with respect to alleged officer misconduct and outlines the penalties and resolution options in the event that serious misconduct is proven in a police tribunal. The Toronto Police Service discipline tribunal is an administrative tribunal that is further governed by the Statutory Powers and Procedures Act of Ontario.

The objectives of police discipline are to correct unacceptable behaviour, deter others from similar behaviour and, most importantly, to maintain public trust. The Professional Standards Unit utilizes a case conferencing process to determine the appropriate course of discipline that matters of misconduct will take. Those matters deemed most serious, in keeping with the legislation, are then made the subject of a public disciplinary hearing in the Service's administrative tribunal. The majority of conduct issues are deemed to be of a less-serious nature and are managed at the unit-level. The following data relates to matters of a serious nature that were handled at the Tribunal.

**Figure 4.1
Officers Charged**

	2007	2008	2009	2010	2011	5 Yr Avg.
Number of Officers	58	48	67	60	64	59
Total Charges	152	104	160	119	153	138
Charge/officer ratio	2.6	2.2	2.4	2.0	2.4	2.3

**Figure 4.2
Number of Charges Laid per Officer**



Trend Analysis

Officers Charged in 2011

In 2011, 64 officers were charged by Prosecution Services. This is a slight increase, up from 60 officers charged in 2010. There were 34 more charges laid in 2011 compared to 2010. The charge-to-officer ratio has increased from 2.0 in 2010 to 2.4 in 2011, compared to the 5 year average of 2.3 charges per officer. Figure 4.1 shows the number of officers charged and the number of charges per officer.

Number of Charges Laid per Officer

Of the officers charged in 2011, 27 (45.0%) faced a single charge, 19 officers (31.7%) had two charges laid against them, 8 officers (13.3%) had three charges laid against them, 5 officers (8.3%) faced four charges, and 5 officers (8.3%) had five or more charges (Fig. 4.2).

Category of Charges Laid in New Cases

In 2011, a total of 153 PSA charges were laid. Of the charges laid, 45.8% were for discreditable conduct, a decrease from 61.3% in 2010. The percentage of charges of insubordination has increased from 27.7% in 2010 to 36.6% in 2011. Charges of neglect of duty also increased from 4.2% in 2010 to 9.2% in 2011.

Duty Status in New Cases and Precipitating Factors

Of the officers charged in 2011, 38 (59.4%) were charged as a result of on-duty incidents, while 26 (40.6%) were charged as a result of off-duty incidents. By comparison, in 2010 more officers were charged in off-duty incidents than on-duty incidents. The duty status and precipitating factors of cases initiated in the first half of 2011 are detailed in Figure 4.3.

Cases Concluded

There were 95 cases concluded in tribunal in 2011. There were 7 cases that were commenced in 2011, 30 cases from 2010, 32 cases from 2009, 8 cases from 2008, 9 cases from 2007, 4 cases from 2006, 2 cases from 2005, and 3 cases from 2004.

Disposition

In 2011, 60 officers had cases concluded in tribunal. There were 31 officers who submitted guilty pleas (51.7%), 1 officer was found guilty (1.7%), 2 officers were acquitted or had their cases dismissed (3.3%), and 26 officers had their cases withdrawn (43.3%). Charges may be withdrawn by the prosecutor due to resignation or retirement of the officer, as part of a plea agreement, or resolved at the unit level. In addition, matters may be withdrawn when there is no reasonable prospect of conviction. In 2010, 26 officers also had their cases withdrawn, however only 19 officers pled or were found guilty at tribunal.

Penalties Imposed for PSA Convictions

Of the 32 officers who were found guilty or pled guilty in 2011, 15 officers were convicted of discreditable conduct, 4 with insubordination, 3 with neglect of duty, 2 with damage to clothing or equipment and 8 officers were guilty of multiple charges. The penalties imposed ranged from forfeiture of 3 days/24 hours to dismissal and are listed in Figure 4.5.

Figure 4.3
Duty Status and Precipitating Factors

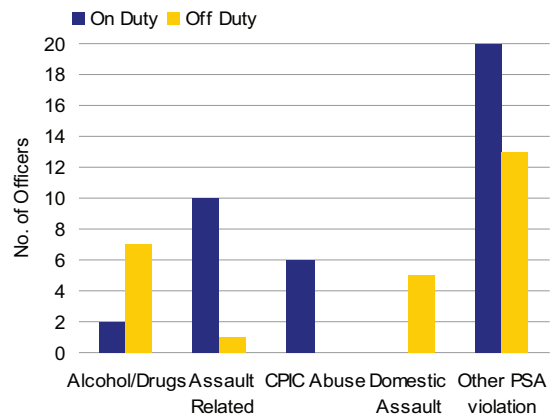


Figure 4.4
Disposition of Officers Charged

Disposition	2010		2011	
	No.	%	No.	%
Acquitted/Dismissed	1	2.1	2	3.3
Guilty Plea	17	35.4	31	51.7
Found Guilty	2	4.2	1	1.7
Withdrawn	26	54.2	26	43.3
Stayed	2	4.2	0	0.0
Total # of Officers	48	100.0	60	100.0

Figure 4.5
Penalties Imposed for PSA Convictions

Discreditable Conduct

- 1 Officer: Forfeiture of 4 days/32 hours
- 2 Officers: Forfeiture of 5 days/40 hours
- 4 Officers: Forfeiture of 15 days/120 hours
- 1 Officer: Forfeiture of 16 days/128 hours
- 2 Officers: Forfeiture of 17 days/136 hours
- 2 Officers: Forfeiture of 20 days/160 hours
- 2 Officers: Gradation 1st to 2nd class PC 1 year
- 1 Officer: Gradation S/Sgt to Sgt 1 year

Insubordination

- 1 Officer: Forfeiture of 4 days/32 hours
- 1 Officer: Forfeiture of 5 days/40 hours
- 1 Officer: Forfeiture of 7 days/56 hours
- 1 Officer: Gradation Sgt to 1st class PC 1 year

Neglect of Duty

- 1 Officer: Forfeiture of 8 days/64 hours
- 1 Officer: Forfeiture of 10 days/80 hours
- 1 Officer: Forfeiture of 17 days/136 hours

Damage to Clothing or Equipment

- 2 Officers: Forfeiture of 3 days/24 hours off and mandatory driving course

Combined Charges

- 1 Officer: Forfeiture of 9 days/80 hours
- 2 Officers: Forfeiture of 10 days/80 hours
- 1 Officer: Forfeiture of 12 days/96 hours
- 1 Officer: Gradation 2nd class to 4th class PC 1 year
- 1 Officer: Gradation 1st to 2nd class PC 18 months
- 1 Officer: Gradation 1st to 3rd class PC 1 year and alcohol abuse treatment program
- 1 Officer: Dismissal

Use of Force

Police officers may be required to use force to protect the public and themselves and, as such, are granted authority by the Criminal Code of Canada to use as much force as is necessary to carry out their duties. Regulations issued by the Ministry of Community Safety and Correctional Services, and Policing Services Division specifically address the use of force in the performance of policing duties with a focus on ensuring sufficient and appropriate training for all officers. Reporting requirements are aimed at identifying and evaluating training requirements in general or specific to an individual.

The Ontario Use of Force Model

The Ontario Use of Force Model depicts the process by which an officer assesses, plans, and responds to situations that threaten officer and public safety (TPS procedure 15-01, appendix b). The Model was developed to assist in the training of officers and act as a reference when making decisions about use of force. It outlines the incident assessment process and notes the situation, subject behaviours, tactical considerations, and officer's perception to be dynamic factors that contribute to the determination of use of force. Assessment of these factors assists in understanding why two officers may respond differently in similar situations.

Situation factors for consideration may include the environment, the number of subjects involved, the perceived abilities of the subject, knowledge of the subject, time and distance, and potential attack signs. Subject behaviour may be characterized as co-operative, passively resistant, actively resistant, assaultive, and/or exhibiting actions that may cause serious bodily harm or death. Tactical considerations may include the availability of equipment, additional officers, cover, communications and special units, as well as officer appearance, geographic considerations, practicality of containment, agency policies and agency guidelines.

Officer's perceptions interact with situational, behavioural, and tactical factors and impact the officer's beliefs regarding their ability to respond to the situation. Factors including, but not limited to, strength/overall fitness, personal experience, skills, fears, gender, fatigue, injuries, critical incident stress symptoms, sight/vision, and training may be unique to the individual officer and impacts perceptions of the situation.

These dynamic factors are integral in a situation where force may be required as they shape the officers determination on force necessity and type. It is important to note that officer safety is an essential factor in the overall goal of public safety, and so it is intertwined as a significant component

of the assessment process described in the Ontario Use of Force Model. As a result of the close relationship between officer and public safety, when reporting uses of force it is common for officers to note protect self as the primary reason for using force. It should be noted that members have the responsibility to use only that force which is necessary to bring an incident under control effectively and safely.

Training Requirements

The Equipment and Use of Force Regulation (R.R.O. 1990, Regulation 926) prohibits a member of a police service from using force on another person unless the member has successfully completed the prescribed training course on the use of force. Use of Force re-qualification is mandatory for every member who uses, or may be required to use, force or carry a weapon. The Ministry of Community Safety and Correctional Services has approved the use of force training courses provided by the TPS. Each member is required to pass a re-qualification course every 12 months.

Reporting

Regulation 926 and Service procedure 15-01 (Use of Force and Equipment) compel each member to submit a report to the Chief of Police whenever he/she:

- Uses physical force on another person that results in an injury that requires medical attention
- Draws a handgun in the presence of a member of the public, excluding a member of the police force while on duty
- Discharges a firearm
- Points a firearm regardless if the firearm is a handgun or a long gun
- Uses a weapon other than a firearm on another person

Note: For the purpose of reporting a use of force incident, the definition of a weapon includes a police dog or police horse that comes into direct physical contact with a person.

Additionally, members are required to submit a Use of Force Form 1 report (UFR Form 1) and a TPS 584 to the Chief of Police when the member uses a Conducted Energy Weapon (CEW):

- As a demonstrated force presence
- In drive stun mode or full deployment, whether intentionally or otherwise

A Team Report UFR Form 1 is restricted to members of the ETF, Public Order Unit (POU) and the Mounted Unit. An incident in which force was actually used including the Demonstrated Force Presence of a CEW requires a separate UFR Form 1 from each individual member involved.

Submitted use of force reports are forwarded to the Toronto Police College and reviewed by the Use of Force analyst to assist in identifying possible equipment or training issues and to further develop the annual use of force recertification program for Service members. The reports are then sent to Professional Standards and the information captured in PSIS for further statistical analysis, in accordance with the above regulation.

Trend Analysis

The Use of Force incidents detailed in this report pertain to incidents that involve TPS uniform members only and do not include incidents where only Special Constables and/or civilian members are involved. Additional statistical data is located in the Supplementary Data section of this report.

Use of Force Incidents and Reports

In 2011, 2030 UFR Form 1 reports were submitted, representing 1317 use of force incidents. The number of use of force incidents has decreased 2.8% from 2010, and the number of use of force reports submitted has decreased by 4.6%. This follows a 4 year decreasing trend. Figure 5.1 compares the number of reports submitted and the number of incidents annually from 2007-2011.

Use of Force Option

The most frequent Use of Force option indicated on the UFR Form 1 in 2011 was pointing a Service issued firearm, similar to 2010. Physical control options remain the second most frequent Use of Force option, used in 26.0% of incidents compared to 23.8% in 2010 (Fig. 5.2). It is important to note that officers are not required to complete a UFR Form 1 when physical control soft options (which include handcuffing a suspect) are the only use of force option used and there are no injuries. Use of force options employed by officers in use of force incidents in 2011 are outlined in figure 5.2 and compared to data from 2010 in the Supplementary Data section.

Firearm Discharges

Officers discharged firearms 35 times in use of force incidents in 2011 compared to 24 times in 2010.

Figure 5.1
Use of Force Incidents and Reports

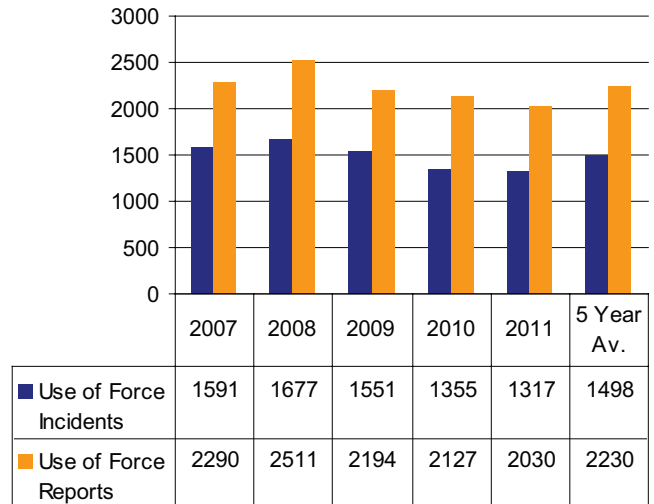


Figure 5.2
Type of Force Used

Type of Force Used	2010	2011
Conducted Energy Weapons		
Demonstrated Presence	95	127
Drive Stun	28	21
Full Deployment	87	74
Physical Control		
Hard only	76	60
Soft only	322	343
Both Hard & Soft	123	71
Firearm Discharge - Intentional	24	35
Firearm Pointed at Person	828	842
Handgun - Drawn only	117	104
Impact Weapons Used		
Hard only	60	41
Soft only	15	7
Both Hard & Soft	1	2
Oleoresin Capsicum Spray	68	65
Other Type of Force	77	47
Police Dog	14	20

Figure 5.3
Initial Reason for Use of Force

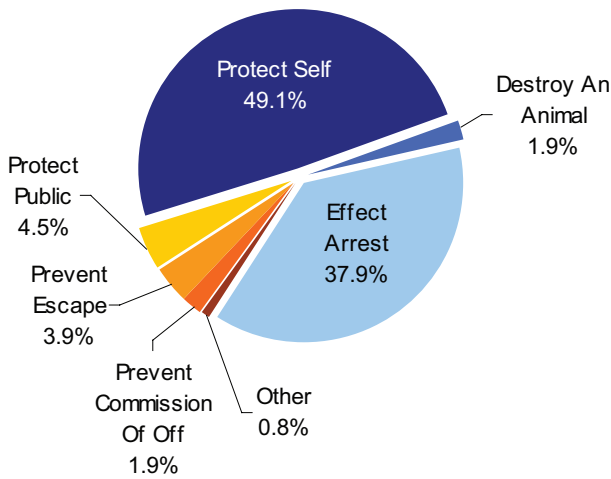
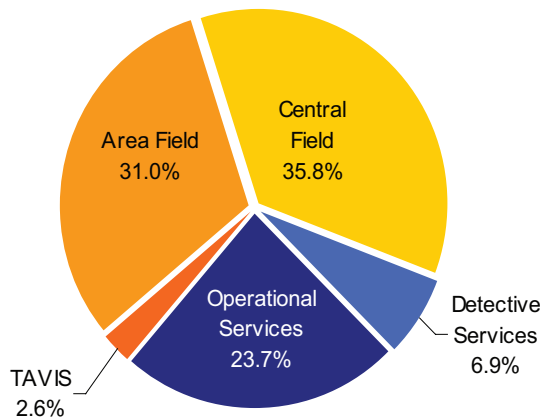


Figure 5.4
Use of Force by Sub-Command



Incidents of intentional discharge of Service firearms in 2011 (35) include the following:

- 22 incidents of wounded animals
- 1 incident of an aggressive animal
- 2 discharges relating to a theft of vehicle call
- 3 incidents involving armed persons
- 3 discharges relating to two incidents of an officer involved shooting
- 3 incidents involving vehicle stops
- 1 domestic related incident

Conducted Energy Weapons

Uniform frontline supervisors, members of the Emergency Task Force, and supervisors in high-risk units such as the Hold-Up Squad, Intelligence, Drug Squad, Major Crime Enforcement, and the Fugitive Squad carry Service issued conducted energy weapons (CEWs).

CEW training continues to be conducted by an instructor certified on the specific device approved by the Service. Initial training for approved members involves a minimum of 8 hours of instruction including theory, practical scenarios, and a practical and written examination. All training is conducted in accordance with the guidelines established by the Ministry of the Solicitor General. Recertification training takes place at least once every 12 months, in accordance with Ministry guidelines and Ontario Regulation 926 of the Police Services Act.

CEWs were used in 222 use of force incidents in 2011, a slight increase from 210 incidents in 2010. However, it should be noted that there were fewer “full deployments” of CEWs in 2011 (74 in 2011 compared to 87 in 2010) and also fewer deployments of CEWs in “drive stun mode” (21 in 2011 compared to 28 in 2010). In more than half (57.2%) of incidents involving CEWs in 2011 the device was used as a “demonstrated force presence” only. An explanation of the types of CEW deployment is included in the Glossary of Terms section of the report.

Initial Reason Force was Used

The UFR Form 1 issued by the Ministry of the Solicitor General permits the selection of one initial reason for the use of force. The Ontario Use of Force Model indicates that police officer safety is essential to ensuring the primary objective of using force: public safety. For this reason, “protect self” was selected as the initial reason for using force in 49.1% of UFR’s submitted in 2011. “Effect arrest” was selected in a further 37.9% of UFR’s submitted. Figure 5.3 illustrates the initial reasons for using force in incidents occurring in 2011.

Use of Force by Sub-Command

Members of Central Field Command submitted 35.8% of all use of force reports in 2011 compared to 36.3% in 2010, a 0.5% decrease. Members of Area Field Command submitted 31.0% of use of force reports in 2011 compared to 34.8% in 2010, a 3.8% decrease. Members of Operational Services (primarily members of the Emergency Task Force)

submitted 23.7% of use of force reports in 2011 compared to 21.7% in 2010, a 2.0% increase (Fig. 5.4).

Officer Assignments

In 2011, general patrol was the most common assignment of an officer at the time of a use of force incident (48.9%), comparable to previous years. The second most common duty of an officer was classified as tactical (20.4%), the majority of which are from the Emergency Task Force. Other investigations represent 14.2% of use of force forms submitted and may include projects conducted by the Guns and Gangs Taskforce, Intelligence, or Hold-up Squad (Fig. 5.5).

Category of Incidents

Weapons calls accounted for 24.3% of incidents in which officers were required to use force in 2011, a slight increase from the previous year (22.5%). Warrant-related calls also accounted for a large proportion of use of force incidents in 2011 (19.9%). Use of Force incidents categorized as other accounted for 9.0% of incidents that occurred in 2011. The category other includes: court, off-duty incidents, and other types of calls for service.

Number of Subjects Involved per Incident

Of the 1317 use of force incidents that occurred in 2011, 63.6% involved a single subject, while 34.5% involved two or more subjects. Animals are noted as the subject involved in 1.9% of Use of Force incidents in 2011.

Perceived Weapons Carried by Subject

In 2011, weapons were perceived to be carried by subjects in 74.2% of use of force incidents compared to 77.9% in 2010. Perceived weapons classified as other pertain to other items that are used as offensive weapons that threaten public and officer safety, including: vehicles, small projectiles, and weapons of opportunity (ex. chair, cup, etc). Note: Subjects may be perceived to be carrying multiple weapons in a single incident. Statistical data concerning category of incidents and weapons carried by subject is detailed in the Supplementary Data section of the report.

Summary of Injuries

Use of Force reports require officers to record any injuries sustained by any party involved in the incident and whether medical attention was required during the use of force incident. Use of Force reports submitted for 2011 indicate that subjects were injured in 13.3% of use of force incidents (175 of 1317) compared to 19.8% (271 of 1362) in 2010, a 6.5% decrease.

There were nine deaths that occurred in the presence of the police in 2011, equivalent to the 9 deaths in 2010.¹ Seven of the nine deaths in 2011 involved police use of force while two involved a police presence only. This is consistent with the seven use of force related deaths in 2010.

In two of the 2011 use of force related deaths, tactical communication was the only use of force option employed by

officers.

Officers were injured in 2.7% of use of force incidents in 2011 (36 of 1371) compared to 4.6% (64 of 1362) of incidents in 2010, a decrease of 1.9%. Officers required medical attention in 21 incidents in 2011 compared with 49 incidents in 2010. One officer was fatally injured in 2011.

**Figure 5.5
Officer Assignment at Time of Incident**

2011	no.	%
Directed Patrol	36	1.8
Foot Patrol	35	1.7
Crowd Control	7	0.3
General Patrol	992	48.9
Investigation - Drugs	50	2.5
Investigation - Other	288	14.2
Other Type Of Assignment	78	3.8
Paid Duty	13	0.6
PDS/Mounted	18	0.9
Special OPS (eg. G&G,ROPE)	39	1.9
Tactical	415	20.4
Traffic Patrol	59	2.9
Total # of Reports	2030	100.0

Figure 5.6 Use of Force Injuries

Subject Injuries		
	2010	2011
No Injuries	1091	1142
Injuries	271	175
Total Incidents	1362	1317
Medical Attention Required		
No	21	10
Yes	250	165
Total Injuries	271	175

Officer Injuries		
	2010	2011
No Injuries	1298	1281
Injuries	64	36
Total Incidents	1362	1317
Medical Attention Required		
No	1313	1296
Yes	49	21
Total	1362	1317

¹ Deaths where SIU invoked their mandate. See page 22, figure 6.2.

Special Investigations Unit

The Ontario Special Investigations Unit (SIU) is a civilian law enforcement agency, independent of the police, that investigates circumstances involving police and civilians which have resulted in serious injury, sexual assault or death as defined by Part VII of the PSA. The mandate of the SIU is to maintain confidence in Ontario's police services by assuring the public that police actions resulting in serious injury or death are subjected to rigorous, independent investigations. Any incident which may reasonably fall within the jurisdiction of the SIU must be reported to the SIU by the police service involved.

SIU Investigations

In 2011, the SIU invoked its mandate to investigate 64 incidents, compared to 70 incidents in 2010. Of the incidents occurring in 2011: 45 cases were concluded with the subject officer exonerated; the SIU withdrew its mandate in 16 cases; 1 case resulted in officers being charged criminally; and investigations are ongoing in 2 cases (Fig. 6.1). It should be noted that an extremely low proportion of the encounters police have with the public result in injury serious enough to invoke the SIU mandate.

The SIU invoked its mandate to investigate nine deaths in 2011, equal to nine deaths in 2010. Officers were exonerated in seven deaths investigated by the SIU in 2011, while the SIU withdrew its mandate in one custody death investigation. The SIU continues to investigate one firearm related death that occurred in 2011.

The number of custody related injuries decreased in 2011, from 51 in 2010 to 35 in 2011. The number of allegations of sexual assault has increased from 7 incidents in 2010 to 11 in 2011. The reasons for SIU investigations are indicated in figure 6.2.

Section 11 Investigations

Pursuant to Section 11 of Ontario Regulation 267/10, the Chief of police conducts an administrative investigation into any incident for which the SIU is involved. The administrative investigation is intended to examine the policies of and/or services provided by the police service along with the conduct of its police officers. These reviews are commonly

referred to as Section 11 investigations. Subject matter experts are drawn from various units within the Service including Homicide, Sex Crimes, Traffic Services and Professional Standards to carry out these investigations.

The Toronto Police Service completed a total of 46 Section 11 investigations for incidents that occurred in 2011. Training issues were identified in 3 completed investigations, and PSA violations were identified in 1 completed investigation.

Figure 6.1
Number of SIU Investigations

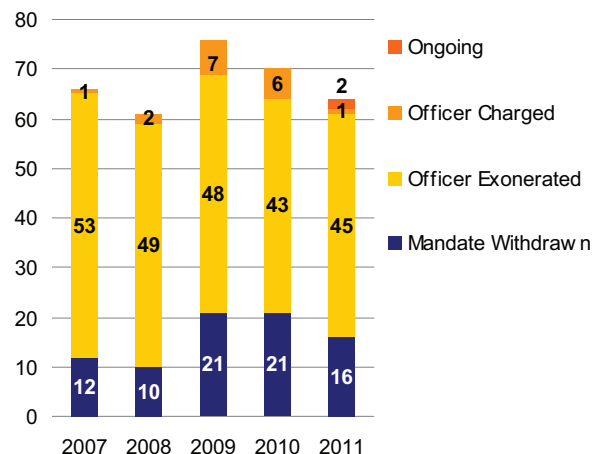


Figure 6.2

Reasons for SIU Investigations

	2007		2008		2009		2010		2011	
	Death	Injury	Death	Injury	Death	Injury	Death	Injury	Death	Injury
Firearm incident	2	8	2	2	1	2	4	2	2	6
Vehicle incident	2	5	0	4	0	8	1	1	0	3
Custody incident	8	37	2	41	4	53	4	51	7	35
Allegation of sexual assault	n/a	4	n/a	10	n/a	8	n/a	7	n/a	11
Total	12	54	4	57	5	71	9	61	9	55

Subject Apprehension Pursuits

The Ontario Ministry of the Solicitor General has established detailed guidelines regarding police pursuits, including when and how pursuits are to be commenced and continued, supervisory obligations during the pursuit process, and reporting requirements.

Recognizing the inherent risk to both officers and members of the public when pursuits are initiated, the Toronto Police Service has undertaken several strategies to both reduce the number of pursuits initiated and develop targeted training to enhance safe driving practices.

Ontario Regulation 266/10

Legislation governing police pursuits in Ontario is found in Ontario Regulation 266/10 entitled Suspect Apprehension Pursuits. O. Reg. 266/10 identifies a suspect apprehension pursuit to occur when a police officer attempts to direct the driver of a motor vehicle to stop, the driver refuses to obey the police officer, and the police officer pursues in a motor vehicle for the purpose of stopping the fleeing motor vehicle, or identifying the vehicle or an individual in the vehicle. The Regulation allows an officer to pursue, or continue to pursue, a fleeing vehicle that fails to stop: if the officer has reason to believe that a criminal offence has been committed or is about to be committed or for the purposes of motor vehicle identification or the identification of an individual in the vehicle.

The Regulation further requires that each police service establish written procedures on the management and control of suspect apprehension pursuits. TPS Procedure 15-10 (Suspect Apprehension Pursuits) was specifically amended to address this requirement. Regulation 266/10 also directs every officer who initiates a pursuit to complete a Provincial Fail to Stop Report. The report provides a comprehensive description of the pursuit, including reasons for and results of the pursuit, charge information and various other environmental factors involved.

Pursuit Reduction Initiatives

Driver Activation Lectures

In 2011 PVO partnered with Drive for Life™ in the development of a new driver training system based upon SPOT™ training curriculum targeting better decision-making while increasing awareness of the limitations officers face in while driving. This innovative training is being incorporated into PVO courses wherever possible including 2012 bicycle courses.

Recruit Simulator Training Pilot Project

In spring 2011 PVO in partnership with Drive for Life initiated a pilot project targeting a reduction in collisions by new Toronto Police recruits. Half of recruit class 11-01 (80 officers) attended four hours of simulator based training with Drive for Life™. The other half of class 11-01 did not receive any additional training beyond that normally given and will act as a control group. The two groups are presently being studied by tracking collision rates in a comparative study.

Subject Apprehension Pursuit Training

Suspect Apprehension Pursuit (SAP) training is a mandatory requirement for any officer who may engage in a pursuit. PVO provides training for both uniform officers and civilian communication operators that has been accredited by the Ministry of Community Safety and Correctional Services. The training ensures members are conversant with TPS procedure with a focus on identifying risks associated with pursuits and instruction on alternative strategies. SAP training is incorporated into all emergency vehicle driving courses such as SSED and PODC courses. In 2011 PVO trainers targeted face to face lectures with front line officers by delivering SAP lectures to each platoon at all seventeen divisions and Traffic Services on training days.

Figure 7.1
Fail to Stop Reports and Pursuits Initiated

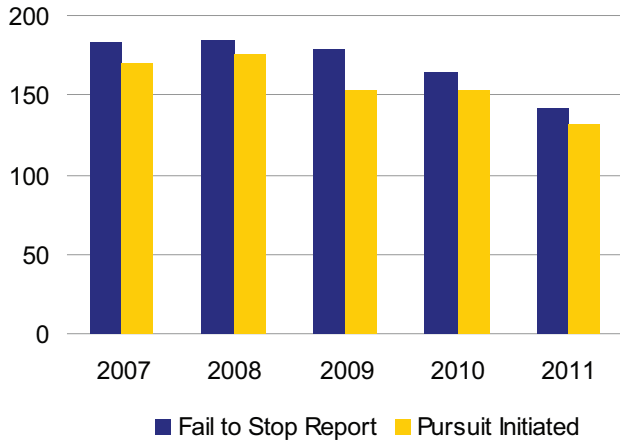


Figure 7.2
Pursuit Initiation Reasons

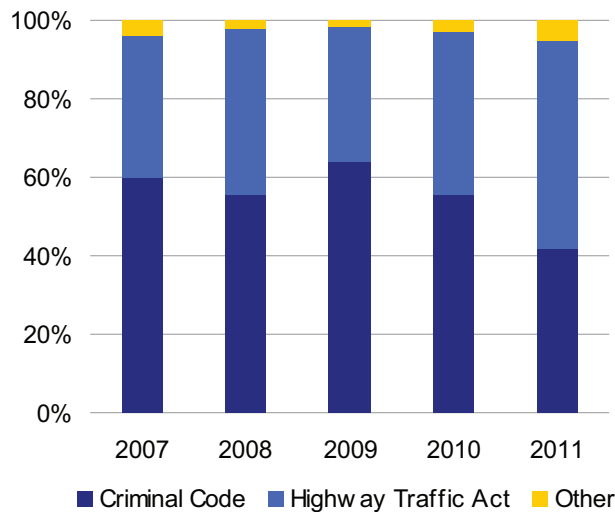
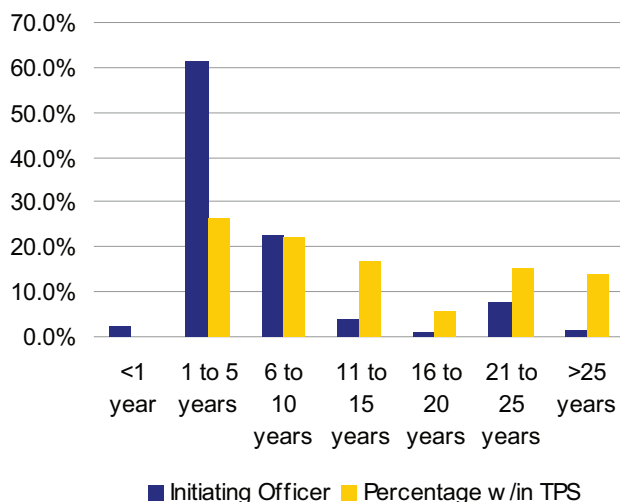


Figure 7.3
Years of Service of Initiating Officer



Trend Analysis

Number of Pursuits

In 2011, 142 Fail to Stop Reports were submitted representing a 13.9% decrease from 2010 and is 17.0% less than the 5-year average. Of the reports submitted in 2011, 93.0% (132) resulted in the initiation of a pursuit, slightly higher than the 5-year average of 91.8% (Figure 7.1).

Reasons for Initiating Pursuits

Of the 132 pursuits initiated in 2011, 41.7% resulted from the commission of Criminal Code offences. Within the Criminal Code category, the majority of pursuits were initiated as a result of the dangerous operation of a motor vehicle and stolen vehicles. However, while stolen vehicles had consistently contributed to the majority of pursuits initiated between 2007 and 2009, the number of pursuits relating to stolen vehicles decreased significantly in 2010 comprising 15.7% of pursuits initiated and has remained consistent in 2011 with 15.2%. This is consistent with SAP training principles, which emphasize the unique risks involved with engaging in pursuits of stolen vehicles.

Offences under the Highway Traffic Act (HTA) accounted for 53.0% of pursuits initiated, a significant decrease from 2010, and 11.7% lower than the 5 year average. Moving violations for the purpose of identifying the driver remains the most common HTA reason for initiating a pursuit.

Miscellaneous circumstances, including reports from the public and suspicious vehicles, accounted for 5.3% of all reasons cited for initiating a pursuit, as indicated in Figure 7.2.

Primary Police Vehicle

TPS Procedure 15-10 outlines that officers operating an unmarked motor vehicle shall not engage in a pursuit unless a marked motor vehicle is not readily available and the police officer believes that it is necessary to engage in a pursuit (for reasons defined in O. Reg. 266/10). There were seven pursuits initiated in 2011 in which officers were in unmarked vehicles compared to only one pursuit initiated in an unmarked vehicle in 2010.

Years of Service

In 2011, TPS officers with 1 to 5 years of service initiated the majority of pursuits (61.4)% of pursuits, a 6.6% decrease from 2010, and but 3.6% higher than the 5 year average. This is due to the fact that officers in this demographic are primarily deployed to divisional policing duties which include responding to calls for service, general patrols and traffic enforcement. Figure 7.3 illustrates the years of service of subject officers in initiated pursuits.

Results of Initiated Pursuits

There was an increase in the percentage of pursuits discontinued by the initiating officer in 2011, from 21.6% of pursuits initiated in 2009 and 32.7% in 2010 to 40.2% in 2011. This increase is in keeping with O. Reg. 266/10 that states an officer may pursue a fleeing vehicle for the purpose of identification, and the technological and training enhancements the Service has made to assist officers in this regard. The designated pursuit supervisor terminated 20.5% of pursuits that were initiated in 2011, compared to 24.8% in 2010.

In 4.5% of initiated pursuits, officers were able to stop suspect vehicles using specific techniques (e.g. rolling block, intentional contact, etc.), comparable to the five year average of 4.6%. In 25.0% of pursuits initiated the vehicle was stopped by the driver, a decrease from 26.8% in 2010. The results of initiated pursuits are indicated in figure 7.4.

Collisions and Pursuit Related Injuries

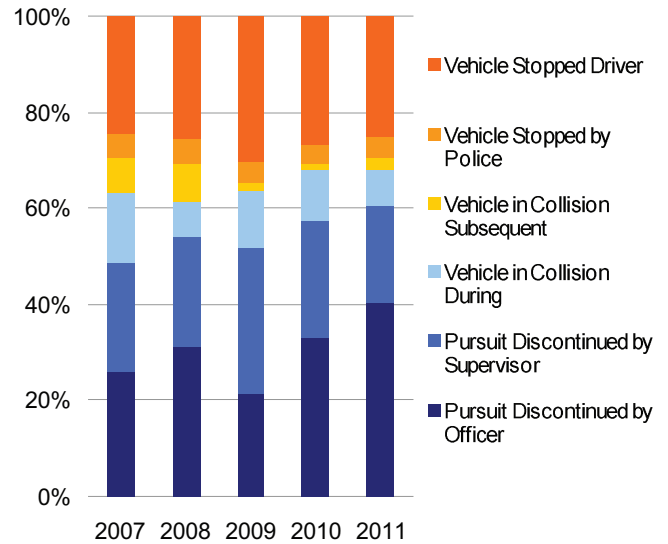
In 2011, 13 pursuits resulted in collisions, 9.8% of all pursuits initiated. Individuals received injuries as a result of 8 initiated pursuits: 7 individuals in pursued vehicles, 4 officers in police vehicles, 2 individuals in third party vehicles, and 1 pedestrian. One officer was fatally injured as a result of a pursuit in 2011 (Fig. 7.5).

Charges Laid in Initiated Pursuits

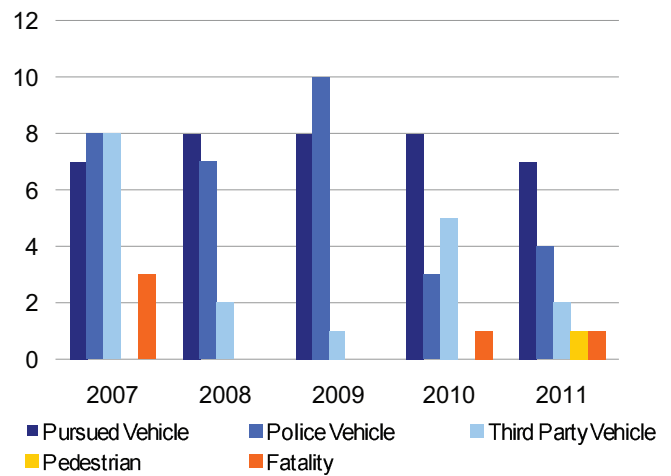
There were 60 people were charged with a Criminal Code offence and 41 with a Highway Traffic Act offence as a result of initiated pursuits in 2011, compared to 86 and 37 respectively in 2010, following a five year decreasing trend in both categories.

A total of 317 charges were laid in 2011, a significant decrease from 457 charges in 2010. Criminal Code charges continue to represent the majority (58.40%) of the total charges laid.

**Figure 7.4
Pursuit Results**



**Figure 7.5
Pursuit Related Injuries**



Supplementary Data

Public Complaints

Classification of Complaints					
Complaints - Investigated	2007	2008	2009	2010	2011
G20 Related	n/a	n/a	n/a	275	16
Conduct-Less Serious	369	400	381	395	391
Conduct-Serious	25	50	33	66	81
Policy	4	8	3	3	6
Service	5	1	4	15	11
Number and Percentage of Complaints (Investigated)	403	459	421	479	489
	57.7%	60.1%	59.1%	54.9%	58.8%
Complaints - Not Investigated	2007	2008	2009	2010	2011
Complaint Over Six Months	38	47	40	67	39
Frivolous	209	213	200	244	130
Made In Bad Faith	7	10	11	0	0
No Jurisdiction	2	3	5	35	131
Not Directly Affected	39	23	32	35	6
Not in the Public Interest	0	0	0	1	28
Not Signed	0	1	1	1	0
Vexatious	1	8	2	7	5
Withdrawn	0	0	0	3	3
Number and Percentage of Complaints (Not Investigated)	296	305	291	393	342
	42.3%	39.9%	40.9%	45.1%	41.2%
Total Number of Public Complaints	699	764	712	872	831
5 Year Average	776				

Alleged Misconduct - Investigated Complaints										
	2007		2008		2009		2010		2011	
	#	%	#	%	#	%	#	%	#	%
Breach of Confidence	0	0.0	5	1.1	1	0.2	0	0.0	1	0.2
Corrupt Practice	1	0.2	1	0.2	0	0.0	1	0.2	1	0.2
Deceit	1	0.2	0	0.0	0	0.0	0	0.0	3	0.6
Discreditable Conduct	244	60.5	289	63.0	262	62.2	281	58.7	282	57.7
Insubordination	3	0.7	1	0.2	3	0.7	4	0.8	7	1.4
Neglect of Duty	50	12.4	47	10.2	23	5.5	20	4.2	44	9.0
Unlawful or Unnecessary Exercise of Authority	95	23.6	107	23.3	125	29.7	155	32.4	134	27.4
Policy/Service	9	2.2	9	2.0	7	1.7	18	3.8	17	3.5
Total	403	100	459	100	421	100	479	100	489	100

Number of Days to Conclude Complaint Investigations										
	2007		2008		2009		2010		2011	
	#	%	#	%	#	%	#	%	#	%
0 to 30 days	301	43.2	301	39.4	285	40.3	383	44.1	365	46.3
31 to 60 days	86	12.3	113	14.8	102	14.4	121	13.9	101	12.8
61 to 90 days	80	11.5	82	10.7	90	12.7	99	11.4	105	13.3
91 to 120 days	73	10.5	66	8.7	73	10.3	95	10.9	92	11.7
121 to 150 days	39	5.6	52	6.8	45	6.4	58	6.7	66	8.4
151 to 180 days	39	5.6	30	3.9	29	4.1	44	5.1	41	5.2
Over 180 days	79	11.3	119	15.6	84	11.9	68	7.8	18	2.3
Total	697	100	763	100	708	100	868	100	788	100

Top Three Sub-Classifications of Alleged Misconduct

	2007		2008		2009		2010		2011	
	#	%	#	%	#	%	#	%	#	%
Discreditable Conduct										
Discrimination	16	6.6	15	5.2	31	11.8	23	8.2	4	1.4
Profane language re: individuality	7	2.9	6	2.1	1	0.4	4	1.4	0	0.0
Profane language re: another Service member	1	0.4	1	0.3	2	0.8	1	0.4	1	0.4
Incivility	128	52.5	112	38.8	65	24.8	50	17.8	34	12.1
Makes false statement against Service member	0	0.0	0	0.0	0	0.0	4	1.4	1	0.4
Assault Service member	0	0.0	0	0.0	0	0.0	3	1.1	0	0.0
Found guilty of criminal offence	0	0.0	0	0.0	2	0.8	0	0.0	0	0.0
Contravene PSA	1	0.4	1	0.3	0	0.0	1	0.4	0	0.0
Acts in a disorderly manner	91	37.3	154	53.3	161	61.5	195	69.4	242	85.8
Total	244	100.0	289	100.0	262	100.0	281	100.0	282	100.0
Neglect of Duty										
Neglects to perform a duty	49	98.0	42	89.4	21	91.3	12	60.0	43	97.7
Leaves place of duty without permission	0	0.0	1	2.1	1	4.3	2	10.0	0	0.0
Fails to report a matter	1	2.0	0	0.0	1	4.3	3	15.0	1	2.3
Fails to disclose evidence	0	0.0	0	0.0	0	0.0	1	5.0	0	0.0
Omits to make entry in a record	0	0.0	2	4.3	0	0.0	0	0.0	0	0.0
Improperly dressed while on duty	0	0.0	0	0.0	0	0.0	2	10.0	0	0.0
Absent without leave or late for duty	0	0.0	2	4.3	0	0.0	0	0.0	0	0.0
Total	50	100.0	47	100.0	23	100.0	20	100.0	44	100.0
Unlawful/Unnecessary Exercise of Authority										
Unlawful/unnecessary arrest	11	11.6	20	18.7	23	18.4	42	27.1	36	26.9
Unnecessary force	84	88.4	87	81.3	102	81.6	113	72.9	98	73.1
Total	95	100	107	100	125	100	155	100	134	100

Disposition - Investigated Complaints

	2007		2008		2009		2010		2011	
	#	%	#	%	#	%	#	%	#	%
Informal Resolution	85	21.1	85	18.5	78	18.5	98	20.5	79	16.2
Misconduct Identified	14	3.5	23	5.0	9	2.1	16	3.3	9	1.8
No Further Action Required	0	0.0	1	0.2	1	0.2	8	1.7	10	2.0
No Jurisdiction	1	0.2	3	0.7	0	0.0	0	0.0	4	0.8
Other	0	0.0	0	0.0	1	0.2	2	0.4	1	0.2
Policy/service - Action Taken	1	0.2	1	0.2	0	0.0	0	0.0	1	0.2
Policy/service-No Action Taken	8	2.0	5	1.1	4	1.0	12	2.5	3	0.6
Unsubstantiated	206	51.1	235	51.2	235	55.8	275	57.4	261	53.4
Withdrawn	86	21.3	105	22.9	89	21.1	64	13.4	77	15.7
Investigation not Concluded*	2	0.5	1	0.2	4	1.0	4	0.8	44	9.0
Total	403	100	459	100	421	100	479	100	489	100

*Number is anticipated to decrease as the 90 day investigation period is reached

Complaints by Unit

	2007		2008		2009		2010		2011	
	#	%	#	%	#	%	#	%	#	%
11 Division	24	3.4	21	2.7	19	2.7	19	2.2	18	2.2
12 Division	17	2.4	17	2.2	15	2.1	15	1.7	22	2.6
13 Division	32	4.6	39	5.1	18	2.5	15	1.7	15	1.8
14 Division	55	7.9	41	5.4	34	4.8	40	4.6	41	4.9
22 Division	32	4.6	21	2.7	24	3.4	30	3.4	20	2.4
23 Division	20	2.9	26	3.4	22	3.1	19	2.2	24	2.9
31 Division	50	7.2	56	7.3	30	4.2	34	3.9	32	3.9
32 Division	30	4.3	24	3.1	16	2.2	13	1.5	17	2.0
33 Division	32	4.6	30	3.9	19	2.7	16	1.8	16	1.9
41 Division	28	4.0	34	4.5	20	2.8	22	2.5	20	2.4
42 Division	23	3.3	27	3.5	13	1.8	19	2.2	22	2.6
43 Division	19	2.7	30	3.9	21	2.9	36	4.1	18	2.2
51 Division	48	6.9	49	6.4	33	4.6	37	4.2	40	4.8
52 Division	54	7.7	63	8.2	54	7.6	42	4.8	35	4.2
53 Division	18	2.6	25	3.3	13	1.8	15	1.7	16	1.9
54 Division	17	2.4	33	4.3	20	2.8	20	2.3	15	1.8
55 Division	38	5.4	19	2.5	24	3.4	21	2.4	13	1.6
Chief of Police	0	0.0	3	0.4	0	0.0	0	0.0	0	0.0
Communications Services	7	1.0	0	0.0	1	0.1	2	0.2	1	0.1
Community Mobilization	0	0.0	0	0.0	0	0.0	0	0.0	1	0.1
Corporate Communications	1	0.1	0	0.0	0	0.0	0	0.0	0	0.0
Corporate Planning	5	0.7	7	0.9	3	0.4	1	0.1	0	0.0
Court Services	2	0.3	1	0.1	2	0.3	0	0.0	0	0.0
Detective Services	1	0.1	0	0.0	0	0.0	0	0.0	0	0.0
Diversity Management Unit	2	0.3	0	0.0	0	0.0	0	0.0	0	0.0
Drug Squad	5	0.7	3	0.4	11	1.5	9	1.0	8	1.0
Emergency Task Force	0	0.0	1	0.1	5	0.7	3	0.3	4	0.5
Employment Unit	0	0.0	2	0.3	0	0.0	1	0.1	0	0.0
Financial Crimes Unit	1	0.1	3	0.4	2	0.3	1	0.1	2	0.2
Forensic Identification Services	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Hold Up Squad	1	0.1	4	0.5	2	0.3	1	0.1	1	0.1
Homicide Squad	2	0.3	3	0.4	0	0.0	0	0.0	2	0.2
Human Resources Management	1	0.1	0	0.0	0	0.0	1	0.1	0	0.0
Intelligence Division	2	0.3	0	0.0	1	0.1	0	0.0	0	0.0
Investigative Unit	0	0.0	1	0.1	0	0.0	0	0.0	1	0.1
Marine Unit	0	0.0	0	0.0	0	0.0	2	0.2	0	0.0
Mounted & Police Dog Services	3	0.4	0	0.0	1	0.1	1	0.1	1	0.1
Not Applicable/Not Identified	75	10.7	133	17.4	258	36.2	382	43.8	368	44.3
Organized Crime Enforcement	0	0.0	1	0.1	2	0.3	7	0.8	4	0.5
Parking Enforcement	1	0.1	1	0.1	1	0.1	0	0.0	0	0.0
Professional Standards	1	0.1	0	0.0	0	0.0	0	0.0	0	0.0
Provincial ROPE	2	0.3	0	0.0	0	0.0	0	0.0	2	0.2
Public Safety & Emergency Management	1	0.1	0	0.0	0	0.0	1	0.1	0	0.0
Purchasing Support Services	0	0.0	1	0.1	0	0.0	0	0.0	0	0.0
Records Management Services	0	0.0	0	0.0	0	0.0	3	0.3	0	0.0
Risk Management Unit	1	0.1	1	0.1	0	0.0	0	0.0	1	0.1
Sex Crimes Unit	2	0.3	2	0.3	0	0.0	1	0.1	6	0.7
Special Investigation Services	9	1.3	6	0.8	2	0.3	0	0.0	0	0.0
TAVIS	4	0.6	9	1.2	8	1.1	21	2.4	22	2.6
Toronto Police College	0	0.0	0	0.0	1	0.1	1	0.1	1	0.1
Traffic Services	33	4.7	27	3.5	17	2.4	21	2.4	22	2.6
Total	699	100	764	100	712	100	872	100	831	100

Use of Force

Use of Force Options Employed				
TYPE OF FORCE USED	NUMBER AND PERCENTAGE OF INCIDENTS			
	2010		2011	
	NO.	%	NO.	%
Conducted Energy Weapons				
<i>Demonstrated Presence</i>	95	7.0	127	9.6
<i>Drive Stun</i>	28	2.1	21	1.6
<i>Full Deployment</i>	87	6.4	74	5.6
Physical Control				
<i>Hard only</i>	76	5.6	60	4.6
<i>Soft only</i>	322	23.8	343	26.0
<i>Both Hard & Soft</i>	123	9.1	71	5.4
Firearm Discharge - Intentional	24	1.8	35	2.7
Firearm Pointed at Person	828	61.1	842	63.9
Handgun - Drawn only	117	8.6	104	7.9
Impact Weapons Used				
<i>Hard only</i>	60	4.4	41	3.1
<i>Soft only</i>	15	1.1	7	0.5
<i>Both Hard & Soft</i>	1	0.1	2	0.2
Oleoresin Capsicum Spray	68	5.0	65	4.9
Other Type of Force	77	5.7	47	3.6
Police Dog	14	1.0	20	1.5
	2010		2011	
Total Use of Force Incidents	1355		1317	

Note: An officer may employ multiple force options in a single use of force incident. As such, the total number of force options used may exceed the total number of use of force incidents in a year. This chart reflects the percentage of time a force option is used in total annual use of force incidents. For example, in 2011, Conductive Energy Weapons were used 127 times as a demonstrated presence within the 1317 use of force incidents. (9.6% of incidents)

Initial Reason for Use of Force				
Initial Reason for Use of Force	NUMBER AND PERCENTAGE OF INCIDENTS			
	2010		2011	
	NO.	%	NO.	%
Destroy An Animal	10	0.7%	25	1.9%
Effect Arrest	462	34.1%	499	37.9%
Other	22	1.6%	10	0.8%
Prevent Commission Of Off	18	1.3%	25	1.9%
Prevent Escape	39	2.9%	52	3.9%
Protect Public	83	6.1%	59	4.5%
Protect Self	721	53.2%	647	49.1%
Total # of Incidents	1355	100.0%	1317	100.0%

Officer Duties at Time of Incident				
Type of Assignment	NUMBER AND PERCENTAGE OF INCIDENTS			
	2010		2011	
	NO.	%	NO.	%
Directed Patrol	35	1.6%	36	1.8%
Foot Patrol	47	2.2%	35	1.7%
Crowd Control	12	0.6%	7	0.3%
General Patrol	1102	51.8%	992	48.9%
Investigation - Drugs	54	2.5%	50	2.5%
Investigation - Other	280	13.2%	288	14.2%
Off-Duty	1	0.0%	0	0.0%
Other-Type Of Assignment	81	3.8%	78	3.8%
Tactical	399	18.8%	415	20.4%
Traffic Patrol	82	3.9%	59	2.9%
Paid Duty	5	0.2%	13	0.6%
PDS/Mounted	13	0.6%	18	0.9%
Special OPS (G&G, ROPE, etc.)	16	0.8%	39	1.9%
Total # of Reports	2127	100.0%	2030	100.0%

Category of Incidents when Force Used				
Type of Incident	NUMBER AND PERCENTAGE OF INCIDENTS			
	2010		2011	
	NO.	%	NO.	%
Animal Related	11	0.8	22	1.7
Arrest/Prisoner Related	21	1.5	20	1.5
Assault/Serious Injury	57	4.2	62	4.7
Break And Enter	62	4.6	40	3.0
Domestic Disturbance	59	4.4	53	4.0
Drug Related	35	2.6	43	3.3
EDP	77	5.7	98	7.4
Pursuit	13	1.0	16	1.2
Robbery Call	93	6.9	84	6.4
Search Warrant/Warrant Related	240	17.7	262	19.9
Stolen Vehicle	39	2.9	37	2.8
Suspicious Person Call	37	2.7	26	2.0
Traffic Stop	61	4.5	52	3.9
Unknown Trouble Call	22	1.6	29	2.2
Wanted Person	43	3.2	34	2.6
Weapons Call	305	22.5	320	24.3
Other	180	13.3	119	9.0
Total # of Incidents	1355	100.0	1317	100.0

Perceived Weapons Carried by Subject				
Type of Weapon	NUMBER AND PERCENTAGE OF INCIDENTS			
	2010		2011	
	NO.	%	NO.	%
Animal - No Weapon	5	0.4	4	0.3
Baseball Bat/club	38	2.8	19	1.4
Bottle	7	0.5	6	0.5
Knife/edged Weapon	264	19.5	262	19.9
<i>Firearms</i>				
Pistol	0	0.0	1	0.1
Revolver	96	7.1	94	7.1
Rifle	44	3.2	36	2.7
Semi-Automatic	592	43.7	529	40.2
Shotgun	43	3.2	56	4.3
Other-Firearm	71	5.2	66	5.0
None	299	22.1	340	25.8
Other	66	4.9	59	4.5
Unknown	596	44.0	562	42.7
	2010		2011	
Total Use of Force Incidents	1355		1317	

Note: A single use of force incident may involve multiple subjects with multiple weapons. As such, the total number of perceived weapons carried by subjects may exceed the total number of use of force incidents in a year. This chart reflects the percentage of time a perceived weapon is involved in total annual use of force incidents. For example, in 2011, a bottle was involved 6 times in the 1317 incidents. (0.5% of incidents)

Subject Apprehension Pursuits

Pursuit Initiation Reasons										
Pursuit Initiation Reasons	2007		2008		2009		2010		2011	
	#	%	#	%	#	%	#	%	#	%
Criminal Code										
Break and Enter	3	1.8	4	2.3	2	1.3	5	3.3	3	2.3
Dangerous Operation	28	16.5	19	10.8	18	11.8	23	15.0	16	12.1
Impaired Operation	7	4.1	10	5.7	19	12.4	10	6.5	2	1.5
Other	16	9.4	17	9.7	14	9.2	17	11.1	10	7.6
Prohibited Operation	0	0.0	0	0.0	1	0.7	1	0.7	1	0.8
Robbery	1	0.6	5	2.8	3	2.0	5	3.3	3	2.3
Stolen Vehicle	47	27.6	43	24.4	41	26.8	24	15.7	20	15.2
Sub-total	102	60.0	98	55.7	98	64.1	85	55.6	55	41.7
Highway Traffic Act										
Equipment Violation	7	4.1	9	5.1	9	5.9	13	8.5	6	4.5
Moving Violation	47	27.6	50	28.4	29	19.0	38	24.8	53	40.2
Other	4	2.4	13	7.4	9	5.9	7	4.6	8	6.1
R.I.D.E.	0	0.0	1	0.6	1	0.7	1	0.7	1	0.8
Suspended Driver	3	1.8	1	0.6	4	2.6	5	3.3	2	1.5
Sub-total	61	35.9	74	42.0	52	34.0	64	41.8	70	53.0
Miscellaneous										
Other	1	0.6	0	0.0	0	0.0	2	1.3	5	3.8
Report from Public	2	1.2	0	0.0	0	0.0	1	0.7	0	0.0
Suspicious Vehicle	4	2.4	4	2.3	3	2.0	1	0.7	2	1.5
Sub-Total	7	4.1	4	2.3	3	2.0	4	2.6	7	5.3
TOTAL	170	100.0	176	100.0	153	100.0	153	100.0	132	100.0

Glossary of Terms

Civil Litigation Definitions

Charter of Rights Violations:

The breach of a right that is afforded under the Charter of Rights and Freedoms.

False arrest:

An arrest made without proper legal authority.

Malicious Prosecution:

To succeed in a claim for malicious prosecution, a plaintiff must establish: 1) That the defendant initiated the proceedings; 2) That the proceedings terminated in favor of the plaintiff; 3) The absence of reasonable and probable cause, and; 4) Malice, or a primary purpose other than that of carrying the law into effect.

Misfeasance in Public Office:

The elements that must be established include: 1) Deliberate and unlawful conduct in the exercise of public functions, and; 2) Awareness that the conduct is unlawful and likely to injure the plaintiff. A plaintiff must also prove that the conduct was the legal cause of his or her injuries, and that the injuries suffered are compensable in tort law.

Negligent Investigations:

To succeed in a claim for negligent investigation, a plaintiff must establish that: 1) The investigating officers owed the plaintiff a duty of care; 2) The investigating officers failed to meet the standard of care; 3) the plaintiff suffered compensable damage, and; 4) The damage was caused by the investigating officers' negligent act or omission.

Excessive Use of Force:

A police officer has the right to use as much force as reasonably necessary to carry out his or her law enforcement duties. Excessive use of force would be any use of force that is

Police Services Act Definitions

Discreditable Conduct

- 2(1)(a)(i) Fails to treat or protect a person equally without discrimination.
- 2(1)(a)(ii) Uses profane, abusive or insulting language that relates to a person's individuality.
- 2(1)(a)(iii) Is guilty of oppressive or tyrannical conduct towards an inferior in rank.
- 2(1)(a)(iv) Uses profane, abusive or insulting language to any other member of the Service.
- 2(1)(a)(v) Uses profane, abusive or insulting language or is otherwise uncivil to a member of the public.
- 2(1)(a)(vi) Wilfully or negligently makes any false complaint or statement against any member of the Service.
- 2(1)(a)(vii) Assaults any other member of the Service.
- 2(1)(a)(viii) Withholds or suppresses a complaint or report against a member of the Service or about the policies of, or services provided by, the Service.
- 2(1)(a)(ix) Accused, charged or found guilty of an indictable criminal offence or criminal offence punishable upon summary conviction.
- 2(1)(a)(x) Contravenes any provision of the Act or the regulations.
- 2(1)(a)(xi) Acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the Service.

Neglect of Duty

- 2(1)(c)(i) Without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the Police Service.
- 2(1)(c)(i.1) Fails to comply with any provision of Ontario Regulation 673/98 (Conduct and Duties of Police Officers Investigations by the Special Investigations Unit).
- 2(1)(c)(ii) Fails to work in accordance with orders, or leaves an area, detachment, detail or other place of duty, without due permission or sufficient cause.
- 2(1)(c)(iii) By carelessness or neglect permits a prisoner to escape.
- 2(1)(c)(iv) Fails, when knowing where an offender is to be found, to report him or her or to make due exertions for bringing the offender to justice.
- 2(1)(c)(v) Fails to report a matter that is his or her duty to report.
- 2(1)(c)(vi) Fails to report anything that he or she knows concerning a criminal or other charge, or fails to

disclose any evidence that he or she, or any person within his or her knowledge, can give for or against any prisoner or defendant.

- 2(1)(c)(vii) Omits to make any necessary entry in a record.
- 2(1)(c)(viii) Feigns or exaggerates sickness or injury to evade duty.
- 2(1)(c)(ix) Is absent without leave from or late for any duty, without reasonable excuse.
- 2(1)(c)(x) Is improperly dressed, dirty or untidy in person, clothing or equipment while on duty.

Unlawful or Unnecessary Exercise of Authority

- 2(1)(g)(i) Without good and sufficient cause makes an unlawful or unnecessary arrest.
- 2(1)(g)(ii) Uses any unnecessary force against a prisoner or other person contacted in the execution of duty.

Use of Force Definitions

Demonstrated Force Presence (CEW):

The CEW is utilized as a demonstration only and does not make contact with the subject. The CEW may be un-holstered, pointed in the presence of the subject, sparked as a demonstration, and/or have its laser sighting system activated.

Drive Stun Mode (CEW):

The CEW is utilized by direct contact with the subject and the current applied; the probes are not fired.

Full Deployment (CEW):

The CEW is utilized by discharging the probes at a subject and the electrical pulse applied.