

# PROFESSIONAL STANDARDS ANNUAL REPORT

2009



Toronto Police Service  
To Serve and Protect

Professional Standards  
Semper Vigilis



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# PREFACE

## Source Data

Statistical information included in the Annual Report has been compiled from various automated and manual sources from individual units, including:

- Professional Standards Information System (PSIS)
- Prosecutions Services
- PRS-Investigations (Criminal & Conduct)
- Legal Services
- Awards Unit
- Special Investigations Liaison Unit
- Toronto Police College
- Human Resources Management

# EXECUTIVE SUMMARY

## Introduction

Professional Standards provides effective support to the Toronto Police Service, ensuring that the 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 the goal to strengthen public confidence and co-operation within the community.

The Professional Standards Unit is comprised of the Professional Standards-Investigative Unit and the Professional Standards-Risk Management Unit. The Investigative Unit investigates all forms of complaints (criminal and non-criminal) 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. Professional Standards also provides a liaison function to other TPS units and committees (Legal Services, Disciplinary Hearings Office, Crime Information Analysis, the Use of Force committee), as well as other external agencies (The Office of the Independent Police Review Director, SIU).

## Initiatives

The Investigative Unit has been proactive in 2009 to incorporate legislative changes to the Police Services Act into the TPS public complaints process. On October 19, 2009, a new public complaints process came into effect with the implementation of The Office of the Independent Police Review Director (OIPRD), a civilian-staffed independent agency responsible for the administration and classification of public complaints against police officers in Ontario. To ensure an effective implementation of this process, a senior officer within the Investigative Unit was appointed to act as the TPS Liaison Officer. The Liaison Officer assists the OIPRD with information for screening and classifying complaints and monitors investigative timelines. The Liaison Officer's role provides an internal oversight for the intake and management of complaints.

The sub-units of the Risk Management Unit have been actively engaged in initiatives that mitigate risk across the Service. Information Security was successful in publishing and educating members on the Acceptable Use Agreement through information sessions to increase awareness about permissible and prohibited computer use and reputational risk exposures when using the internet. The Inspections Unit delivered officer safety information sessions to discuss the security of firearms and CEW devices, property compliance, investigation integrity, asset management, and created a new report to improve compliance. Prosecutions Services conducted an efficiency review that evaluated the timeliness of the process to resolve discipline matters brought before the Tribunal. The SIU Liaison Unit focused on educating members of specialized units regarding specific procedural and legislative requirements, the Guaranteed Arrival Program (emphasizing safe driving) and revisions to TPS procedures. The Analysis &

Assessment Unit implemented software upgrades to the Professional Standards Information System (PSIS), technical and operational provisions to enhance the collection of data and maintain legislative retention, unit re-location and staff training, and has begun a review to identify and evaluate staffing and technology challenges. The Duty Desk Inspectors continued to visit police facilities to inspect unit operations and had meetings with other police services to discuss topics of mutual operational relevance including conduct investigations and wellness issues. A review of safe driving practices was conducted which detailed the Service's strategic approach to hiring, training, monitoring, assessing, investigating and, where necessary, disciplining members to ensure safe operation of Service vehicles.

## **Trends**

The PRS Annual Report provides statistical comparisons and trend analysis on the following topics: awards, the Professional Standards Information System, public complaints, civil litigation, Police Service Act charges, use of force reporting, SIU investigations, and suspect apprehension pursuits.

### *Awards*

The Awards Program is coordinated by Professional Standards to recognize outstanding contributions and achievements by Service members and the public. In 2009, 877 awards were given to recognize outstanding contributions and achievements of Toronto Police Service members and members of the public.

### *Professional Standards Information System*

The Professional Standards Information System is utilized by the Risk Management Unit as a tool to produce statistical and trend analysis reports for proactive identification of risk management issues. In 2009, in addition to standard data analysis, PSIS was used to support internal initiatives such as the Ontario Human Rights project and the review of the Service's safe driving practices.

### *Public Complaints*

Public complaints made against Toronto Police officers are processed by the TPS Professional Standards Complaints Administration Unit. In 2009, there was a decrease in the number of public complaints received concerning the conduct of uniform members and/or the policy/service of the Toronto Police Service. Contributing factors influencing this decrease include an over-all decrease in calls for service, arrests, and use of force incidents in 2009. There was also a decrease in the number of complaints classified as serious in nature, allegations of *incivility*, and complaint decisions overruled by the Ontario Civilian Police Commission. There is a continued focus on completion timelines as a priority, with the majority of complaint investigations concluded within 90 days.

### *Civil Litigation*

Civil actions against TPS members are processed by Legal Services. In the past five years the number of civil actions has risen slightly, with the main cause of action being negligent investigations.

### *Police Service Act Charges*

Prosecution Services reviews disciplinary investigations to determine the appropriateness of holding a hearing and prosecutes disciplinary charges against officers. In 2009, there was an increase in the number of cases and officers charged which can, in part, be attributed to the recent conclusion of a number of criminal court cases.

### *Use of Force*

Officers are required to submit the ministry standard UFR Form 1 report when they use force in the performance of their duties. In 2009 there was a decrease in the number of incidents in which officers reported force used, consistent with a three-year decreasing trend. This decrease corresponds to decreases service-wide including major crime indicators, calls for service, gun calls, and arrests.

### *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 an increase in the number of incidents involving TPS officers where the SIU invoked its mandate in 2009. This increase is consistent with an increase of SIU investigations province-wide. TPS officers continue to be exonerated in the majority of SIU investigations.

### *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 2009, there was a decrease in the number of pursuits initiated, which is consistent with a 3 year decreasing trend. Subject officers and/or supervisors continue to discontinue the majority of pursuits in the interest of public safety.

## **Conclusion**

The information contained in the annual report continues to assist all Professional Standards units in identifying strategic issues, goals and actions to build upon the initiatives embarked upon this year. Professional Standards has noted a decrease in the number of public complaints, use of force incidents, and pursuits initiated, which is positive reinforcement for the priorities of the unit. Learning from this, the unit will continue to educate and train members on Service core values and best practices, liaise with other agencies to identify areas for innovation, and conduct on-going reviews to ensure continued alignment with the Toronto Police Service mandate. This strategy will yield further positive results and support the commitment Professional Standards has made to promote safety for both TPS members and the citizens we serve.

# AWARDS

## Overview

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 and public safety. Members are also recognized for exclusive 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 which is administered by Professional Standards. A Standing Awards Committee, comprised of uniform and civilian members from across the Service, reviews eligibility of awards to ensure fairness and consistency. During 2009, there were 12 award ceremonies hosted by the Toronto Police Service in which 493 awards were distributed to members of the TPS, the community and other police services. In addition, Toronto Police Service members received 384 awards from external agencies.

## Internal Awards

Listed below are the awards presented to Service members and the community by the Toronto Police Services Board or the Toronto Police Service in 2009.

Award Type	Total
<b>Chief of Police Excellence Award</b> Granted by the Chief of Police in special circumstances, to any person for acknowledgement of achievement through dedication, persistence or assistance to the Service.	6
<b>Chief of Police Letter of Recognition</b> Granted by the Chief of Police to a police officer or a civilian member in acknowledgement of excellence in performance of duty, community policing initiatives, or innovations or initiatives that assist or enhance the image or operation of the Service. (External police agencies only)	6
<b>Civilian Long Service Pin (20, 30 &amp; 40 yrs)</b> Granted by the Board and presented to civilian members upon the completion of 20, 30 and 40 years of employment with the Board.	102
<b>Commendation</b> 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.	26
<b>Community Member Awards</b> 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.	76
<b>Medal of Honour</b> Granted by the Board to a police officer or a civilian member for distinguished acts of bravery.	n/a
<b>Medal of Merit</b> Granted by the Board to a police officer or a civilian member for outstanding acts of bravery or the highest level of performance of duty.	n/a
<b>Merit Mark</b> 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.	4



Award Type	Total
<b>Partnership Citation</b> Granted by the Board to groups of citizens or organizations for grateful acknowledgement of unselfish assistance rendered to the Service, or for an initiative or innovation that had a positive affect on the image or operation of the Service.	18
<b>Teamwork Commendation</b> 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.	164
<b>25-Year Commemorative Watch</b> Granted by the Board and presented to police officers, civilian members and Auxiliary officers upon completion of 25 years of full-time employment.	91
<b>Total</b>	<b>493</b>

In addition to the above awards for outstanding performance, the Service presented **172** members with retirement plaques.

### **External Awards**

Listed below are the awards presented to Service members by external agencies or organizations in 2009.

Award Type	Total
<b>Islamic Foundation of Toronto Award</b> Awarded by the Islamic Foundation of Toronto for outstanding volunteer and humanitarian efforts by an officer.	1
<b>Lifesaving Society Rescue Award of Merit</b> The criteria for deciding whether to recognize an individual include the ability to recognize the emergency, a willingness to intervene; and evidence of good judgment.	1
<b>OACP Lifetime Achievement Award in Traffic Safety</b> Sponsored by the Ontario Minister of Transportation and presented by the Ontario Association of Chiefs of Police (OACP) to recognize devotion to furthering traffic safety initiatives.	1
<b>Ontario Auxiliary Police Medal</b> 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.	8
<b>Ontario Medal for Police Bravery</b> Presented by the Ministry of Citizenship and Immigration to members of Ontario's Police Forces to recognize acts of outstanding courage and bravery.	1
<b>Ontario Women in Law Enforcement Awards</b> (Mentoring, Community, Valour, Leadership) Recognition of outstanding achievements made by women, uniform and civilian, in Ontario law enforcement. Categories include: Excellence, Valour, Community Service, Mentoring, Leadership, and Teamwork.	12
<b>Order of Merit of the Police Forces (Officers and Members)</b> 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.) to reflect long-term outstanding service in varying degrees of responsibility.	4

Award Type	Total
<p><b>Police Exemplary Service Medals</b>  The Police Exemplary Service Medal is 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. Presentations made by the Chief of Police.</p>	322
<p><b>Police Officer of the Month (2008)</b>  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.</p>	20
<p><b>Police Officer of the Year (2008)</b>  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.</p>	1
<p><b>Toronto EMS Service Award</b>  Awarded to members of the Allied Services who displayed outstanding Allied assistance to Toronto EMS and the citizens of Toronto.</p>	6
<p><b>Toronto Fire Services – Certificate of Commendation</b>  Awarded to a civilian who, during a rescue attempt, was meritorious and the civilian faced significant personal danger.</p>	3
<p><b>Toronto Fire Services – Certificate of Recognition</b>  Awarded to a civilian who, during an emergency situation, was meritorious and warrants recognition, but their own personal safety was not threatened.</p>	1
<p><b>Toronto Fire Services – Certificate of Merit</b>  Awarded to a civilian who, during a rescue attempt, was meritorious and the civilian faced minimal personal danger.</p>	3
<p><b>Total</b></p>	<b>384</b>

## **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. One method by which the Risk Management Unit seeks to fulfill this mandate is to pro-actively analyze and review trends surrounding the practices, conduct, ethics and integrity of TPS members. To accomplish this, the Professional Standards Information System (PSIS) was implemented in 2003 to collect data pertinent to the conduct of all Service members.

The Professional Standards Information System is software designed for the law enforcement industry. The Professional Standards Unit utilizes PSIS as the foundation for statistical data collection and reporting pertaining to Suspect Apprehension Pursuits, Use of Force reports, Service Vehicle Collisions, Complaints, and additional investigative files. The software is utilized 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.

Through the use of PSIS, the Risk Management Unit made significant contributions to both community and TPS initiatives in 2009. PSIS continued to be utilized as a valuable resource of information for the Services joint venture with the Ontario Human Rights Commission. Through the use of data contained in PSIS, the Risk Management Unit was able to assist with fulfilling the project charter which was to identify and eliminate any discrimination that may exist within the TPS. Additionally, the Professional Standards Unit conducted a review of the Service's safe driving practices. Data obtained and analyzed through PSIS was a significant component of this review and supported the finding that the Service's safe driving record has improved over the years.

The Risk Management Unit continued to provide on-going trending and statistical support to the Service's management team via bi-weekly, monthly, and semi-annual submissions for Professional Standards and Command reports as well as service-wide communications. An upgrade to the PSIS system in 2009 enhanced its reporting capabilities, allowing the unit to provide more targeted data on a regular basis. The upgrade provided the opportunity for greater trending and analysis capabilities in the areas of Use of Force, Vehicle Pursuits, and Service Vehicle Collisions, which are considered high risk incidents for officers and the community at large. Through PSIS, these high risk situations will be monitored and analyzed in depth to assist in determining areas where enhancements to policies or training practices may be possible. The upgrade has also allowed for deeper analysis of individual conduct trending which will provide the ability to identify members who may benefit from additional training in specific areas. These reporting and analysis opportunities are currently being reviewed to determine best practice principles.

PSIS has enabled the Risk Management Unit to respond to a variety of requests in efficient and effective ways. The software, through its collection, trending, and reporting functions, has increased the value of the information communicated by Professional Standards to Service members. In addition, PSIS has facilitated data sharing with the community, including news media sources, outreach centres, and the general public. Continual review of the PSIS system will be conducted on an on-going basis to ensure it is utilized to its full potential as a tool to identify trends and to assist in the promotion of professionalism across the Service.

# PUBLIC COMPLAINTS

## Overview

Ontario Regulation 3/99 made under the Police Services Act (PSA) requires every Chief of Police to prepare an annual report for the Board relating to the activities of the police service during the previous fiscal year, which includes information on public (external) complaints. The Toronto Police Service (TPS) has established tools by which public complaints can be recorded to ensure compliance with this requirement of the Board.

The TPS has established procedures to ensure fairness and impartiality for all parties involved in the complaints system and is committed to ensuring transparency of the system to both police officers and the public.

## Public Complaint Process

Public complaints made against Toronto Police officers are processed by the TPS Professional Standards Investigative Unit. Complaints are reviewed by an intake officer in the Complaints Administration section for compliance with Part V (Code of Conduct) of the PSA. Supplementary information required to identify the original event, involved officer(s), and context of the allegations is gathered from various resources including: the Professional Standards Information System, TPS databases, specialized TPS units/departments, senior officers in Professional Standards, and complaint investigators. The original complaint document(s) and the supplementary information form the basis for the complaint classification according to the PSA Code of Conduct and determine if the complaint meets the criteria for an investigation.

## The Office of the Independent Police Review Director (OIPRD)

In 2007, The Independent Review Act (Bill 103) was enacted, mandating the creation of The Office of the Independent Police Review Director (OIPRD) and a new public complaints process by amending the Police Service Act. The OIPRD came into effect on October 19, 2009 and is a civilian-staffed independent agency of the Ontario Ministry of the Attorney General. It 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.<sup>1</sup>

The OIPRD is mandated under Part II.1 of the PSA to manage complaints made by members of the public in accordance with Part V (Code of Conduct) of the PSA. 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. Most complaints classified as *less serious conduct* and all *policy/service* complaints are sent to the Service in question for investigation.

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<sup>1</sup> About OIPRD, Retrieved 2010.03.17. <https://www.oiprd.on.ca/CMS/About.aspx>

The Independent Police Review Act has mandated that a Senior Officer be appointed to liaise with OIPRD investigators and case managers. The TPS Liaison Officer assists the OIPRD with information for screening and classifying complaints and monitors investigative timelines. The Liaison Officer's role provides an internal oversight for the intake and management of complaints.

The legislative amendments to the PSA and corresponding changes to the public complaint process will impact 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. These changes will also impact the comparability of public complaint data, as complaints stemming from incidents occurring prior to October 19, 2009 are still processed by the previous system (by the originating Service).

### **Classification of Complaints**

In 2009, 712 public complaints were received concerning the conduct of uniform members and/or the policy/service of the Toronto Police Service, a 6.1% decrease from 2008 and a 7.9% decrease from 2005. Contributing factors influencing this decrease include a decrease in calls for service, arrests, and use of force incidents in 2009<sup>2</sup>.

In 2007, revisions were made to the TPS public complaint intake process to include a more comprehensive assessment of public complaints that would ensure accurate and timely complaint classifications. These revisions were prompted by trending that showed investigations conducted for complaints that should have been classified under the following categories: *frivolous*; *vexatious*; *made in bad faith*; *not directly affected*; *unsigned complaint*. Notably, the review of the intake process changed to incorporate consultation with a variety of personnel and data resources to accurately determine the context of each complaint and to form the basis of the classification per the PSA Code of Conduct.

As a result of the above revisions, the percentage of complaints investigated decreased in 2007 to 57.7% from 71.0%. As anticipated, the number of complaints classified as *frivolous* increased in 2007 to 29.9% from 18.5%. Since that time, the percentage of complaints investigated and those classified as *frivolous* have maintained steady averages of 58.7% and 28.9% respectively for 2007–2009, compared to averages of 69.5% (investigated complaints) and 15.7% (*frivolous*) for the 3 years prior to the revisions.

Table 2.1 on the next page compares the classifications of complaints during 2009 to the previous four years. Complaints classified as *frivolous* include: objections regarding an arrest, charge, summons, or ticket; the provision of a defence to a charge, summons, or ticket; disagreement with the outcome of investigations (appropriate venue is OCPC or OIPRD); duplicate complaints; general dialogue letters without allegations of misconduct; and allegations of unlawful police technology of which such technology is non-existent. In last quarter of 2009, the OIPRD became responsible for the classification of public complaints as conduct, service or policy related. Those complaints listed as *not classified (OIPRD)* have not yet been given a classification.

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<sup>2</sup> 2009 Year End Executive Dashboard, Retrieved 2010.03.19

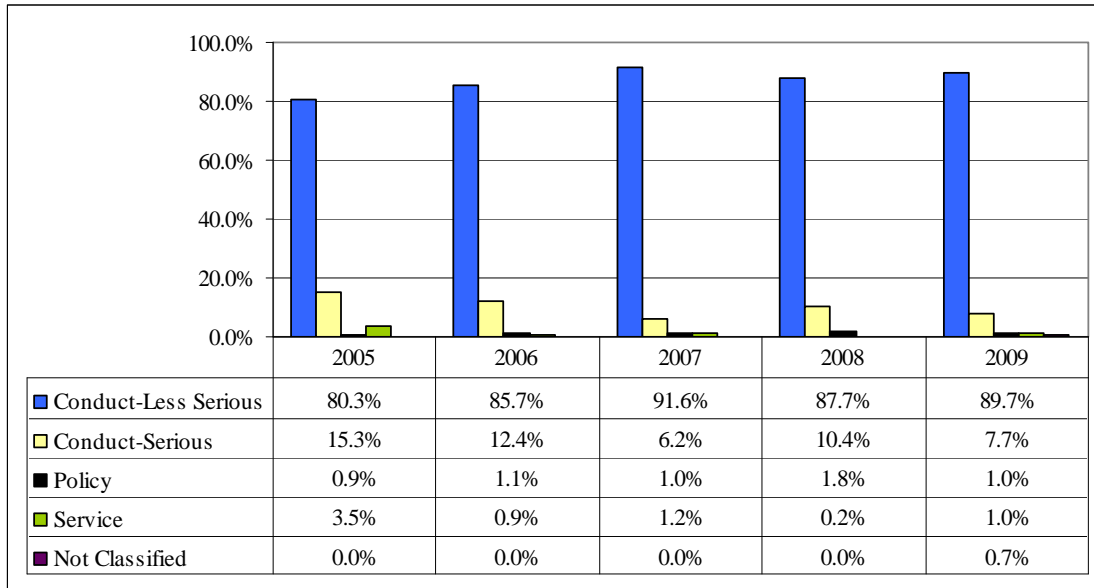
**Table 2.1 – Classification of Complaints  
2005 - 2009**

<b>Complaints - Investigated</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Conduct - less serious	457	402	369	398	373
Conduct - serious	87	58	25	47	32
Policy	5	5	4	8	4
Service	20	4	5	1	4
Not Classified (OIPRD)*	0	0	0	0	3
<b>Number and Percentage of Complaints (Investigated)</b>	569 73.6%	469 71.0%	403 57.7%	454 59.9%	416 58.4%
<b>Complaints - Not Investigated</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Frivolous	89	122	209	213	204
Made In Bad Faith	0	1	7	10	12
No Jurisdiction	10	4	2	2	5
Not Directly Affected	26	26	39	23	32
Not Signed	6	1	0	1	1
Over Six Months	70	37	37	47	40
Vexatious	3	1	1	8	2
<b>Number and Percentage of Complaints (Not Investigated)</b>	204 26.4%	192 29.0%	295 42.3%	304 40.1%	296 41.6%
<b>TOTAL NUMBER OF PUBLIC COMPLAINTS</b>	<b>773</b>	<b>661</b>	<b>698</b>	<b>758</b>	<b>712</b>
<b>5 YEAR AVERAGE</b>	<b>720</b>				

\*The OIPRD came into effect October 19, 2009 and they are now responsible for the classification of public complaints as conduct, service, or policy related.

In relation to investigated complaints, the percentage categorized as *conduct of a serious nature* has decreased to 7.7% from 10.4% in 2008 representing, on average, a decreasing trend since 2005. Conversely, the percentage of complaints categorized as *conduct of a less serious nature* has increased to 89.7% from 87.7% in 2008 representing, on average, an increasing trend since 2005. The number of complaints investigated pertaining to the policy and/or service provided by the TPS account for 2.0% of complaints investigated in 2009. Chart 2.1 on the next page displays the classifications of complaints that were investigated each year since 2005, as indicated in Table 2.1.

**Chart 2.1 – Classification of Complaints Investigated  
2005 - 2009**



### **Sub-Classification of Complaints based on Alleged Misconduct**

The PSA Code of Conduct is used as a means of classifying complaints. 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.

The data in Table 2.2 compares the sub-classifications of complaints (based on initial allegations) received in 2009 to the previous 4 years. The following three types of allegations account for the sub-classification of an average of 96.4% of complaints investigated in the previous 5 years: *Discreditable Conduct*, *Neglect of Duty*, and *Unlawful/Unnecessary Exercise of Authority*. *Discreditable Conduct* was cited more frequently than any other type of misconduct.

There has been an increase in sub-classifications of *Discreditable Conduct* since 2007, reflecting a steady average of 61.7% of complaints investigated between 2007 and 2009. Conversely, the sub-classification of *Neglect of Duty* has seen a continuing decrease since 2007. These trends can be attributed to revisions to the TPS complaint intake process in 2007 that sought to more precisely classify complaints by accurately identifying the allegations. The sub-classification *Unlawful/Unnecessary Exercise of Authority* has remained relatively consistent for the past 5 years, averaging 25.5% of investigated complaints. Table 2.2, on the next page, details the sub-classifications of investigated complaints received between 2005-2009.

**Table 2.2 –Complaint Sub-Classifications based on Alleged Misconduct  
2005 - 2009**

Sub-Classification	2005		2006		2007		2008		2009	
	No.	%	No.	%	No.	%	No.	%	No.	%
Breach Of Confidence	1	0.2	3	0.6	0	0.0	5	1.1	1	0.2
Corrupt Practice	2	0.4	4	0.9	1	0.2	1	0.2	0	0.0
Damage To Clothing Or Equipment	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Deceit	1	0.2	2	0.4	1	0.2	0	0.0	0	0.0
Discreditable Conduct	306	53.8	232	49.5	244	60.5	284	62.6	258	62.0
Insubordination	7	1.2	2	0.4	3	0.7	1	0.2	3	0.7
Neglect Of Duty	75	13.2	101	21.5	50	12.4	47	10.4	22	5.3
Unlawful/Unnecessary Exercise Of Authority	152	26.7	116	24.7	95	23.6	107	23.6	121	29.1
Policy	5	0.9	5	1.1	4	1.0	8	1.8	4	1.0
Service	20	3.5	4	0.9	5	1.2	1	0.2	4	1.0
Not Classified	0	0.0	0	0.0	0	0.0	0	0.0	3	0.7
<b>Total</b>	<b>569</b>	<b>100</b>	<b>469</b>	<b>100</b>	<b>403</b>	<b>100</b>	<b>454</b>	<b>100</b>	<b>416</b>	<b>100</b>



In 2009, sub-classifications of *Discreditable Conduct*, *Neglect of Duty*, and *Unlawful/Unnecessary Exercise of Authority* accounted for 96.4% of investigated complaints. Table 2.3 shows these allegations of misconduct sub-classified to specific charges under the Police Service Act Code of Conduct. A description of these charges is included in the *glossary of terms* on page 47. In 2009 allegations of *incivility* allegations accounted for 25.2% of Discreditable Conduct allegations, which reflects a decreasing trend over the past five years from a high of 54.2% in 2005.

**Table 2.3 – Top 3 Sub-Classifications of Alleged Misconduct  
2005- 2009**

Sub-Classification of Alleged Misconduct		2005		2006		2007		2008		2009	
		No.	%	No.	%	No.	%	No.	%	No.	%
<b>Discreditable Conduct</b>											
2(1)(a)(i)	Discriminatory Behaviour	35	11.4	10	4.3	16	6.6	15	5.3	31	12.0
2(1)(a)(ii)	Profane language – re: individuality	7	2.3	5	2.2	7	2.9	6	2.1	1	0.4
2(1)(a)(iii)	Oppressive/tyrannical conduct	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
2(1)(a)(iv)	Profane language–towards member	0	0.0	2	0.9	1	0.4	1	0.4	2	0.8
2(1)(a)(v)	Incivility - public	166	54.2	111	47.8	128	52.5	112	39.4	65	25.2
2(1)(a)(vi)	False statement against member	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
2(1)(a)(vii)	Assault - member	0	0.0	1	0.4	0	0.0	0	0.0	0	0.0
2(1)(a)(viii)	Withholding a report/complaint	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
2(1)(a)(ix)	CC Offence-accused/charged/guilty	1	0.3	0	0.0	0	0.0	0	0.0	2	0.8
2(1)(a)(x)	Contravene PSA	0	0.0	1	0.4	1	0.4	1	0.4	0	0.0
2(1)(a)(xi)	Acts in a disorderly manner	97	31.7	102	44.0	91	37.3	149	52.5	157	60.9
<b>Total</b>		<b>306</b>	<b>100</b>	<b>232</b>	<b>100</b>	<b>244</b>	<b>100</b>	<b>284</b>	<b>100</b>	<b>258</b>	<b>100</b>
<b>Neglect of Duty</b>											
2(1)(c)(i)	Neglects duty w/o lawful excuse	66	88.0	96	95.0	49	98.0	42	89.4	20	90.9
2(1)(c)(i.1)	Failure to comply – O.R. 673/98	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
2(1)(c)(ii)	Failure to comply – orders	2	2.7	1	1.0	0	0.0	1	2.1	1	4.5
2(1)(c)(iii)	Permit prisoner escape	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
2(1)(c)(iv)	Failure to report – offender	1	1.3	0	0.0	0	0.0	0	0.0	0	0.0
2(1)(c)(v)	Failure to report – matter	6	8.0	4	4.0	1	2.0	0	0.0	1	4.5
2(1)(c)(vi)	Failure to report – info. re: charges	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
2(1)(c)(vii)	Omit record entry	0	0.0	0	0.0	0	0.0	2	4.3	0	0.0
2(1)(c)(viii)	Feign/exaggerate sickness	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
2(1)(c)(ix)	Absent/late for duty without reason	0	0.0	0	0.0	0	0.0	2	4.3	0	0.0
2(1)(c)(x)	Untidy–person/clothing/equipment	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
<b>Total</b>		<b>75</b>	<b>100</b>	<b>101</b>	<b>100</b>	<b>50</b>	<b>100</b>	<b>47</b>	<b>100</b>	<b>22</b>	<b>100</b>
<b>Unlawful/Unnecessary Exercise of Authority</b>											
2(1)(g)(i)	Unlawful/Unnecessary arrest	22	14.5	35	30.2	11	11.6	20	18.7	23	19.0
2(1)(g)(ii)	Unnecessary force	130	85.5	81	69.8	84	88.4	87	81.3	98	81.0
<b>Total</b>		<b>152</b>	<b>100</b>	<b>116</b>	<b>100</b>	<b>95</b>	<b>100</b>	<b>107</b>	<b>100</b>	<b>121</b>	<b>100</b>

## Disposition of Investigated Complaints

The data in Table 2.4 compares dispositions of investigated complaints received between 2005-2009.

Unsubstantiated allegations and those withdrawn by the complainant continue to represent the disposition for an average of 72.3% of complaints for the past 5 years. The number of complaints where misconduct is identified continues to represent a small proportion of all investigated complaints from 2005-2009, on average 2.9% of complaints.

It should be noted that there is a disparity between the statistics for 2009 compared to previous years. This can in part be explained by the fact that 16.6% of the 2009 investigated complaints are currently under investigation. As these complaint investigations are concluded the disposition statistics will reconcile.

**Table 2.4 – Disposition of Investigated Complaints  
2005 – 2009**

Complaint Disposition	2005		2006		2007		2008		2009	
	No.	%	No.	%	No.	%	No.	%	No.	%
Informal Resolution	107	18.8	62	13.2	84	20.8	84	18.5	72	17.3
Misconduct Identified:	17	3.0	13	2.8	12	3.0	21	4.6	5	1.2
<i>Hearings</i>	3	17.6	2	15.4	2	16.7	0	0.0	1	20.0
<i>Unit Level</i>	14	82.4	11	84.6	10	83.3	21	100	4	80.0
No Further Action Required	0	0.0	0	0.0	0	0.0	0	0.0	1	0.2
No Jurisdiction	0	0.0	3	0.6	1	0.2	1	0.2	0	0.0
Policy/Service – Action Taken	4	0.7	2	0.4	1	0.2	1	0.2	0	0.0
Policy/Service – No Action Taken	12	2.1	7	1.5	8	2.0	5	1.1	2	0.5
Unsubstantiated	299	52.5	257	54.8	201	49.9	222	48.9	180	43.3
Withdrawn by Complainant	120	21.1	122	26.0	85	21.1	105	23.1	87	20.9
Other	1	0.2	0	0.0	0	0.0	1	0.2	0	0.0
Investigation not Concluded*	9	1.6	3	0.6	11	2.7	14	3.1	69	16.6
<b>Total</b>	<b>569</b>	<b>100</b>	<b>469</b>	<b>100</b>	<b>403</b>	<b>100</b>	<b>454</b>	<b>100</b>	<b>416</b>	<b>100</b>

\*Number is anticipated to decrease as the 90 day investigation period is reached. For complaints received between Oct-Dec, 2009, the 90 day investigation period extends beyond the scope of this report which can explain the apparent increase in number of complaint investigations not concluded.

## Complaint Review and Appeal Bodies: Ontario Civilian Police Commission (OCPC) & Office of the Independent Police Review Director (OIPRD)

Public complaints against police officers can be appealed to independent civilian agencies 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.<sup>3</sup> The Ontario Civilian Police Commission (OCPC) is an independent oversight agency reporting to the Solicitor General that also accepts appeals for review of public complaints. The OIPRD became the primary appeals body on October 19, 2009, however the OCPC still accepts appeals stemming from complaints initiated prior to the OIPRD inception date.

Upon review of a public complaint investigation, the OIPRD or OCPC (established by the date of complaint) 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. Each police service is mandated to appoint a Liaison Officer to assist OIPRD investigators and case managers with their investigations. For complaints received in 2009, a total of 127 (17.8%) have been appealed for review, a decrease from 168 (22.2%) of complaints received in 2008. Of these, 6 cases (4.7%) were overruled and returned to the TPS for further investigation in 2009, a decrease from 40 (23.8%) in 2008.

### 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 2009, 90.3% have been concluded. Of these, 74.3% were completed within 90 days, an increase from 66.4% in 2008 and higher than the 5 year average of 65.7%. A lengthier time to conclude can be attributed to the complainant's ability to appeal dispositions to OCPC/OIPRD, which may result in the return of the complaint to the TPS for further investigation. Returned complaints result in a greater number of days to investigate. Table 2.5 below compares the time taken to conclude complaints that were received during 2005-2009.

**Table 2.5 – Comparison of Number of Days to Conclude Complaints  
2005 – 2009**

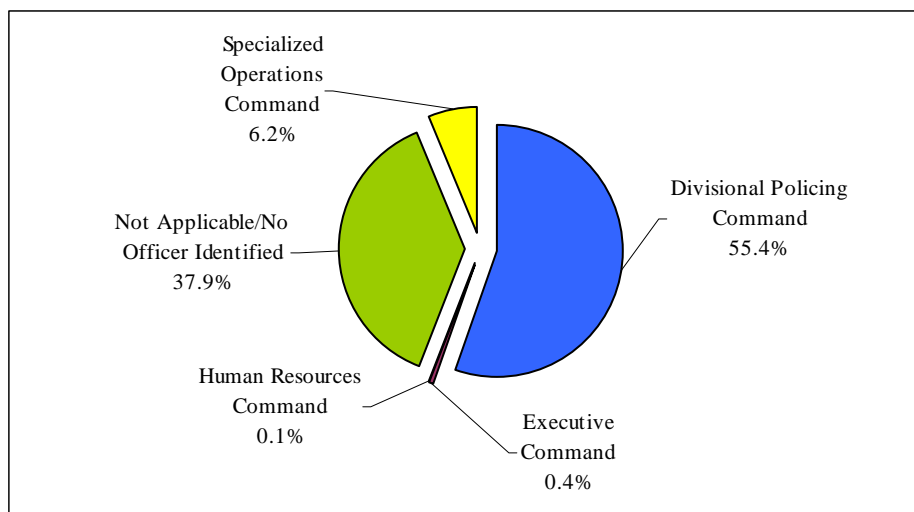
Days to Conclude	2005		2006		2007		2008		2009	
	No.	%	No.	%	No.	%	No.	%	No.	%
0 to 30 days	234	30.6	195	29.6	300	43.7	300	40.3	293	45.6
31 to 60 days	122	16.0	90	13.7	86	12.5	113	15.2	101	15.7
61 to 90 days	113	14.8	101	15.3	80	11.6	81	10.9	84	13.1
91 to 120 days	95	12.4	86	13.1	73	10.6	66	8.9	69	10.7
121 to 150	58	7.6	39	5.9	39	5.7	52	7.0	38	5.9
151 to 180	26	3.4	35	5.3	39	5.7	30	4.0	28	4.4
Over 180 days	116	15.2	112	17.0	70	10.2	102	13.7	30	4.7
<b>Total</b>	<b>764</b>	<b>100.0</b>	<b>658</b>	<b>100.0</b>	<b>687</b>	<b>100.0</b>	<b>744</b>	<b>100.0</b>	<b>643</b>	<b>100.0</b>

<sup>3</sup> About OIPRD, Retrieved 2010.03.19. <https://www.oiprd.on.ca/CMS/About.aspx>

## Complaints by Command and Unit

Complaints classified to Divisional Policing Command accounted for 55.4% of public complaints in 2009. Subject officers and/or Commands have not been identified in 37.9% of complaints received. Complaints that have not been investigated have been classified as Not Applicable and complaints received without a subject officer have been classified as No Officer Identified. Complaints by command are detailed in chart 2.2, and further detailed by division and unit in tables 2.6a and 2.6b.

**Chart 2.2 – Complaints by Command, 2009**



**Table 2.6a – Comparison of Complaints by Division  
2005 - 2009**

Division	2005		2006		2007		2008		2009	
	No.	%	No.	%	No.	%	No.	%	No.	%
11 Division	21	2.7	23	3.5	24	3.4	21	2.8	19	2.7
12 Division	19	2.5	15	2.3	17	2.4	16	2.1	15	2.1
13 Division	31	4.0	23	3.5	32	4.6	39	5.1	18	2.5
14 Division	57	7.4	35	5.3	54	7.7	41	5.4	33	4.6
22 Division	38	4.9	27	4.1	32	4.6	21	2.8	23	3.2
23 Division	52	6.7	37	5.6	20	2.9	26	3.4	22	3.1
31 Division	30	3.9	39	5.9	50	7.2	56	7.4	30	4.2
32 Division	24	3.1	27	4.1	30	4.3	24	3.2	15	2.1
33 Division	33	4.3	29	4.4	32	4.6	30	4.0	19	2.7
41 Division	31	4.0	17	2.6	28	4.0	33	4.4	19	2.7
42 Division	42	5.4	38	5.7	23	3.3	27	3.6	12	1.7
43 Division	0	0.0	26	3.9	19	2.7	30	4.0	21	2.9
51 Division	72	9.3	69	10.4	48	6.9	49	6.5	33	4.6
52 Division	69	8.9	50	7.6	54	7.7	62	8.2	48	6.7
53 Division	35	4.5	23	3.5	18	2.6	25	3.3	13	1.8
54 Division	19	2.5	22	3.3	17	2.4	33	4.4	20	2.8
55 Division	35	4.5	34	5.1	38	5.4	19	2.5	23	3.2
<b>Divisional Complaints Total</b>	<b>608</b>	<b>78.7</b>	<b>534</b>	<b>80.8</b>	<b>536</b>	<b>76.8</b>	<b>552</b>	<b>72.8</b>	<b>383</b>	<b>53.8</b>

**Table 2.6b – Comparison of Complaints by Unit  
2005 - 2009**

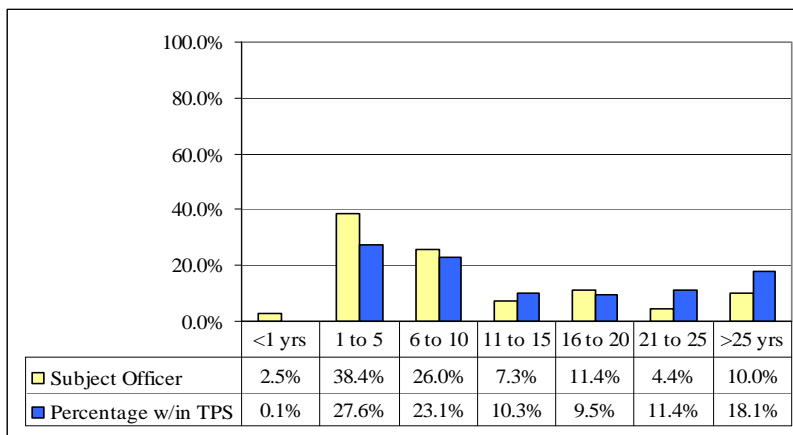
Unit	2005		2006		2007		2008		2009	
	No.	%	No.	%	No.	%	No.	%	No.	%
Communications Services	10	1.3	3	0.5	7	1.0	0	0.0	1	0.1
Corporate Planning	3	0.4	2	0.3	5	0.7	7	0.9	3	0.4
Court Services	0	0.0	2	0.3	2	0.3	1	0.1	2	0.3
Detective Services	2	0.3	1	0.2	1	0.1	0	0.0	0	0.0
Diversity Relations	0	0.0	0	0.0	2	0.3	0	0.0	0	0.0
Divisional Policing Command	0	0.0	0	0.0	0	0.0	0	0.0	3	0.4
Drug Squad	5	0.6	5	0.8	5	0.7	2	0.3	8	1.1
Emergency Task Force	0	0.0	3	0.5	0	0.0	1	0.1	4	0.6
Employment	2	0.3	1	0.2	0	0.0	2	0.3	0	0.0
Fraud Squad	2	0.3	3	0.5	1	0.1	3	0.4	2	0.3
Hold Up Squad	1	0.1	1	0.2	1	0.1	4	0.5	2	0.3
Homicide Squad	1	0.1	0	0.0	2	0.3	2	0.3	0	0.0
Human Resources Management	0	0.0	1	0.2	1	0.1	0	0.0	0	0.0
Intelligence Division	1	0.1	1	0.2	2	0.3	0	0.0	1	0.1
Investigative Unit	2	0.3	0	0.0	0	0.0	1	0.1	0	0.0
Marine Unit	3	0.4	1	0.2	0	0.0	0	0.0	0	0.0
Mounted & Police Dog Services	2	0.3	0	0.0	3	0.4	0	0.0	1	0.1
Operational Services	0	0.0	0	0.0	0	0.0	0	0.0	1	0.1
Organized Crime Enforcement	0	0.0	0	0.0	0	0.0	1	0.1	2	0.3
Parking Enforcement	2	0.3	0	0.0	1	0.1	1	0.1	1	0.1
Policing Operations	0	0.0	2	0.3	4	0.6	8	1.1	4	0.6
Professional Standards	0	0.0	1	0.2	1	0.1	0	0.0	0	0.0
Provincial ROPE	0	0.0	0	0.0	2	0.3	0	0.0	0	0.0
Public Information	1	0.1	0	0.0	1	0.1	0	0.0	0	0.0
Public Safety Unit	1	0.1	2	0.3	1	0.1	0	0.0	0	0.0
Purchasing Support Services	0	0.0	0	0.0	0	0.0	1	0.1	0	0.0
Records Management Services	4	0.5	2	0.3	0	0.0	0	0.0	0	0.0
Risk Management Unit	1	0.1	0	0.0	1	0.1	1	0.1	0	0.0
Sex Crimes Unit	2	0.3	4	0.6	2	0.3	2	0.3	0	0.0
Special Investigation Services	3	0.4	6	0.9	9	1.3	6	0.8	2	0.3
Traffic Services	20	2.6	20	3.0	33	4.7	27	3.6	17	2.4
Training & Education	1	0.1	1	0.2	0	0.0	0	0.0	1	0.1
<b>Unit Complaints Total</b>	<b>69</b>	<b>8.9</b>	<b>62</b>	<b>9.4</b>	<b>87</b>	<b>12.5</b>	<b>70</b>	<b>9.2</b>	<b>55</b>	<b>7.7</b>
No Division/Unit Identified	96	12.4	60	9.1	75	10.7	136	17.9	132	18.5
Not Applicable	0	0.0	5	0.8	0	0.0	0	0.0	142	19.9
<b>TOTAL</b>	<b>773</b>	<b>100</b>	<b>661</b>	<b>100</b>	<b>698</b>	<b>100</b>	<b>758</b>	<b>100</b>	<b>712</b>	<b>100</b>

## Years of Service of Subject Officer

In 2009, TPS officers with 10 years of service or less accounted for the majority (66.9%) of subject officers named in public complaints. This can, in part, be attributed to the fact that officers in this service category also represent the majority of uniform strength Service-wide at 50.7% and reflect those that are most likely to be in contact with the public on a daily basis.

Chart 2.3 below compares the percentage of officers named in public complaints to the percentage of officers Service-wide by their years of service.

**Chart 2.3 – Years of Service, 2009**

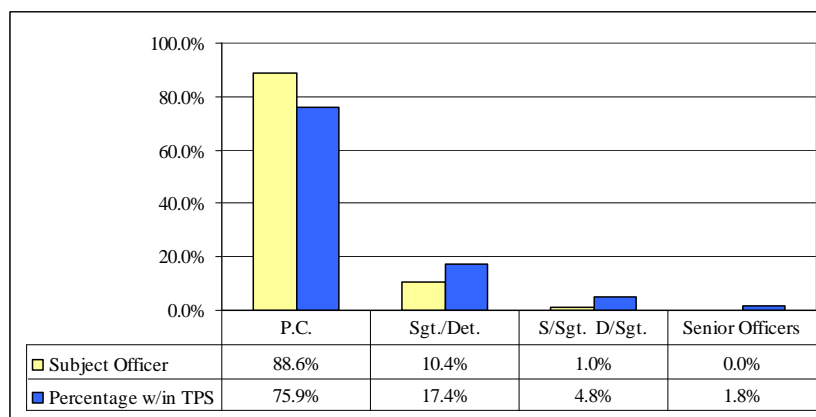


Service wide statistics are based on officers' hire date and have been obtained from TPS Human Resources.

## Rank of Subject Officer

In 2009, Police Constables accounted for the majority (88.6%) of subject officers named in public complaints. This can be explained by the fact that the majority of uniform strength Service-wide at 75.9% are constables and, by nature of their roles and responsibilities, are the first line of police interaction with the public. Chart 2.4 below represents a comparative analysis of the percentage of officers named in public complaints to the percentage of officers by rank.

**Chart 2.4 – Rank of Subject Officer, 2009**



Service wide statistics are based on officers' hire date and have been obtained from TPS Human Resources.

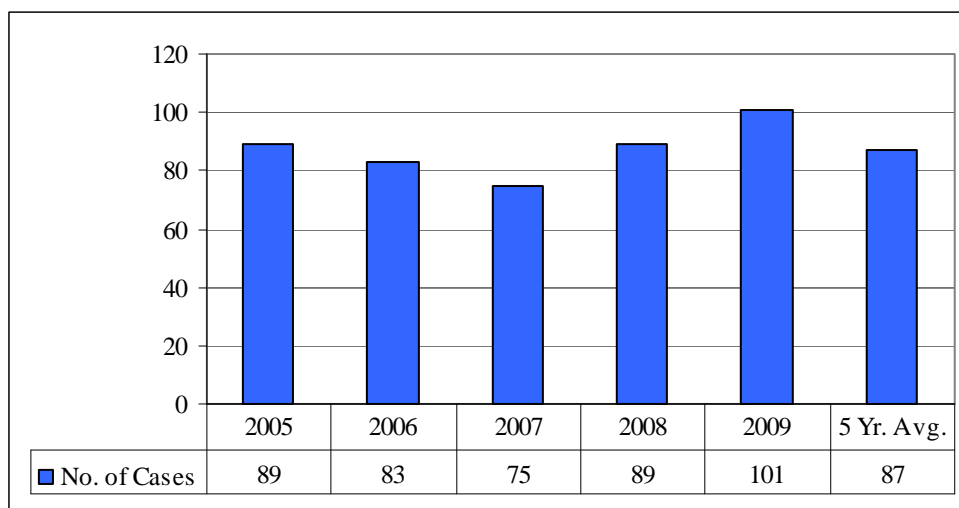
## CIVIL LITIGATION

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* on page 48).

In 2009, a total of 101 Statements of Claim were issued against the Toronto Police Services Board, the Chief of Police, or named officers compared to 89 in 2008. Of those issued in 2009, 85 (84.2%) were new Statements of Claim, an increase from 77 (86.5%) in 2008. There were 6 (5.9%) Claims that were filed with small claims court, compared to 10 (11.2%) in 2008. In 2009, 10 (9.9%) existing Letters of Intent became Statements of Claim compared to 2 (2.2%) in 2008.

Of the total number of Statements of Claim, 10 (9.9%) had an external complaint component, compared to 11 (12.4%) in 2008. The annual average number of civil actions initiated during the previous 5 year period is 87 (as indicated in Chart 3.1 below), and reflects a moderate increase with the main cause of action being negligent investigations.

**Chart 3.1 – Number of Statements of Claim Received  
2005 – 2009**



## POLICE SERVICES ACT CHARGES

Part V of the PSA deals with the complaints process and defines misconduct for the purpose of the Act. Part V also details the responsibilities of the Chief of Police or designate in respect to alleged officer misconduct. In addition, it outlines the penalties and resolutions in the event that misconduct is proven in a police tribunal.

### New Cases and Charges Laid in 2009

In 2009, 77 new cases were initiated by Prosecution Services, which reflects an increase of 48.1% from the previous year and is 20.3% higher than the 5 year average, as indicated in Table 4.1. A total of 67 officers were charged in 2009. The number of charges laid has increased by 53.8% from 2008; although the charge-to-case ration has remained consistent at 2.1 in 2009 compared to 2.5 for the 5 year average. Table 4.1 details new cases and charges initiated from 2005 to 2009.

**Table 4.1 – Charge per Case Ratio  
2005 - 2009**

	2005	2006	2007	2008	2009	5 Yr SA Avg.
Total Cases	63	59	68	52	77	64
Total Charges	165	220	152	104	160	160
Charge per Case Ratio	2.6	3.7	2.2	2.0	2.1	2.5

### 1. Category of Charges Laid in New Cases

In 2009, a total of 160 PSA charges were laid. Of the charges laid, 57.5% were for Discreditable Conduct, a slight decrease from 59.6% in 2008. Charges of Neglect of Duty represented 5.6% of charges laid in 2009, following a decreasing trend over the past 5 years, while charges of Insubordination have increased from 20.0% in 2005 to 28.8 % in both 2008 and 2009 as indicated in Table 4.2 on the next page.



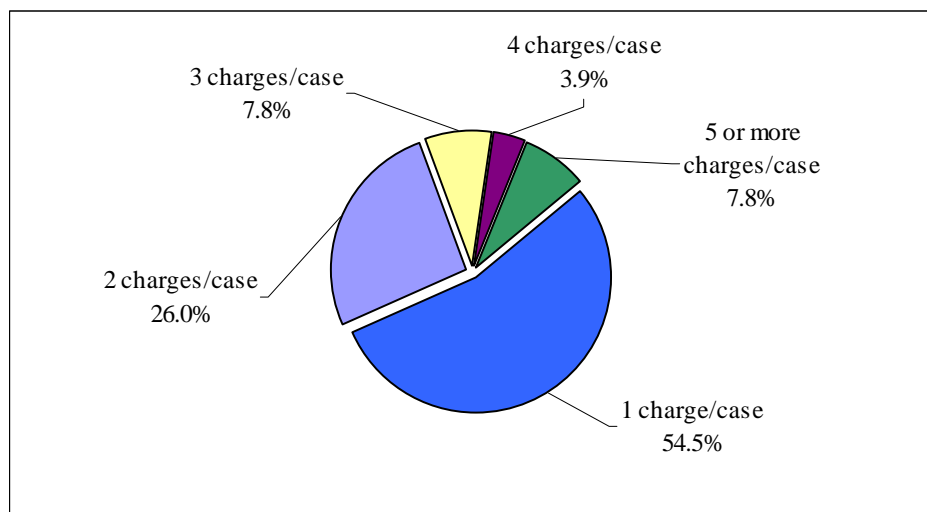
**Table 4.2 – Comparison of Charges Laid  
2005 - 2009**

Charge Category	2005		2006		2007		2008		2009	
	No.	%	No.	%	No.	%	No.	%	No.	%
Breach of Confidence	1	0.6	3	1.4	1	0.7	0	0.0	1	0.6
Consume Drugs/Alcohol	0	0.0	0	0.0	1	0.7	0	0.0	2	1.3
Corrupt Practice	7	4.2	9	4.1	1	0.7	0	0.0	2	1.3
Damage To Clothing/Equipment	1	0.6	0	0.0	1	0.7	1	1.0	0	0.0
Deceit	20	12.1	56	25.5	4	2.6	1	1.0	3	1.9
Discreditable Conduct	67	40.6	114	51.8	101	66.4	62	59.6	92	57.5
Insubordination	33	20.0	24	10.9	27	17.8	30	28.8	46	28.8
Neglect of Duty	27	16.4	14	6.4	15	9.9	8	7.7	9	5.6
Unlawful/Unnecessary Exercise of Authority	9	5.5	0	0.0	1	0.7	2	1.9	5	3.1
<b>Total</b>	<b>165</b>	<b>100</b>	<b>220</b>	<b>100</b>	<b>152</b>	<b>100</b>	<b>104</b>	<b>100</b>	<b>160</b>	<b>100</b>

**2. Subject Officers with Multiple Charges in New Cases**

Chart 4.1 details the proportion of subject officers with one or more charges in a single case initiated in 2009. A single charge was laid in 54.5% of cases compared to 48.1% in 2008. Cases in which the number of charges laid per officer totalled 5 or more accounted for 7.8% of total cases, comparable to 7.7% in 2008.

**Chart 4.1 – Number of Charges Laid Per Officer  
2009**



### 3. Duty Status in New Cases and Precipitating Factors

Of the cases initiated in 2009, 31 (40.3%) arose from on-duty conduct compared to 42.3% in 2008. Off duty incidents accounted for 46 (59.7%) new cases in 2009, and are detailed in table 4.3 below.

**Table 4.3 – Duty Status and Precipitating Factor, 2009**

Precipitating Factor	On-Duty		Off-Duty	
	No.	%	No.	%
Alcohol	1	3.2	6	13.0
Assault - Domestic	0	0.0	4	8.7
Assault - Force / Excessive	1	3.2	1	2.2
CPIC Abuse	7	22.6	0	0.0
Drive While Over 80 mgs	0	0.0	2	4.3
Drugs	0	0.0	1	2.2
HTA	1	3.2	0	0.0
Impaired Driving	0	0.0	7	15.2
Sexual Harassment	2	6.5	0	0.0
Other	19	61.3	25	54.3
<b>Total</b>	<b>31</b>	<b>100.0</b>	<b>46</b>	<b>100.0</b>

## Cases Concluded in 2009

In 2009, 84 cases were concluded in tribunal involving a total of 53 officers. Of the concluded cases, 7 were initiated in 2000, 3 in 2004, 3 in 2005, 15 in 2006, 28 in 2007, 22 in 2008, and 6 were initiated in 2009.

### 1. Case Dispositions

Of the 84 cases concluded in tribunal in 2009, 3.6% were acquitted or dismissed, 38.1% involved the finding of guilt or a guilty plea, 21.4% resulted in the loss of jurisdiction, and 36.9% were withdrawn. The most common reason for the loss of jurisdiction is due to the retirement or resignation of the subject officer from the Toronto Police Service. Table 4.4 outlines the case dispositions.

**Table 4.4 – Case Disposition  
Cases Concluded in 2009**

Case Disposition	No. of Cases	% of Cases
Acquitted/Dismissed	3	3.6
Found Guilty	6	7.1
Guilty Plea	26	31.0
Withdrawn - Loss of Jurisdiction*	18	21.4
Withdrawn - Not Proceeded With	31	36.9
<b>Total</b>	<b>84</b>	<b>100.0</b>

\*Due to resignation or retirement.

Note: Withdrawn cases may have been concluded through alternative methods of resolution.

### 2. Charge Disposition

Of the 84 cases concluded during in 2009, 277 charges were dealt with in the police tribunal. Of these charges, 14.4% resulted in a conviction through a guilty plea or the finding of guilt. Table 4.5 below details the charge disposition in cases concluded in 2009.

**Table 4.5 – Charge Disposition  
Cases Concluded in 2009**

Charge Disposition	No. of Charges	% of Charges
Acquitted/Dismissed	3	1.1
Found Guilty	31	11.2
Guilty Plea	9	3.2
Withdrawn - Loss of Jurisdiction*	92	33.2
Withdrawn - Not Proceeded With	142	51.3
<b>Total</b>	<b>277</b>	<b>100.0</b>

\*Due to resignation or retirement.

Note: Withdrawn cases may have been concluded through alternative methods of resolution.

### 3. Penalties Imposed for PSA Convictions

Of the 40 charges dealt with at the tribunal in 2009 that were concluded with either the finding of guilt or guilty plea, 55.0% related to charges of *Discreditable Conduct*, 27.5% to *Insubordination*, 7.5% to *Neglect of Duty*, 7.5% to *Deceit*, and 2.5% to *Consume Drugs/Alcohol*. Penalties for these PSA convictions ranged from the forfeiture of 8 hours to the termination of services. Tables 4.6 outlines the various penalties imposed for each charge category.

**Table 4.6 – Penalties Imposed for PSA Charge Convictions  
Cases Concluded in 2009**

Penalties Imposed for Single PSA Charges	No. of Charges
<b>Discreditable Conduct:</b>	
Forfeiture of 3 days / 24 hours	5
Forfeiture of 6 days / 48 hours	1
Forfeiture of 7 days / 56 hours	2
Forfeiture of 15 days / 120 hours	1
Forfeiture of 16 days / 128 hours	1
Forfeiture of 18 days / 144 hours	2
Forfeiture of 20 days / 160 hours	2
Gradation 1st to 2nd for 12 months. Attend MAS monthly during gradation.	1
Gradation 1st to 2nd for 18 months	1
Gradation 1st to 2nd for 24 months	1
Termination	1
<b>Insubordination:</b>	
Forfeiture of 2 days / 16 hours	2
Forfeiture of 4 days / 32 hours	2
Forfeiture of 5 days / 40 hours	1
Forfeiture of 6 days / 48 hours	3
Forfeiture of 15 days / 120 hours	1
Gradation 1st to 2nd for 12 months	1
Gradation 1st to 2nd for 12 months. Attend MAS monthly during gradation.	1
<b>Neglect of Duty:</b>	
Forfeiture of 1 day / 8 hours	1
Forfeiture of 6 days / 48 hours	1
Forfeiture of 15 days / 120 hours	1
<b>Consume Drugs/Alcohol:</b>	
Gradation 1st to 2nd for 12 months. Attend MAS monthly during gradation.	1
<b>Penalties Imposed for Multiple PSA Charges</b>	
<b>Discreditable Conduct:</b>	
Gradation 1st to 2nd for 12 months	4
<b>Deceit:</b>	
Gradation 1st to 2nd for 12 months	3
<b>Total</b>	<b>40</b>

# USE OF FORCE

## Overview

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 Equipment and Use of Force Regulation (Regulation 926, R.R.O. 1990) 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. Upon issuance of new weapons, members must also be trained in the safe use of such weapons. The Ministry of Community Safety and Correctional Services has approved the various use of force training courses provided by the TPS. Each member is required to pass a re-qualification course every 12 months.

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 UFR Form 1 is not required when

- A firearm, other than an issued handgun, is merely carried or displayed by a member
- A handgun is drawn or a firearm pointed at a person or is discharged in the course of a training exercise, target practice or ordinary firearm maintenance in accordance with Service Governance
- A weapon other than a firearm is used on another member of the Service in the course of a training exercise
- Physical force is used on another member of the Service in the course of a training exercise

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.

The TPS collects, maintains and reports Use of Force information (drawn from the legislated form) in accordance with the above Regulation. Statistics that are collected from Use of Force Reports are used to develop annual use of force recertification training for police officers

### **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.<sup>4</sup> The Model was developed to assist in the training of officers and act as a reference when making decisions about use of force. The Model provides a framework to all police services in Ontario for understanding the events associated with an incident involving officer use of force<sup>5</sup> and is based upon the following six principles:

1. The primary responsibility of a peace officer is to preserve and protect life.
2. The primary objective of any use of force is to ensure public safety.
3. Police officer safety is essential to public safety.
4. The Model does not replace/augment the law; the law speaks for itself.
5. The Model was constructed in consideration of federal statute law and current case law.
6. The Model is not intended to dictate policy to any agency.<sup>6</sup>

The Ontario Use of Force Model 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.<sup>7</sup>

*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.<sup>8</sup>

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<sup>4</sup> TPS Procedure 15-01 – Appendix B, Provincial Use of Force Model, p. 7

<sup>5</sup> Ibid, p. 1

<sup>6</sup> Ibid, p. 2

<sup>7</sup> Ibid, p. 3-6

<sup>8</sup> Ibid, p. 5-6

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.<sup>9</sup>

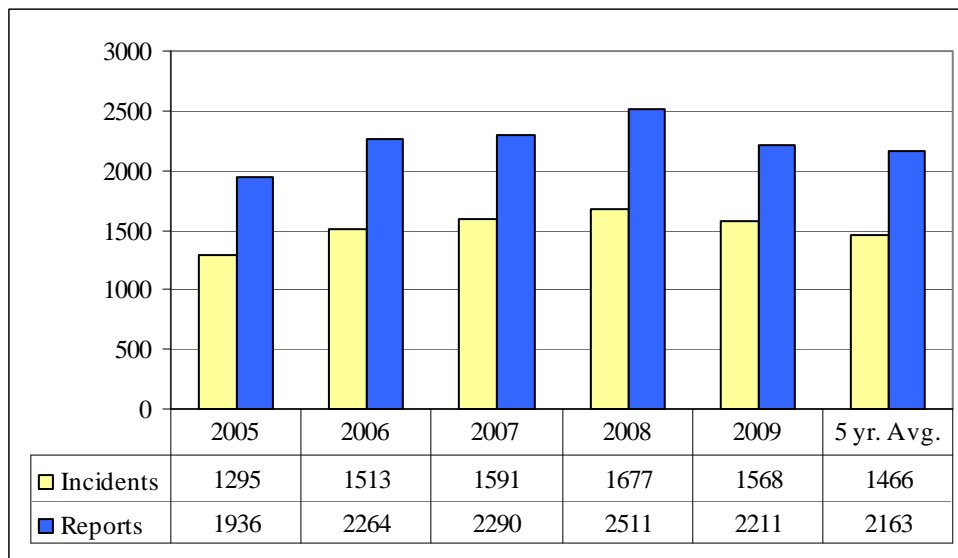
### Use of Force Incidents and Reports

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.

In 2009, 2,211 UFR Form 1 reports were submitted, representing 1568 use of force incidents, a 6.5% decrease from 2008. The decrease may be attributed to an overall reduction in calls for service, major crime indicators, arrests and contacts.<sup>10</sup> It is important to note that the majority of interactions between police and citizen do not result in the use of force.

Chart 5.1 compares the number of reports submitted and the number of incidents annually from 2005 to 2009.

**Chart 5.1 – Comparison of Use of Force Incidents and Reports  
2005 – 2009**



<sup>9</sup> TPS Procedure 15-01 – RO 2010.02.16 - 0261, p. 1

<sup>10</sup> 2009 Year End Executive Dashboard, Retrieved 2010.03.19.

## Use of Force Option

The most frequent Use of Force option in incidents occurring in 2009 was pointing a Service issued firearm, similar to 2008. Empty-handed techniques (which include handcuffing a suspect) were the second most frequent Use of Force option, used in 40.8% of incidents compared to 40.3% in 2008.

Officers discharged firearms in 24 use of force incidents (1.5%), a slight increase from 23 (1.4%) in 2008.

Incidents of intentional discharge of Service firearms during 2009 (24) include the following:

- 17 incidents involved wounded or aggressive animals;
- 7 incidents involved a firearm discharge in the following occurrences:
  - Domestic Homicide (1)
  - Person with a gun call (3)
  - Robbery (1)
  - Sound of Gunshots (1)
  - Vehicle Stop/Stolen Vehicle (1)

Conducted Energy Weapons (CEW's) were utilized in 17.4% (273) of the Use of Force incidents in 2009, a decrease from 19.6% (329) in 2008. In 2009, the Emergency Task Force, uniform frontline supervisors, and supervisors in high-risk units such as the Hold-Up Squad, Intelligence, Drug Squad, Major Crime Enforcement, and the Fugitive Squad carried Service issued CEW's. CEW training continues to be conducted by an instructor certified on the specific device and 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. Table 5.1 outlines the type of force options used by officers.

Use of force options employed by officers in use of force incidents in 2008 and 2009 are outlined in Table 5.1 on the next page.



**Table 5.1 – Use of Force Options Employed  
2008 – 2009**

Force Option	2008		2009	
	No.	%	No.	%
Aerosol Weapons (incl. tear gas)	112	6.7	81	5.2
CEW	329	19.6	273	17.4
<i>Demonstrated Presence</i>	150	8.9	124	7.9
<i>Drive Stun Mode</i>	57	3.4	37	2.4
<i>Full Deployment</i>	122	7.3	112	7.1
Empty Hand Techniques	676	40.3	640	40.8
<i>Hard only</i>	90	5.4	89	5.7
<i>Soft only</i>	492	29.3	421	26.8
<i>Both Hard &amp; Soft</i>	94	5.6	130	8.3
Impact Weapons Used	55	3.3	67	4.3
<i>Hard only</i>	44	2.6	51	3.3
<i>Soft only</i>	8	0.5	13	0.8
<i>Both Hard &amp; Soft</i>	3	0.2	3	0.2
Handgun - Drawn only	142	8.5	262	16.7
Firearm Pointed at Person	951	56.7	943	60.1
Firearm Discharge – Intentional	23	1.4	24	1.5
Other Type of Force	50	3.0	68	4.3

CEW deployment types are defined in the *glossary of terms* on page 48.

### **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 (as outlined on pg. 30) indicates that police officer safety is essential to ensuring the primary objective of using force: public safety. For these reasons, the majority of UFR Form 1 reports cite *protect self* as the initial reason for using force.

In 2009, the most common reason for Use of Force by an officer was to protect the officer her/himself at 83.8%, a decrease from 90.6% in 2008.

Initial reasons for use of force that are indicated as *other* may include incidents of aggressive animals or assaultive prisoners. Table 5.2 on the next page illustrates the initial reasons for using force in incidents occurring in 2008 and 2009.

**Table 5.2 – Initial Reasons for Use of Force  
2008 – 2009**

<i>Initial Reason for Use of Force</i>	2008		2009	
	No.	%	No.	%
Destroy An Animal	14	0.8	13	0.8
Effect Arrest	97	5.8	174	11.1
Prevent Commission Of Offence	4	0.2	7	0.4
Prevent Escape	5	0.3	13	0.8
Protect Public	14	0.8	21	1.3
Protect Self*	1520	90.6	1314	83.8
Unintentional	11	0.7	17	1.1
Other	12	0.7	9	0.6
<b>Total</b>	<b>1677</b>	<b>100.0</b>	<b>1568</b>	<b>100.0</b>

\*The Ontario Use of Force Model (p. 30) indicates that police officer safety is essential to public safety.

### Use of Force by Sub-Command

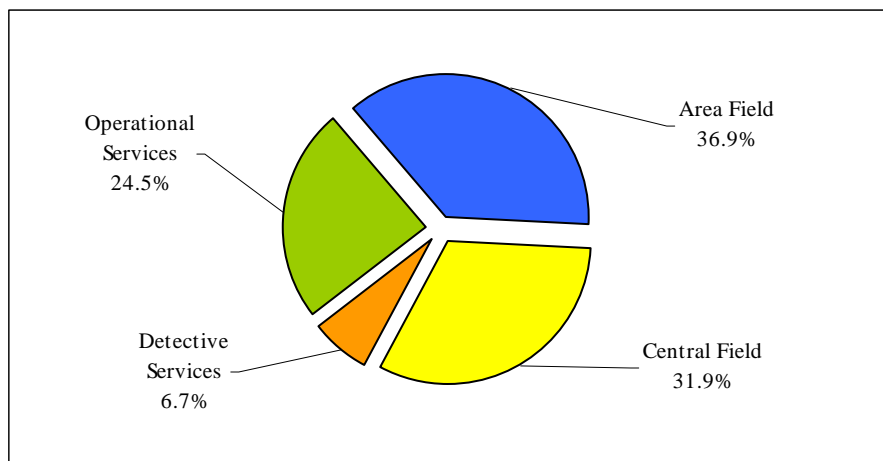
Members of Central Field Command submitted 31.9% of all Use of Force reports in 2009 compared to 34.0% in 2008, a 2.1% decrease.

Members of Area Field Command submitted 36.9% of all Use of Force reports in 2009 compared to 34.6% in 2008, a 2.3% increase.

Members of Operational Services submitted 24.5% of all Use of Force reports in 2009 compared to 21.6% in 2008, a 2.9% increase.

Members of Detective Services submitted 6.7% of all Use of Force reports in 2009 compared to 7.8% in 2008, a 1.1% decrease. Chart 5.2 below illustrates.

**Chart 5.2 – Use of Force Reports by Sub-Command  
2009**



## Officer Duties

In 2009, *general patrol* was the most common duty of an officer at the time of a Use of Force incident. The second most common duty of an officer was classified as *other*, which includes tactical incidents with the Emergency Task Force, officer assist calls, assaultive prisoners, and paid duties. Table 5.3 illustrates.

**Table 5.3 – Officer Duties at Time of Incident  
2008 – 2009**

Type of Assignment	2008		2009	
	No.	%	No.	%
Drug Investigation	105	4.2	68	3.0
Foot Patrol	81	3.2	61	2.7
General Patrol	1182	47.4	1054	46.1
Investigation	363	14.6	315	13.8
Off-Duty	3	0.1	1	0.0
Traffic Patrol	89	3.6	82	3.6
Other – Type of Assignment	671	26.9	703	30.8
<b>Total</b>	<b>2494</b>	<b>100.0</b>	<b>2284</b>	<b>100.0</b>

## Category of Incidents

In 2009, *weapons calls* and *search warrant* incidents accounted for 43.9% of incidents in which officers were required to use force, a decrease from 44.6% in 2008. Use of Force incidents categorized as *other* accounted for 28.4% compared to 27.4% in 2008. The category *other* includes: court, off-duty incidents, and unknown trouble calls. Table 5.4 illustrates.

**Table 5.4 – Category of Incidents when Force Used  
2008 – 2009**

Type of Incident	2008		2009	
	No.	%	No.	%
Alarm	2	0.1	1	0.1
Animal Related	0	0.0	2	0.1
Arrest	21	1.3	14	0.9
Assault	0	0.0	3	0.2
Break And Enter	55	3.3	45	2.9
Domestic Disturbance	67	4.0	61	3.9
Drug Related	0	0.0	1	0.1
EDP	52	3.1	47	2.9
Homicide	17	1.0	6	0.4
Investigation	11	0.7	9	0.6
Paid Duty	1	0.1	0	0.0
Robbery	73	4.4	94	5.9
Search Warrant	186	11.1	241	15.4
Serious Injury	10	0.6	20	1.3
Suspicious Person	65	3.9	46	2.9
Traffic Stop	75	4.5	81	5.2
Unintentional Discharge	5	0.3	1	0.1
Wanted Person	0	0.0	1	0.1
Weapons Call	562	33.5	448	28.5
Other	459	27.4	446	28.4
Not Specified	16	1.0	1	0.1
<b>Total</b>	<b>1677</b>	<b>100.0</b>	<b>1568</b>	<b>100.0</b>

## Category of Locations

In 2009, 31.5% of Use of Force incidents took place on *roadways* or *laneways*, an increase from 25.8% in 2008. Incidents' occurring in *apartments/houses* accounted for 37.6% of Use of Force incidents, an increase from 31.2% in 2008. The category *other* includes incidents involving a mixed variety of locations. Table 5.5 illustrates.

**Table 5.5 – Category of Locations when Force Used  
2008 – 2009**

Types of Locations	2008		2009	
	No.	%	No.	%
Apartment/House	524	31.2	589	37.6
Commercial Site	46	2.7	42	2.7
Court Facility	1	0.1	0	0.0
Driveway	5	0.3	6	0.4
Financial Institution	3	0.2	2	0.1
Garage	4	0.2	3	0.2
Hallway	61	3.6	63	4.0
Industrial	1	0.1	0	0.0
Laneway	76	4.5	72	4.6
Mixed	265	15.8	17	1.1
Motor Vehicle	39	2.3	40	2.6
Park	30	1.8	32	2.0
Parking Lot	77	4.6	75	4.8
Police Building	47	2.8	44	2.8
Public Building	7	0.4	8	0.5
Public Institution	14	0.8	9	0.6
River	0	0.0	1	0.1
Roadway	357	21.3	422	26.9
Rural Area	1	0.1	1	0.1
Sidewalk	1	0.1	0	0.0
Yard	40	2.4	59	3.8
Other	78	4.7	83	5.3
<b>Total</b>	<b>1677</b>	<b>100.0</b>	<b>1568</b>	<b>100.0</b>

## Number of Subjects Involved per Incident

In 2009, there were 1568 incidents of use of force. Of these incidents, 62.2% involved a single subject, compared to 66.4% in 2008. Animals are noted as the subject involved in 2.2 % of Use of Force incidents in 2009.

## Perceived Weapons Carried by Subject

In 2009, weapons were perceived to be carried by subjects in 52.9% of Use of Force incidents compared to 47.8% in 2008, an increase of 5.1%. 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: A subject may be perceived to be carrying multiple weapons in a single incident. Table 5.6 illustrates.

**Table 5.6 – Number of Incidents and Perceived Weapons Carried by Subject  
2008- 2009**

Perceived Weapon	2008		2009	
	No.	%	No.	%
Animal	0	0.0	1	0.1
Baseball Bat/club	18	1.1	16	1.0
Bottle	0	0.0	1	0.1
Firearms	480	28.6	949	60.5
<i>Pistol</i>	3	0.2	2	0.1
<i>Revolver</i>	57	3.4	104	6.6
<i>Rifle</i>	32	1.9	17	1.1
<i>Semi-Automatic</i>	319	19.0	733	46.7
<i>Shotgun</i>	40	2.4	51	3.3
<i>Other</i>	29	1.7	42	2.7
Knife/edged Weapon	217	12.9	266	17.0
None	486	29.0	409	26.1
Replica Weapon	6	0.4	6	0.4
Unknown	479	28.6	694	44.3
Other	81	4.8	101	6.4
Not Applicable	6	0.4	0	0.0

## 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 for incidents occurring in 2009 indicated a total of 373 subjects injured compared to 460 subjects in 2008, a decrease of 18.9%.

Of those injured, 304 required some type of medical attention, compared to 322 in 2008. There were 4 deaths associated to a use of force incident in 2009, compared to 2 in 2008. In 2009, UFR Form 1 reports indicated 116 police officers received injuries, compared to 216 in 2008.

# PROVINCIAL SPECIAL INVESTIGATIONS UNIT

## Overview

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.<sup>11</sup> Part VII of the PSA creates the SIU and defines its powers. 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.<sup>12</sup> Any incident which may reasonably fall within the jurisdiction of the SIU must be reported to the SIU by the police service involved and/or may be reported by anyone else.<sup>13</sup>

## SIU Investigations

In 2009, the SIU invoked its mandate to investigate 76 incidents, compared to 61 in 2008. Of these incidents: 48 cases were concluded without charges; 6 resulted in criminal charges, 1 is ongoing, and the SIU withdrew its mandate in 21 cases. The overall number of SIU investigations across the province has increased by 13.0% to 312 in 2009 from 276 in 2008.<sup>14</sup>

Table 6.1 displays the number of incidents and reasons for SIU investigations that occurred in 2008 and 2009.

**Table 6.1 – SIU Investigations  
2008 - 2009**

Number of Incidents	2008	2009	Reasons for SIU Investigation	Death		Injury	
				2008	2009	2008	2009
Mandate Withdrawn	10	21	Firearm incidents	2	1	2	1
Officer was Exonerated	41	48	Vehicle incidents	0	0	4	8
Officer Charged Criminally	1	6	Custody incidents	2	4	43	54
Ongoing*	9	1	Allegation of Sexual Assault	n/a	n/a	8	8
<b>Total</b>	<b>61</b>	<b>76</b>	<b>Sub-totals</b>	<b>4</b>	<b>5</b>	<b>57</b>	<b>71</b>

\*Investigation not completed by the SIU at end of calendar year

<sup>11</sup> Special Investigations Unit – About, Retrieved 2010.03.18. <http://www.siu.on.ca/about.html>

<sup>12</sup> Special Investigations Unit – What, Retrieved 2010.03.18. <http://www.siu.on.ca/about.html>

<sup>13</sup> Ibid.

<sup>14</sup> Special Investigations Unit, (2010.03.16).

# SUSPECT APPREHENSION PURSUITS

## Overview

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. Legislation governing police pursuits in Ontario is found in Ontario Regulation 546/99 entitled Suspect Apprehension Pursuits.

Regulation 546 defines 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.

Regulation 546 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.

Suspect Apprehension Pursuit training is a mandatory requirement for any officer to engage in a pursuit. The TPS provides training for its members, which has been accredited by the Ministry of Community Safety and Correctional Services. The TPS has also designed a 'Guaranteed Arrival' Program that promotes safe driving strategies to increase education and safety efforts. Further training, if required, is available through the Training and Education Unit.

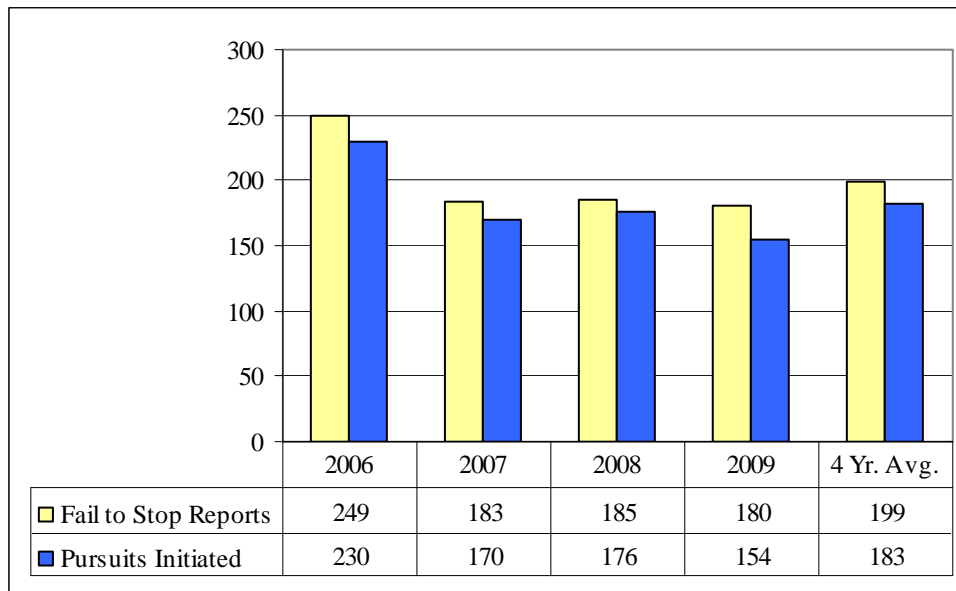
Regulation 546 further requires that each police service establish written procedures on the management and control of suspect apprehension pursuits. TPS Procedure 15-10 (Suspect Apprehension Pursuits) was specifically amended to address this requirement. This procedure directs every officer who initiates a pursuit to complete a Fail to Stop Report. This report provides a comprehensive description of the pursuit, including reasons for and results of the pursuit, charge information and various other environmental factors involved.



## Fail to Stop Reporting and Initiated Pursuits

In 2009, 180 Fail to Stop Reports were submitted representing a 2.7% decrease from 2008 and 9.5% less than the 4-year average of 199. Of the reports submitted, 85.6% resulted in the initiation of a pursuit, compared to 95.1% in 2008 and less than the 4-year average of 91.6%. Due to data collection revisions, comparability of pursuits is limited to those initiated from 2006 onwards. Chart 7.1 compares.

**Chart 7.1 – Fail to Stop Reports  
2006 - 2009**



## Reasons for Initiating Pursuits

In 2009, of the 180 Fail to Stop reports submitted, 154 resulted in the initiation of a pursuit compared to 176 in 2008. Of those initiated in 2009, 64.3% resulted from the commission of Criminal Code offences. Within the Criminal Code category, the majority of pursuits were initiated as a result of a stolen vehicle.

Various offences under the Highway Traffic Act accounted for a further 33.8% of pursuits initiated, with moving violations for the purpose of identifying the driver being the most common reason for initiating a pursuit.

Miscellaneous circumstances, including reports from the public and suspicious vehicles, accounted for 1.9% of all reasons cited for initiating a pursuit, as indicated in Table 7.1 on the next page.

**Table 7.1 – Pursuit Initiation Reasons  
2006 - 2009**

Pursuit Initiation Reason	2006		2007		2008		2009	
	No.	%	No.	%	No.	%	No.	%
<b>Criminal Code</b>								
Break And Enter	8	3.5	3	1.8	4	2.3	2	1.3
Dangerous Operation	28	12.2	28	16.5	19	10.8	18	11.7
Escape Lawful Custody	0	0.0	0	0.0	0	0.0	1	0.6
Impaired Operation	19	8.3	7	4.1	10	5.7	20	13.0
Prohibited Operation	0	0.0	0	0.0	0	0.0	1	0.6
Robbery	5	2.2	1	0.6	5	2.8	3	1.9
Stolen Vehicle	59	25.7	47	27.6	43	24.4	41	26.6
Other	21	9.1	16	9.4	17	9.7	13	8.4
<b>Sub Total</b>	<b>140</b>	<b>60.9</b>	<b>102</b>	<b>60.0</b>	<b>98</b>	<b>55.7</b>	<b>99</b>	<b>64.3</b>
<b>Highway Traffic Act</b>								
Equipment Violation	10	4.3	7	4.1	9	5.1	9	5.8
Moving Violation	58	25.2	47	27.6	50	28.4	29	18.8
R.I.D.E.	1	0.4	0	0.0	1	0.6	1	0.6
Suspended Driver	1	0.4	3	1.8	1	0.6	4	2.6
Other	12	5.2	4	2.4	13	7.4	9	5.8
<b>Sub Total</b>	<b>82</b>	<b>35.7</b>	<b>61</b>	<b>35.9</b>	<b>74</b>	<b>42.0</b>	<b>52</b>	<b>33.8</b>
<b>Miscellaneous</b>								
Report From Public	0	0.0	2	1.2	0	0.0	0	0.0
Suspicious Vehicle	8	3.5	4	2.4	4	2.3	3	1.9
Other	0	0.0	1	0.6	0	0.0	0	0.0
<b>Sub Total</b>	<b>8</b>	<b>3.5</b>	<b>7</b>	<b>4.1</b>	<b>4</b>	<b>2.3</b>	<b>3</b>	<b>1.9</b>
<b>TOTAL</b>	<b>230</b>	<b>100.0</b>	<b>170</b>	<b>100.0</b>	<b>176</b>	<b>100.0</b>	<b>154</b>	<b>100.0</b>

Data collected on a standard form created by the Ministry of the Solicitor General

### **Primary Police Vehicle**

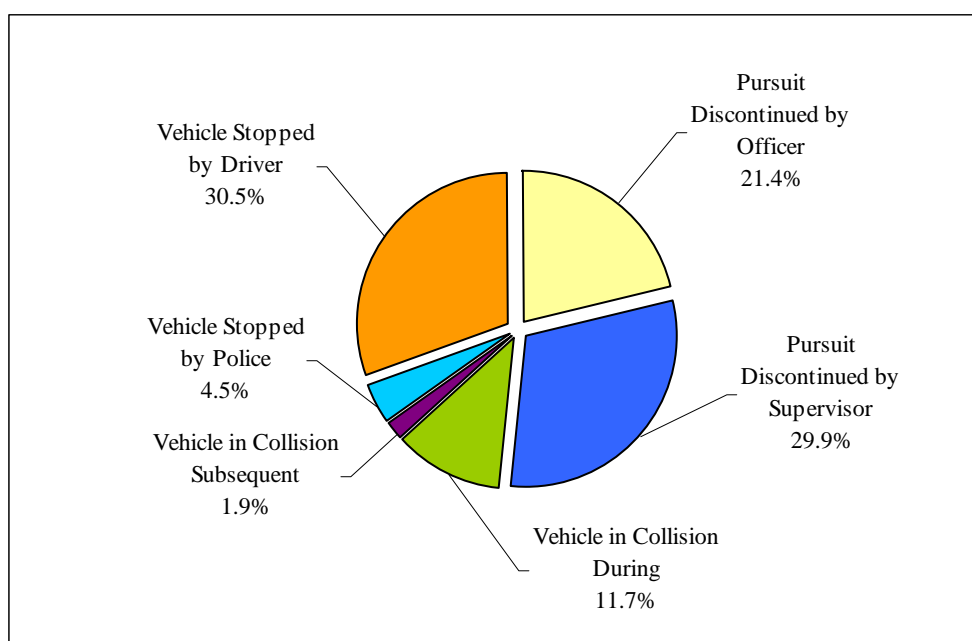
Service Procedure 15-10 outlines that officers operating an unmarked motor vehicle shall not engage in a pursuit unless a marked motor vehicle is not readily available and the police officer believes that it is necessary to engage in a pursuit (for reasons defined in Regulation 546). Of pursuits initiated, officers were in unmarked vehicles in 7 (4.5%) pursuits compared to 3 the previous year. Of the 7 unmarked vehicles, 3 were stealth vehicles which have subdued markings and are equipped with an onboard lighting and siren system.

## Results of Initiated Pursuits

In 2009, supervisors terminated 29.9% of pursuits that were initiated, an increase from 22.7% the previous year and 26.5% in 2006. Involved officers discontinued 21.4% of initiated pursuits, a decrease from 31.3% in 2008.

In 4.5% of initiated pursuits, officers were able to stop suspect vehicles using specific techniques (e.g. rolling block, intentional contact, etc.), falling below the 4 year average of 5.2%. In 30.5% of pursuits initiated the vehicle was stopped by the driver, an increase from 25.6% in 2008, and 23.5% in 2006. The results of initiated pursuits are indicated in chart 7.2 below.

**Chart 7.2 – Results of Initiated Pursuits, 2009**



## Collisions and Pursuit Related Injuries

The number of pursuits resulting in collisions has decreased in 2009 to 21 from 27 in 2008. Collisions occurring during pursuits accounted for 85.7% of collisions while 14.3% occurred subsequent to pursuits.

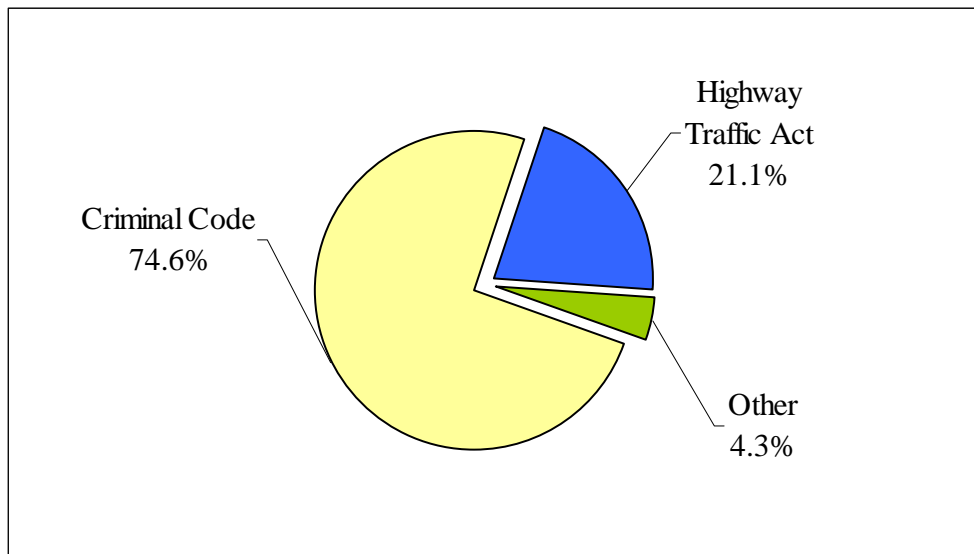
In 2009, 19 people received injuries as a result of initiated pursuits: 8 persons in pursued vehicles, 10 police officers, and 1 third party individual. The number of pursuits resulting in injury has decreased to 10 in 2009 from 11 in 2008. There were no fatalities resulting from pursuits initiated in 2009.

## Charges Laid in Initiated Pursuits

In 2009, 97 people were charged with a Criminal Code offence and 44 with a Highway Traffic Act offence as a result of initiated pursuits, compared to 106 and 41 respectively in 2008.

A total of 441 charges were laid in 118 pursuits, compared to 524 charges in 164 pursuits during 2008. Criminal Code charges continue to represent the majority (74.6%) of the total charges laid consistent with previous years.

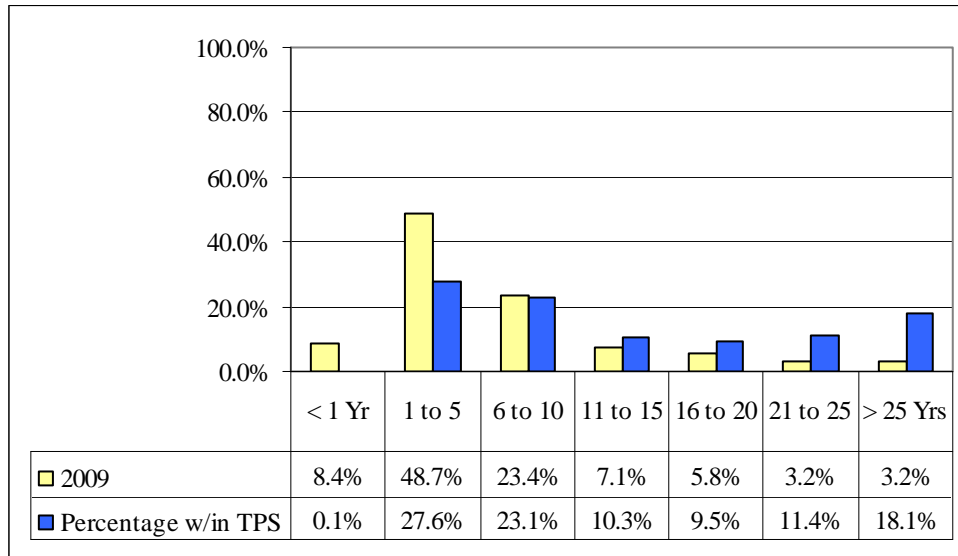
**Chart 7.3 – Types of Charges Laid, 2009**



## Years of Service

In 2009, TPS officers with less than 1 year of service initiated 13 pursuits representing 8.4% of the total pursuits initiated, compared to 5.7% of pursuits initiated in 2008. Officers with 1 to 5 years of service initiated 48.7% of pursuits, compared to 29.5% in 2008. Chart 7.4 illustrates the years of service of subject officers in initiated pursuits.

**Chart 7.4 – Years of Service of Subject Officer vs. Service Wide, 2009**



## **CONCLUSION**

This report has coordinated data from all the units within Professional Standards including: Complaints Administration; Conduct Investigations; Criminal Investigations; Awards, Information Security; Inspections Unit; Prosecution Services; SIU Liaison; Analysis & Assessment, and; the Duty Desk.

The information contained in the annual report continues to assist all Professional Standards units in identifying strategic issues, goals and actions to build upon the initiatives embarked upon this year. Professional Standards has noted a decrease in the number of public complaints, use of force incidents, and pursuits initiated, which is positive reinforcement for the priorities of the unit. Learning from this, the unit will continue to educate and train members on Service core values and best practices, liaise with other agencies to identify areas for innovation, and conduct on-going reviews to ensure continued alignment with the Toronto Police Service mandate. This strategy will yield further positive results and support the commitment Professional Standards has made to promote safety for both TPS members and the citizens we serve.

# GLOSSARY OF TERMS

## 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.

**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 favour 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 him or her a duty of care; 2) The investigating officers failed to meet the standard of care; 3) He or she 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 more than reasonably necessary in the circumstances.

**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.