

# **TORONTO POLICE SERVICE PROFESSIONAL STANDARDS**



## **2007 ANNUAL REPORT**

# TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b> .....	1
<b>PROFESSIONAL STANDARDS INFORMATION SYSTEM</b>	
Historical Overview.....	3
PSIS Today.....	3
Early Intervention System .....	4
<b>PUBLIC COMPLAINTS</b>	
Historical Overview.....	5
Professional Standards Customer Satisfaction Survey.....	6
Complaint Intake and Classification of Complaints.....	7
Types of Alleged Misconduct in Investigated Complaints .....	9
Description of Sub-Classifications for Alleged Misconduct.....	12
Complaint Disposition.....	13
Ontario Civilian Commission on Police Services Reviews .....	14
Time Taken to Conclude Complaints.....	14
Other Factors to be Considered .....	15
Location of Complaint and Precipitating Factors.....	15
Complaints by Command and Unit .....	16
Years of Service .....	17
Rank of Subject Officer.....	18
Civil Litigation .....	19
<b>POLICE SERVICES ACT CHARGES</b>	
New Cases and Charges Laid .....	20
Category of Charges Laid in New Cases.....	20
Subject Officers with Multiple Charges in New Cases .....	21
Off Duty versus On Duty Conduct in New Cases .....	22
Other Factors Affecting Charges in New Cases.....	22
Cases Concluded in 2007 .....	22
Police Services Act Dispositions.....	22
Charge Dispositions.....	23
Penalties Imposed for PSA Convictions.....	23
PSA Dispositions – Time to Trial .....	24

## **USE OF FORCE**

Use of Force Reporting .....	25
Types of Force Used.....	26
2006 Taser Pilot Project .....	27
Reasons for Use of Force .....	28
Use of Force by Sub-Command .....	29
Officer Duties .....	29
Category of Incidents .....	30
Category of Locations .....	31
Number of Subjects Involved per Incident.....	31
Perceived Weapons Carried by Subject .....	32
Summary of Injuries .....	32
Public Opinion.....	33

## **SPECIAL INVESTIGATIONS UNIT**

Overview .....	34
SIU Investigations .....	34
Risk Management Review & Actions Taken .....	35

## **SUSPECT APPREHENSION PURSUITS**

Historical Overview.....	36
Fail to Stop Reporting .....	37
Reasons for Initiating Pursuits.....	37
Primary Police Vehicle.....	38
Results of Initiated Pursuits.....	39
Collisions and Collision Related Injuries .....	39
Charges Laid in Initiated Pursuits .....	40
Years of Service .....	41

## **AWARDS**

Background.....	42
Types of Awards.....	42
Distribution of Awards .....	43

# EXECUTIVE SUMMARY

The Chief of Police reports to the Toronto Police Services Board on the following:

- Complaint Intake
  - Number, classification and disposition
- Conduct Complaints
  - Both serious and less serious
- Policy and Service Complaints
  - Number, classification and disposition
- Investigations
  - Serious matters of misconduct
- Prosecutions Services
  - Number of cases, trials, guilty pleas, cases withdrawn and time to trial
- Disciplinary Hearings Office
  - Number of cases, allegations and penalties
- Ontario Civilian Commission on Police Services (OCCPS) Reviews
  - Outcomes of matters reviewed

This annual report, produced by Professional Standards, Risk Management Unit, is designed to amalgamate all Professional Standards reporting requirements into a single report to facilitate comparisons, examination of trends, and to provide a comprehensive analysis of officer conduct and discipline. This report incorporates revisions to the appropriate sections as required by the Toronto Police Services Board Policy Manual and subsequent approved Board requests.

This report illustrates statistical data from January to December, 2007. There are limits to the comparability of data between years due to reporting revisions.

## Highlights

- During 2007, 47 Alert reports were forwarded to Unit Commanders that were generated from the Professional Standards Information System (PSIS). These reports were forwarded to aid in the early identification of atypical performance among Service members.
- In 2007, a total of 696 public complaints were made about uniform Toronto Police Service members, a 5.3% increase from 2006, and a 10.0% decrease from 2005.
  - 393 (56.5%) complaints were investigated.
  - 384 complaints concerned officer conduct and 9 concerned the services and/or policies of the Toronto Police Service.
  - 303 (43.5%) complaints did not meet the criteria set out in the Police Services Act and therefore were not subject to investigation, an increase of 14.6% from 2006.

- 25 (3.6%) complaints were classified as serious in nature, a decrease of 5.0% from 2006.
  - 469 (75.8%) concluded complaints were completed within 90 days, an increase of 17.2% from 2006.
- The Toronto Police Service received 75 new Civil Litigation cases in 2007, 8 less than in 2006.
  - Prosecution Services initiated 68 new cases, 9 more than in 2006. The number of Police Services Act charges laid has decreased 31.4%. Off duty incidents attributed to 72.0% of new cases, an increase of 28.0%.
  - The Disciplinary Hearings office concluded 61 cases involving 145 charges in 2007, an increase from 53 cases in 2006. It should be noted that some cases concluded in 2007 were initiated in prior years.
  - Use of Force incidents totalled 1,582 compared to 1,513 in 2006. A total of 2,279 Use of Force reports were submitted compared to 2,264 in 2006. The most common reason for Use of Force continues to be for the protection of the officer her/himself.
  - In Use of Force incidents, 135 officers were injured in 2007, compared to 124 in 2006. Of these, 70 officers required medical attention compared to 32 in 2006. Most injuries were minor in nature.
  - The Provincial Special Investigations Unit invoked its mandate to investigate 66 cases, an increase from 50 in 2006. Of these, 43 cases were concluded, 11 were withdrawn, 1 resulted in the officer being charged, and 11 cases are currently ongoing.
  - Suspect Apprehension Pursuits were initiated on 161 occasions in 2007 determined from 178 Fail to Stop Reports submitted, a 29.7% decrease from pursuits initiated in 2006.
  - Personal injury occurred in 9.3% of initiated Suspect Apprehension Pursuits, a 0.6% increase from 2006. In total, 22 persons were injured and 3 persons were fatally injured in a single pursuit.
  - Members of the Toronto Police Service received 474 Service Awards including: 7 Medal of Merit awards, 5 Merit Marks, 48 Commendations, 368 Teamwork Commendations, 9 Letters of Recognition, and 37 Chief of Police Excellence Awards. In addition, the Toronto Police Service issued 139 Community Member awards.

# PROFESSIONAL STANDARDS INFORMATION SYSTEM

## Historical Overview

In July of 1999, the Ontario Civilian Commission on Police Services (OCCPS) completed an investigation and prepared a report on "Fact-Finding into Various Matters with Respect to the Disciplinary Practices of the Toronto Police Service". The report concluded with thirteen recommendations, one of which proposed that the Service implement a process to facilitate the collection and retention of personal data (including electronic data retention, software and human resource management information systems). The information could include, but not limited to: training, letters of commendation, discipline, performance evaluations, promotional test results, records of assignment, skills particular to the individual and tools to assist in personal development. This report was presented to the Police Services Board which, in May of 2000, responded to the Chief with 28 recommendations. One recommendation was "that the Chief of Police be directed to develop a single system that captures all employment/personal data". In response, the Professional Standards Information System (PSIS) was placed on the Capital Budget and incorporated in the 2002-2004 Service's Business Plan. PSIS was implemented to satisfy both OCCPS recommendations to the Board and the Board's recommendations to the Service.

The Risk Management Unit (RMU) of Professional Standards (PRS) is responsible for PSIS which was put into service in October of 2003. The software was designed to capture data relating to Civil Litigations, Chief's Administrative Investigations, External Awards, Firearm Discharges, Internal and External complaints, Service Awards, Use of Force reports, Service Vehicle Collisions, and Suspect Apprehension Pursuits. Data entry into PSIS began with Service Vehicle Collisions in October of 2003, with the entry of other reports following shortly after. In June of 2005, historical complaint data from the year 2000 was converted and entered into PSIS.

## PSIS Today

In January of 2006, Professional Standards amalgamated into one unit at 791 Islington Avenue which brought together Complaints Administration, Criminal Investigations and Conduct Investigations at one location. Shortly after, PSIS was installed on the workstations of the Criminal and Conduct investigators as well as Complaints Administration. PRS Investigators currently have direct access to PSIS, enabling them to enter data directly into the system as well as use PSIS as a case management tool. PSIS is now being rolled out to Divisions to assist PRS and Unit Complaint Investigators in more timely and efficient complaint file management.

Professional Standards continues to utilize PSIS to produce informative reports for Command officers and Supervisors, such as the new Officer History Report and the new Alert Report. These reports contain information regarding a member's performance or conduct which is intended to aid Unit Commanders and other supervisors in better management of TPS members.

PSIS has become the mainstay of statistical data collection as it pertains to certain issues surrounding the Service. PRS Risk Management routinely fulfills requests from the Command and field for statistical reports as well as provides data for the Chief's Dashboard and STATCOM.

## **Early Intervention System**

One of the prime objectives of Professional Standards – Risk Management Unit is the early identification of atypical performance among Service members. The unit's goal, in this regard, is to identify these members and to provide early information to management. The PSIS system identifies members, based on pre-set thresholds, to provide early intervention opportunities for management. It should be noted that both positive and negative behaviours will initiate an early intervention alert and that alerts are not used as a foundation for any disciplinary action.

A procedure has been implemented to notify the member's Unit Commander once the pre-set threshold has been attained. Unit Commanders evaluate the alert on an individual basis to determine if there is risk to the Service and are also required to notify Professional Standards of the action(s) taken, if any.

Alerts are analyzed in a more detail than previous years in order to ensure they are valid alerts. This has led to a decrease in the number of Alert reports prepared and sent to Unit Commanders. A new Alert report template has been produced in order to better inform supervisors and provide a more comprehensive depiction of the members' conduct or performance history. New information, such as peer analysis, has been included. This information, coupled with an increased look at the reasoning behind the generation of the Alert report, has led to a more readable and useful report.

# PUBLIC COMPLAINTS

## Historical Overview

The Toronto Police Services Board (Board) has the responsibility to establish guidelines for dealing with complaints made under Part V of the Police Services Act (PSA). The Board is tasked with reviewing the Chief of Police's administration of the complaints system found in Part V and to receive regular reports from the Chief of Police on the administration of the complaints system. Ontario Regulation 3/99 made under the 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) is committed to ensuring that the complaints system is predictable and transparent to both police officers and the public. The TPS also has a procedure in place to ensure that all involved parties are handled in a way that is both fair and impartial.

In the mid 1980's, the number of public complaints remained stable and steadily increased until 1992, where they peaked at 1,267. Complaints against the police then steadily declined to 619 in 1998. Over the last 5 full years public complaints have averaged 741 per year. There were 696 public complaints in 2007, a 45% decrease from 1992 and a 5.3% increase from 2006.

Each year the TPS develops a survey that focuses on impressions of quality and satisfaction with the delivery of service and overall perceptions of safety in neighbourhoods. In 2007, approximately 1,200 residents were independently queried about officer's conduct and the complaint process by telephone. Pertinent results of the 2007 survey are listed below:<sup>1</sup>

- 93% of respondents indicated that overall they were satisfied with the Toronto Police Service, compared to 94% in 2006;
- 92% of respondents agreed with the statement "*I believe that Toronto police officers carry out their jobs to the best of their abilities*", an increase from 91% in 2006;
- 88% of respondents indicated they believe Toronto Police are trustworthy, an increase from 85% in 2006;
- 66% of respondents indicated they were confident that the Toronto Police Service could impartially investigate public complaints against officers, compared to 70% in 2006;
- 8% of respondents indicated that they had experience with the police complaints process, comparable to 2006. Of these:
  - 60% indicated they were satisfied with the process, an increase from 54% in 2006;
  - 64% indicated they were satisfied with the outcome, an increase from 49% in 2005.

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<sup>1</sup> Data obtained from the 2007 Community Survey Results Report



- Of respondents who indicated they had contact with the police during 2007, the following can be noted:
  - 88% indicated they felt officers treated them with respect, an increase from 86% in 2006;
  - 82% indicated they were satisfied with the police during contact, an increase from 79% in 2006;
  - 80% rated the officer's professionalism during the contact as good or excellent, compared to 81% in 2006;
  - 79% rated the officer's courtesy during the contact as good or excellent, compared to 82% in 2006;
  - 78% rated the officer's conduct during the contact as good or excellent, compared to 79% in 2006.

### **Professional Standards Customer Satisfaction Survey**

The 2006-2008 Toronto Police Service Priorities identified "Delivery of Service" as a corporate priority. A goal to "ensure officers conduct daily duties and interactions with the public in a professional, non-biased, ethical manner, with a focus on customer service" was developed to support this service priority. To achieve this goal, the Professional Standards Customer Satisfaction Survey was created to be administered to public complainants. The survey was established to gauge complainants' satisfaction with the quality of service received when filing and resolving public complaints with the Toronto Police Service.

In January 2007, Professional Standards began distribution of the Customer Satisfaction Survey in a six-month pilot project. Professional Standards distributed surveys to 209 public complainants that initiated a public complaint during the first six months of 2007. Surveys were sent to all complainants whose complaints were investigated.

In 2007, 209 surveys were distributed with 59 being completed and returned to Professional Standards, reflecting a response rate of 28.2%. Of survey respondents, 71% indicated this was their first experience with the Toronto Police Service complaint process. A written letter to the TPS or Chief of Police was the most common method of filing a complaint at 46%, followed by in-person at a police station at 22%. Table 1.1 below details the methods of filing a complaint.

**Table 1.1 – Methods of Filing a Complaint**

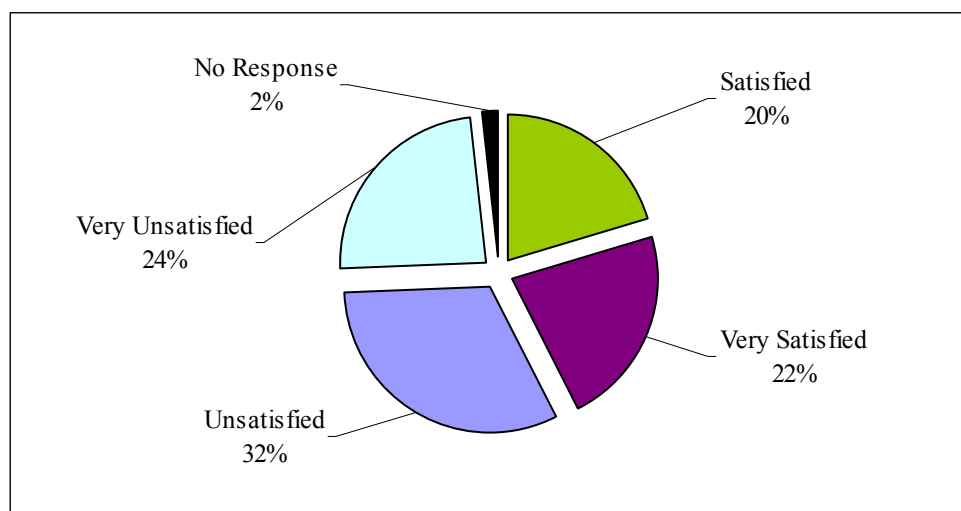
<b>Method</b>	<b>No.</b>	<b>%</b>
In person - Police Station	13	22.0
In person - TPS Headquarters	2	3.4
Multiple Methods	5	8.5
OCCPS	8	13.6
Scadding Court	1	1.7
Written letter to TPS/Chief of Police	27	45.8
Other	2	3.4
No Response	1	1.7
<b>Total</b>	<b>59</b>	<b>100.0</b>

Of survey respondents, 73% indicated that the complaint process was explained to them and 78% indicated that the process was explained to them in a language they understood (either directly or with the use of a translator). Currently, pamphlets outlining the complaints process are available to complainants in over 20 languages.

During the follow-up stage of the complaint process, 66% of respondents indicated they were satisfied/very satisfied with how well the complaint investigator listened to them, 29% were unsatisfied/very unsatisfied, and 5% did not respond.

Overall, 42% of respondents were satisfied/very satisfied with their experience with the TPS complaints process, 56% were unsatisfied/very unsatisfied, and 2% did not respond. Chart 1.2 details the overall satisfaction of respondents.

**Chart 1.2 – Overall Satisfaction with TPS Complaint Process**



### **Complaint Intake and Classification of Complaints**

Public complaints are categorized under the authority of Part V of the PSA and may be considered conduct of a serious nature, conduct of a less serious nature, or a complaint of a policy of and/or service provided by the TPS. The TPS procedure chapter 13, appendix A, lists misconduct issues that are classified as less serious in nature and may be dealt with at the Unit level.

The PSA outlines in Section 57 (Subsection 2) and Section 59 (Subsections 3, 4, and 5) that public complaints may be concluded without investigation in instances where the complaint falls under any of the following categories: frivolous; vexatious; made in bad faith; complainant is not directly affected; the complaint is unsigned; the complaint is over the six month limitation period, or; beyond the jurisdiction of the TPS.

During 2007, revisions were made to the complaint intake process to include a more comprehensive review of complaints prior to classification. A Staff Sergeant has been assigned at the intake level to conduct a review of the circumstances surrounding each complaint received,

which includes checks of policing database systems (ECOPS, ICAD, MANIX, and PSIS), in order to obtain as much information as possible for classification purposes. This review has decreased the number of complaints forwarded to Units for investigation which in turn has afforded investigators with additional time resources to conduct thorough investigations of complaints that do not fall under S.57 (2) and S. 59 (3, 4, & 5) of the PSA. To compliment this, it is noteworthy that although the number of complaints classified as frivolous has increased since 2006, the number of investigated complaints determined to be unsubstantiated has drastically decreased (p. 14), showing that the intake process has become an effective filter. This new intake process has been discussed with the Ontario Civilian Commission on Police Services (OCCPS) of which it is also important to report that files returned to the TPS for further investigation have decreased by 1.0% in 2007 (p. 15).

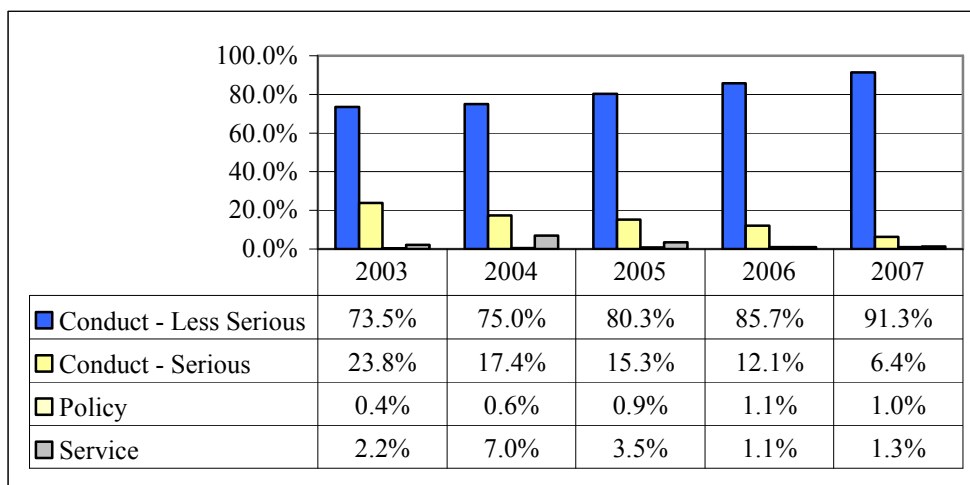
During 2007, 696 public complaints against uniform members were received by the TPS, an increase of 5.3% from 2006 and a 10.0% decrease from 2005. Of those complaints, 56.5% were investigated which is a decrease from 71.1% in 2006. Complaints not investigated accounted for 43.5% of those received, representing a 14.6% increase from 2006. Table 2.1 compares the classifications of complaints during 2007 to the previous five years.

**Table 2.1 – Classification of Complaints  
January to December, 2003 - 2007**

<b>Complaints - Investigated</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Conduct - less serious	367	409	457	403	359
Conduct - serious	119	95	87	57	25
Policy	2	3	5	5	4
Service	11	38	20	5	5
<b>Number and Percentage of Complaints Investigated</b>	499	545	569	470	393
	69.3%	63.9%	73.6%	71.1%	56.5%
<b>Complaints - Not Investigated</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>
Frivolous	101	146	89	122	214
Made in bad faith	14	13	0	1	10
No jurisdiction	30	27	10	3	2
Not directly affected	37	45	26	26	37
Not signed	3	14	6	1	0
Over six months	25	46	70	37	37
Vexatious	11	17	3	1	1
Withdrawn	0	0	0	0	2
<b>Number and Percentage of Complaints Not Investigated</b>	221	308	204	191	303
	30.7%	36.1%	26.4%	28.9%	43.5%
<b>TOTAL NUMBER OF COMPLAINTS</b>	<b>720</b>	<b>853</b>	<b>773</b>	<b>661</b>	<b>696</b>

Chart 2.1 displays classifications of complaints that were investigated during each year since 2002, as indicated in Table 2.1. The number of complaints categorized as *conduct of a serious nature* in 2007 has decreased to 6.4% from 12.1% in 2006 and from a high of 23.8% in 2003. The percentage of complaints categorized as *conduct of a less serious nature* has increased to 91.3% from 85.7% in 2006. The number of complaints investigated pertaining to the policies and/or services provided by the TPS account for 2.3% of the complaints, compared to 2.2% in 2006.

**Chart 2.1 – Classification of Complaints Investigated  
January to December, 2003 - 2007**



### **Types of Alleged Misconduct in Investigated Complaints**

The use of the PSA Code of Conduct as a means of classifying complaints was initiated on January 1, 2000. A single complaint may involve one or more subject officers and each subject officer may have one or more allegations of misconduct. The most serious allegation in a single complaint is used to classify each complaint investigated. It should be noted that a complaint is classified on the allegations initially provided by the complainant and may be reclassified once the investigation is concluded.

The data in Table 2.2 compares the types of alleged misconduct during 2005, 2006 and 2007. It indicates that the following three types of allegations accounted for an average of 95.3% of the complaints investigated in all three years: Discreditable Conduct, Neglect of Duty, and Unlawful/Unnecessary Exercise of Authority. Discreditable Conduct was cited more frequently than any other type of misconduct in all three years.

During 2007, allegations of Discreditable Conduct increased to 60.6% from 49.6% in 2006 and 53.6% in 2005. Allegations of Neglect of Duty decreased to 12.2% in 2007 from 21.3% in 2006 and 13.2% in 2005. Allegations of Unlawful/Unnecessary Exercise of Authority accounted for 23.7% of the complaints investigated in 2007, compared to 24.7% reported in 2006.

**Table 2.2 – Types of Alleged Misconduct in Investigated Complaints  
January to December, 2005 - 2007**

Type of Alleged Misconduct	2005		2006		2007	
	No.	%	No.	%	No.	%
Breach of Confidence	1	0.2	3	0.6	0	0.0
Consuming Drugs/Alcohol in a Manner Prejudicial to Duty	0	0.0	0	0.0	0	0.0
Corrupt Practice	2	0.4	4	0.9	1	0.3
Damage to Clothing or Equipment	0	0.0	0	0.0	0	0.0
Deceit	1	0.2	2	0.4	1	0.3
Discreditable Conduct	305	53.6	233	49.6	238	60.6
Insubordination	7	1.2	2	0.4	3	0.8
Neglect of Duty	75	13.2	100	21.3	48	12.2
Unlawful/Unnecessary Exercise of Authority	153	26.9	116	24.7	93	23.7
Policy	5	0.9	5	1.1	4	1.0
Service	20	3.5	5	1.1	5	1.3
<b>Total</b>	<b>569</b>	<b>100.0</b>	<b>470</b>	<b>100.0</b>	<b>393</b>	<b>100.0</b>

Between January and December, 2007, allegations of Discreditable Conduct, Neglect of Duty, and Unlawful/Unnecessary Exercise of Authority accounted for 96.5% of the complaints investigated. Table 2.3 indicates the sub-classification of complaints in these categories. Following Table 2.3, a description of the sub-classifications is included.

**Table 2.3 – Sub-Classification for Alleged Misconduct  
January to December, 2007**

Type of Alleged Misconduct		2007	
		No.	%
<b>Discreditable Conduct</b>			
2(1)(a)(i)	Failure to treat or protect w/o discrimination	15	6.3
2(1)(a)(ii)	Profane language - regarding individuality	5	2.1
2(1)(a)(iii)	Oppressive/tyrannical conduct	0	0.0
2(1)(a)(iv)	Profane language – towards member	1	0.4
2(1)(a)(v)	Incivility - public	125	52.5
2(1)(a)(vi)	False statement against member	0	0.0
2(1)(a)(vii)	Assault - member	0	0.0
2(1)(a)(viii)	Withholding a report/complaint	0	0.0
2(1)(a)(ix)	Criminal Offence – accused/charged/guilty	0	0.0
2(1)(a)(x)	Contravene PSA	1	0.4
2(1)(a)(xi)	Acts in a disorderly manner	91	38.2
<b>Total</b>		<b>238</b>	<b>100.0</b>
<b>Neglect of Duty</b>			
2(1)(c)(i)	Neglects duty without lawful excuse	47	97.9
2(1)(c)(i.1)	Failure to comply – O.R. 673/98	0	0.0
2(1)(c)(ii)	Failure to comply – orders	0	0.0
2(1)(c)(iii)	Permit prisoner escape	0	0.0
2(1)(c)(iv)	Failure to report – offender	0	0.0
2(1)(c)(v)	Failure to report – matter	1	2.1
2(1)(c)(vi)	Failure to report – info. re: criminal/charges	0	0.0
2(1)(c)(vii)	Omit record entry	0	0.0
2(1)(c)(viii)	Feign/exaggerate sickness	0	0.0
2(1)(c)(ix)	Absent/late for duty without reason	0	0.0
2(1)(c)(x)	Untidy – person/clothing/equipment	0	0.0
<b>Total</b>		<b>48</b>	<b>100.0</b>
<b>Unlawful/Unnecessary Exercise of Authority</b>			
2(1)(g)(i)	Unlawful/Unnecessary arrest	11	11.8
2(1)(g)(ii)	Unnecessary force	82	88.2
<b>Total</b>		<b>93</b>	<b>100.0</b>

## **Description of Sub-Classifications for Alleged Misconduct**

### **1. 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.

### **2. 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.

### **3. 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.

## Complaint Disposition

The data in Table 2.4 compares dispositions of investigated complaints received during 2005, 2006 and 2007.

Unsubstantiated allegations represent 38.2% of complaints received, a 16.3% decrease from 2006. Resolving complaints through informal resolutions has been successful in 18.8% of complaints, an increase of 5.6%. The number of complaints withdrawn by the complainant has decreased to 19.6% from 26.0% in 2006. It should be noted that the disparity between 2006 and 2007 regarding the number of unsubstantiated complaints can in part be explained by the notion that 19.6% of the 2007 investigated complaints are still under investigation, compared to only 1.3% of 2006 complaints. As these complaint investigations are concluded the number of unsubstantiated complaints can be expected to rise.

The number of complaints where misconduct has been identified continues to represent a very small proportion of all investigated complaints from 2005 to 2007, as indicated in Table 2.4.

**Table 2.4 – Comparison of Investigated Complaints  
January to December, 2005 - 2007**

Disposition of Complaint	Complaints Received in:					
	2005		2006		2007	
	No.	%	No.	%	No.	%
Informal Resolution	107	18.8	62	13.2	74	18.8
Misconduct Identified:	14	2.5	12	2.6	7	1.8
<i>Hearings</i>	2	0.4	1	0.2	0	0
<i>Unit Level Discipline</i>	12	2.1	11	2.3	7	1.8
No Jurisdiction	0	0.0	4	0.9	1	0.3
Policy/Service – Action Taken	4	0.7	2	0.4	1	0.3
Policy/Service – No Action Taken	0	0.0	6	1.3	6	1.5
Unsubstantiated	305	53.6	256	54.5	150	38.2
Withdrawn by Complainant	120	21.1	122	26.0	77	19.6
Investigation Not Concluded*	19	3.3	6	1.3	77	19.6
<b>Total</b>	<b>569</b>	<b>100.0</b>	<b>470</b>	<b>100.0</b>	<b>393</b>	<b>100.0</b>

\*Number is anticipated to decrease as the 90 day investigation period is reached. For complaints received between November – December 2007, the 90 day investigation period extends beyond the scope of this report (Jan-Dec, 2007) which can explain the apparent increase in number of complaint investigations not concluded.



## **Ontario Civilian Commission on Police Services (OCCPS) Reviews**

The PSA allows a complainant who is dissatisfied with the classification or disposition of their complaint to request a review by OCCPS. OCCPS may determine that the complaint classification or disposition should be reviewed and can refer the decision back to the TPS for further investigation/action.

During 2007, 160 cases were appealed for review by OCCPS. Of these, 29 cases (19.1%) have been overruled and sent back to the TPS for further investigation. In 2006, a total of 149 cases were appealed to OCCPS, with 30 (20.1%) of these having been overruled.

## **Time Taken to Conclude Complaints**

Table 2.5 compares the number of days taken to complete complaints received between January and December, 2006 - 2007.

Concluded complaints include those dealt with at Complaints Administration, including complaints categorized under Section 59 (Subsections 3, 4, and 5) of the Police Services Act, as well as those that have been investigated.

TPS procedures outline that complaint investigations and dispositions shall be completed within 90 days, however, it does make provisions for investigations that take longer. For 2007, 88.9% of complaints received have been concluded. Of these, 75.8% were completed within 90 days, an increase from 58.6% in 2006.

A longer time to conclude a complaint can be attributed to the complainant's ability to appeal dispositions to OCCPS, which can result in returning the complaint to the TPS for further investigation. Complaints to be investigated further result in a greater number of days to investigate. Table 2.5 compares the time taken to conclude complaints that were received between January and December, 2006 – 2007.

**Table 2.5 – Comparison of Number of Days to Conclude Complaints  
January to December, 2006 – 2007**

Days to Conclude	2006		2007	
	Total	%	Total	%
0 to 30 days	194	29.6	308	49.8
31 to 60 days	90	13.7	85	13.7
61 to 90 days	100	15.3	76	12.3
91 to 120 days	87	13.3	65	10.5
121 to 150 days	40	6.1	29	4.7
151 to 180 days	36	5.5	28	4.5
Over 180 days	108	16.5	28	4.5
<b>Total</b>	<b>655</b>	<b>100.0</b>	<b>619</b>	<b>100.0</b>

**Other Factors to Be Considered**

**1. Location of Complaint and Precipitating Factors**

Table 2.6 compares the locations and precipitating factors of public complaints in 2006 and 2007.

The most likely location of a complaint is a street location followed by a residential area and police building in both 2006 and 2007.

The most common precipitating factor that generated a complaint in 2006 and 2007 has been categorized as ‘other’ followed by a criminal investigation.

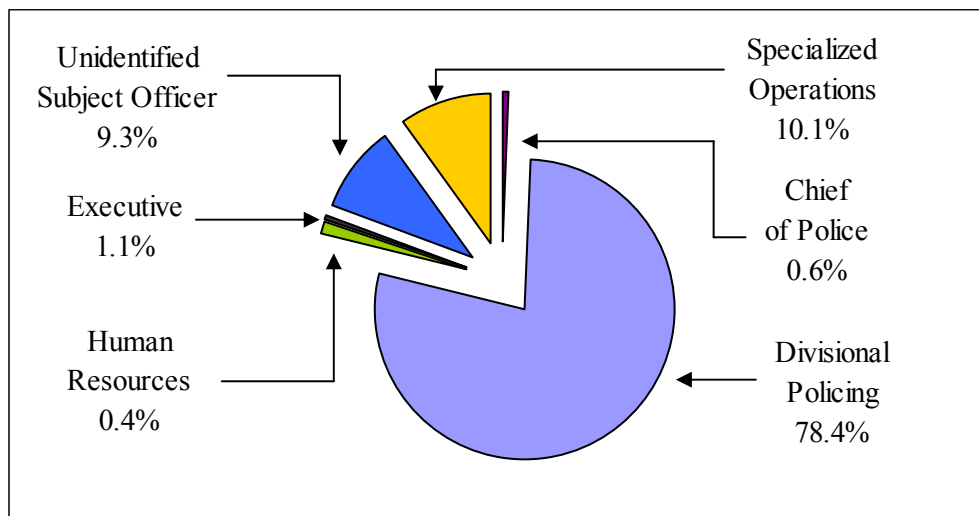
**Table 2.6 – Location and Precipitating Factors at Time of Incident  
January to December, 2006 - 2007**

Location	2006	2007	Precipitating Factors	2006	2007
Commercial Site	0.9%	0.3%	Arrest	15.7%	11.9%
Driveway	0.2%	0.3%	Criminal Investigation	20.1%	25.9%
Industrial	0.2%	0.0%	Domestic	3.0%	2.3%
Motor Vehicle	0.3%	0.0%	EDP Investigation	1.1%	3.2%
Park	0.3%	0.1%	Municipal Investigation	1.5%	2.6%
Parking Lot	1.5%	0.1%	POA Investigation	15.4%	15.8%
Police Building	13.5%	16.5%	Prisoner Escort	0.2%	0.0%
Police Vehicle	0.2%	0.0%	Taser	0.0%	0.1%
Public Building	13.5%	9.5%	Traffic Stop	10.4%	11.6%
Residential	20.4%	16.1%	Other	32.5%	26.6%
Street/Roadway	42.2%	43.0%	<b>Total</b>	<b>100%</b>	
Unknown	3.5%	1.3%			
Other	3.5%	12.8%			
<b>Total</b>	<b>100%</b>				

**2. Complaints by Command and Unit**

Divisional Policing Command accounted for 78.4% of all complaints and Specialized Operations Command accounted for 10.1%. Subject officers have not been identified in 9.3% of complaints received in 2007. During 2007, 1.1% of the complaints were attributed to Executive Command, as indicated in Chart 2.2. Table 2.7 details complaints by Division and Unit from January to December, 2006-2007.

**Chart 2.2 – Complaints by Command  
January to December, 2007**



**Table 2.7 – Comparison of Complaints by Division/Unit  
January to December, 2006-2007**

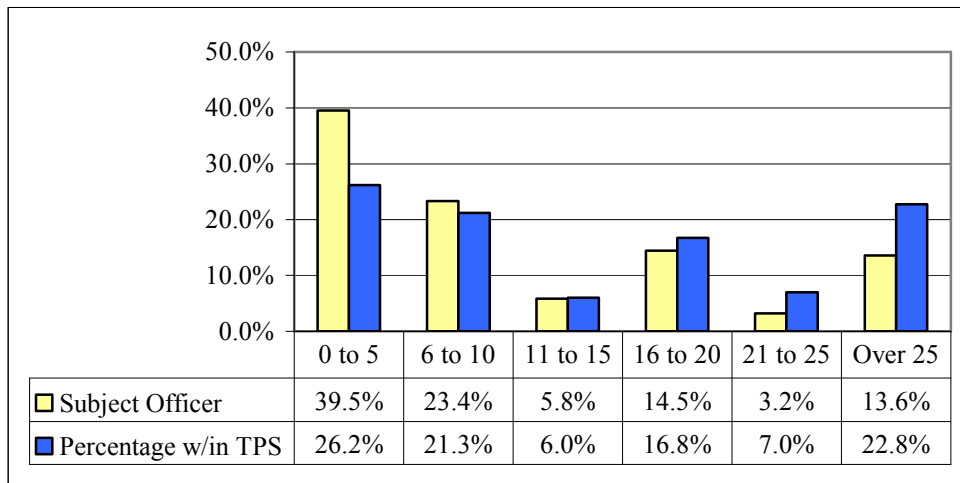
<b>Division Involved</b>	<b>2006</b>	<b>2007</b>	<b>Unit Involved</b>	<b>2006</b>	<b>2007</b>
11 Division	23	24	Communications Services	3	7
12 Division	15	17	Corporate Planning	2	5
13 Division	23	32	Court Services	2	2
14 Division	35	54	Detective Services	1	0
22 Division	27	32	Diversity Management	0	2
23 Division	37	19	Emergency Task Force	3	0
31 Division	39	49	Employment	1	0
32 Division	27	31	Fraud Squad	3	1
33 Division	29	32	Hold-Up Squad	1	1
41 Division	17	28	Homicide Squad	0	2
42 Division	38	23	Human Resources Management	1	1
43 Division	26	19	Information Access	0	1
51 Division	69	48	Intelligence Services	1	2
52 Division	51	55	Marine Unit	1	0
53 Division	23	18	Mounted & Police Dog Services	0	3
54 Division	22	17	Parking Enforcement	0	1
55 Division	34	38	Policing Operations	2	4
			Professional Standards	1	1
			Provincial Rope-Bail & Parole	0	2
			Public Safety Unit	2	1
			Records Management Services	2	0
			Risk Management Unit	0	1
			Sex Crimes Unit	4	2
			Special Investigation Services	5	8
			Toronto Drug Squad	5	5
			Traffic Services	20	33
			Training	1	0
			No Unit Identified	65	75
			<b>Total</b>	<b>661</b>	<b>696</b>

### 3. Years of Service of Subject Officer

In 2007, TPS officers with 10 years of service or less accounted for 47.5% of uniform strength and for 62.9% of the total number of subject officers linked in public complaints, 3.8% more than 2006.

TPS officers with service between 11 and 15 years and between 21 and 25 years continue to have the lowest number of complaints filed against them, as indicated in Chart 2.3.

**Chart 2.3 – Years of Service  
January to December, 2007**



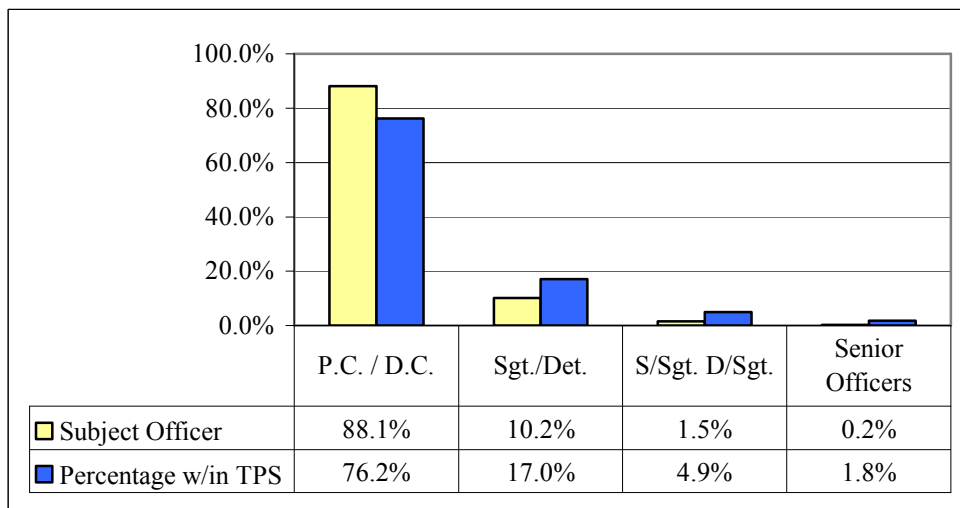
Please Note: Service wide statistics are based on officers' hire date as of 2007.12.31 and have been obtained from TPS Human Resources.

#### 4. Rank of Subject Officer

In 2007, Police Constables and Detective Constables accounted for 76.2% of uniform strength within the TPS and for 88.1% of subject officers in public complaints, a 2.5% increase from 2006.

During 2007, Sergeants, Detectives, Staff Sergeants and Detective Sergeants accounted for 21.9% of uniform strength and for 11.7% of subject officers. Chart 2.4 details the rank of subject officers at the time of incident.

**Chart 2.4 – Rank of Subject Officer  
January to December, 2007**



Please Note: Service wide statistics are based on officers' hire date as of 2007.12.31 and have been obtained from TPS Human Resources.

## 5. 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, which are detailed below:

**False arrest:** The intentional and total confinement of a person against their will and without lawful justification. In all instances where an arrest is allowable, an officer must form reasonable grounds to effect the arrest and must justify their actions.

**Negligent Investigations:** To prove negligent investigation, a plaintiff must show that an investigator's conduct falls below that of a reasonably prudent officer.

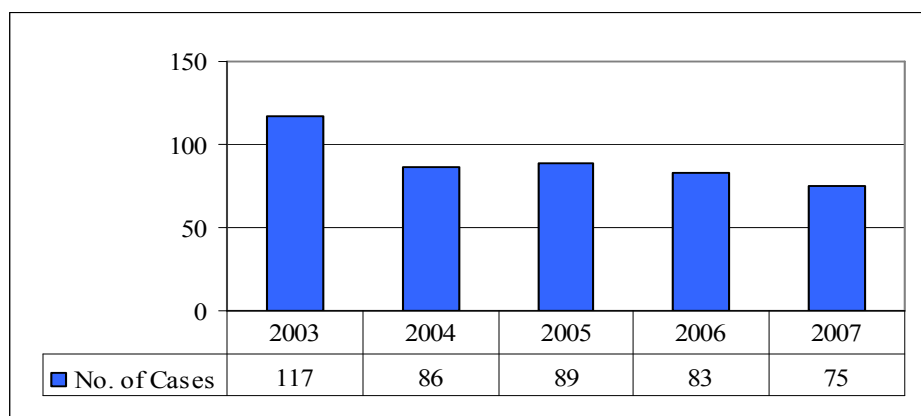
**Malicious prosecution:** A plaintiff must establish four elements in order for a claim of Malicious Prosecution to be successful: 1) The proceedings must have been initiated by the defendant; 2) The proceedings must have been terminated in favour of the plaintiff; 3) The plaintiff must show that the proceedings were instituted without reasonable cause, and; 4) The defendant must have been actuated by malice.

**Misfeasance in public office:** An intentional tort in which a public officer deliberately fails to exercise a public function, knowing that his or her conduct is unlawful and likely to injure the plaintiff.

**Charter of Rights Violations:** Violations of the Charter may give rise to civil actions for damages. These types of claims are increasing, however, only a few have been successful.

In 2007, 75 Statements of Claim were issued against the Toronto Police Services Board, the Chief of Police, or named officers compared to 83 in 2006. Of those issued in 2007, 19 (25.3%) had an external complaint component. The TPS also received 24 Letters of Intent or Notices of Action, which may be followed by a Statement of Claim. There are currently over 400 outstanding actions against the TPS however, the number of new actions have remained fairly consistent each year. The average number of civil actions initiated during the 5 years is 90. Chart 2.5 compares.

**Chart 2.5 – Number of Civil Litigation Cases Opened  
January to December, 2003 – 2007**



## 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 2007, 68 new cases were initiated by Prosecution Services, which reflects a 15.3% increase from the previous year, as indicated in Table 3.1. The number of charges laid in 2007 has decreased by 31.4% from 2006, which corresponds to a 2.2 charge per case ratio compared to 3.7 in 2006. The charge disparity between 2006 and 2007 can be attributed to four officers who each received over 10 charges in individual cases in 2006 and one officer who received over 20 charges in a single 2006 case. Table 3.1 details new cases and charges laid from 2003-2007.

**Table 3.1 – Charge per Case Ratio  
January to December, 2003 - 2007**

	2003	2004	2005	2006	2007
Total cases to date	54	81	63	59	68
Total charges to date	84	200	165	220	151
Charge per case ratio	1.6	2.5	2.6	3.7	2.2

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

In 2007, a total of 151 PSA charges were laid. Of the charges laid, 64.9% were for Discreditable Conduct which represents an increase of 13.1% from 2006. Charges of Neglect of Duty and Insubordination have increased by 3.5% and 7.0% respectively from 2006, as indicated in Table 3.2.

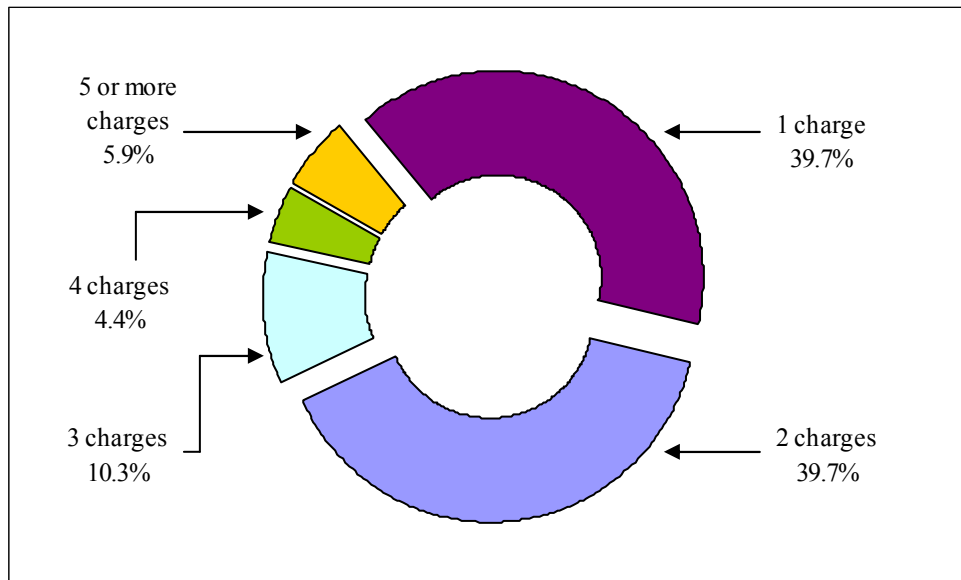
**Table 3.2 – Comparison of Charges Laid in New Cases  
January to December, 2005 - 2007**

Charge	2005		2006		2007	
	No.	%	No.	%	No.	%
Breach of Confidence	1	0.6	3	1.4	1	0.7
Consume Alcohol/Drugs	0	0.0	0	0.0	1	0.7
Corrupt Practices	7	4.2	9	4.1	1	0.7
Damage to Clothing/Equipment	1	0.6	0	0.0	1	0.7
Deceit	20	12.1	56	25.5	6	4.0
Discreditable Conduct	67	40.6	114	51.8	98	64.9
Insubordination	33	20.0	24	10.9	27	17.9
Neglect of Duty	27	16.4	14	6.4	15	9.9
Unlawful/Unnecessary Exercise of Authority	9	5.5	0	0.0	1	0.7
<b>Total</b>	<b>165</b>	<b>100.0</b>	<b>220</b>	<b>100.0</b>	<b>151</b>	<b>100.0</b>

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

Chart 3.1 details the proportion of subject officers with one or more charges in a single case in 2007. During this time period, a single charge was laid in 39.7% of cases and two charges were laid in 39.7% of the cases.

**Chart 3.1 – Number of Charges Laid Per Officer  
January to December, 2007**





### 3. Off Duty versus On Duty Conduct in New Cases

Of the cases initiated during 2007, 19 (28%) arose from on-duty conduct compared to 54% in 2006. Off duty incidents accounted for 49 (72%) new cases in 2007, of which:

- 11 cases cite alcohol as a precipitating factor;
- 6 case cites a domestic situation as a precipitating factor;
- 32 cases cite PSA violations including discreditable conduct, insubordination, and deceit.

### 4. Precipitating Factors Affecting Charges in New Cases

Of all cases initiated during 2007 (including both on and off duty incidents), alcohol is noted as a precipitating factor in 12 cases (18%) and domestic violence is noted in 6 cases (9%).

### Cases Concluded in 2007

During 2007, 61 cases were concluded in tribunal which involved a total of 55 officers. Of these cases, 6 pertain to cases initiated in 2004, 21 relate to 2005 cases, 13 refer to cases initiated in 2006, and 21 cases in 2007.

#### 1. PSA Dispositions

Of the 61 cases before the tribunal during 2007, 29.5% were concluded with the finding of guilt or a guilty plea, 6.6% were acquitted, 36.1% were withdrawn, and 27.9% have been labelled as sine die. Of those cases withdrawn, the most common reason was due to the loss of jurisdiction. Table 3.3 outlines the case dispositions.

**Table 3.3 – Case Disposition  
January to December, 2007**

Disposition	No. of Cases	
Acquitted	4	
Found Guilty/Plead Guilty	18	
Withdrawn*	22	
<i>Found Guilty Criminally – new PSA charge laid**</i>		4
<i>Informal Resolution</i>		2
<i>Loss of Jurisdiction***</i>		10
<i>No Prospect of Conviction</i>		5
<i>Return to Unit</i>	1	
Sine Die	17	
<b>Total</b>	<b>61</b>	

\*Although cases have been withdrawn they may have been concluded through alternative methods of resolution

\*\* PSA charges pertaining to the original incident were withdrawn due to the finding of guilt in Criminal Court & a new PSA case has been initiated for the offence of being found guilty of a criminal offence.

\*\*\*Due to resignation or retirement.

## 2. Charge Disposition

Of the 61 cases concluded in 2007, 145 charges were dealt with in the police tribunal. Of these charges, 15.2% resulted in a conviction either through a guilty plea or being found guilty. Table 3.4 details the charge disposition in cases concluded between January and December, 2007 and Table 3.5 details the penalties imposed for each conviction.

**Table 3.4 – Charge Disposition of Cases before Tribunal  
January to December, 2007**

Charge Disposition	No. of Charges
Acquitted	8
Found Guilty/Plead Guilty	22
Withdrawn*	
<i>Found Guilty Criminally – new PSA charge laid**</i>	6
<i>Informal Resolution</i>	6
<i>Loss of Jurisdiction***</i>	29
<i>No Prospect of Conviction</i>	19
<i>Plead Guilty to other PSA Charge(s)</i>	14
<i>Return to Unit</i>	4
Sine Die	36
Void	1
<b>Total</b>	<b>145</b>

\*Although cases have been withdrawn they may have been concluded through alternative methods of resolution

\*\* PSA charges pertaining to the original incident were withdrawn due to the finding of guilt in Criminal Court & a new PSA case has been initiated for the offence of being found guilty of a criminal offence.

\*\*\*Due to resignation or retirement.

## 3. Penalties Imposed for PSA Convictions

Of the 22 charges dealt with at the tribunal during 2007 that were concluded with the finding of guilt or a guilty plea, 59.1% related to charges of Discreditable Conduct and 40.9% to Insubordination. Penalties for these PSA convictions ranged from the forfeiture of 8 hours to a request to resign. Table 3.5 outlines the various penalties imposed for each charge category.

**Table 3.5 – Penalties Imposed for PSA Convictions  
January to December, 2007**

Charge Category & Penalty Imposed	No. of Charges
<b>Discreditable Conduct:</b>	
<i>Forfeiture of 2 days or 16 hours</i>	1
<i>Forfeiture of 3 days or 24 hours</i>	1
<i>Forfeiture of 4 days or 32 hours</i>	1
<i>Forfeiture of 10 days or 80 hours</i>	2
<i>Forfeiture of 15 days or 120 hours</i>	2
<i>Forfeiture of 17 days or 136 hours</i>	1
<i>Gradation from 1st to 3rd Class Constable (3 months) &amp; attend MAS quarterly (1 year)</i>	1
<i>Gradation from 1st to 3rd Class Constable (2 years)</i>	1
<i>Gradation from Sgt. to 1st Class Constable (1 year) - (combined penalty for discreditable x2)</i>	2
<i>Resign within 7 days or dismissal</i>	1
<b>13</b>	
<b>Insubordination:</b>	
<i>Forfeiture of 1 day or 8 hours</i>	1
<i>Forfeiture of 3 days or 24 hours</i>	1
<i>Forfeiture of 5 days or 40 hours</i>	2
<i>Forfeiture of 7 days or 56 hours</i>	2
<i>Forfeiture of 8 days or 64 hours, participate in program of assistance &amp; monitoring through MAS for a period of 2yrs.</i>	1
<i>Forfeiture of 17 days or 136hrs &amp; attend Supervisory Course (combined penalty for Insubordination x2)</i>	2
<b>9</b>	

**4. PSA Dispositions – Time to Trial**

During 2007, 61 cases were concluded in tribunal of which 6 pertain to cases initiated in 2004, 21 relate to 2005 cases, 13 refer to cases initiated in 2006, and 21 cases in 2007. The 6 cases initiated in 2004 took an average of 35.2 months to conclude. The 21 cases initiated in 2005 took an average of 23.5 months to conclude. The 13 cases initiated in 2006 took an average of 13.2 months to conclude, and the 21 cases initiated in 2007 took an average of 2.0 months to conclude.

## **USE OF FORCE**

Police officers may be required to use force to protect the public and themselves and are granted authorization by the Criminal Code to use as much force as is reasonably necessary to carry out their duties. Regulations issued by the Ministry of Community Safety and Correctional Services, Policing Services Division, specifically addresses the use of force in the performance of policing duties. The primary focus of these standards is to ensure sufficient and appropriate training (i.e. the development of appropriate training courses and the delivery of a standard training level to all police 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 is or may be required to use force or carry a weapon. When issued with different 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 compels each member to submit a report to the Chief of Police whenever he/she:

- Uses a weapon other than a firearm on another person (including Taser);
- 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, and/or;
- Discharges a firearm.

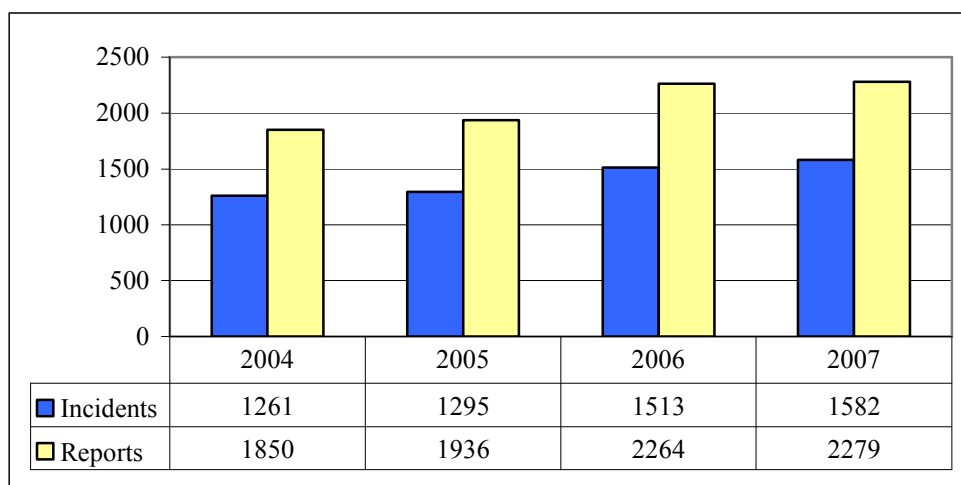
The TPS routinely gathers, maintains and reports Use of Force information (drawn from the legislated form) in accordance with the above Regulation. The definition of a weapon has also been expanded to include a police dog or police horse that comes into direct physical contact with a person. Some comparisons cannot be made due to the divergent categorization of data.

### **Use of Force Reporting**

Tactical and investigative squads are permitted to submit a single report for a team of officers regardless of the number of officers involved, whereas patrol officers are required to submit individual reports for each incident in which they use force. The Use of Force incidents reported on pertain to incidents that involve TPS uniform members only, and do not include incidents where only Special Constables and/or civilian members are involved.

During 2007, 2,279 Use of Force reports were submitted, compared to 2,264 in 2006. The reports submitted represent 1,582 incidents between January and December, 2007, which is a 4.6% increase from 2006. In 2006, the Use of Force reporting procedures underwent various revisions and new officer Use of Force re-qualification was introduced. As a result, officers became more aware of when to use force as well as the precipitating incidents that call for the submission of a Use of Force report. Chart 4.1 compares the number of reports submitted and the number of Use of Force incidents from 2004 - 2007 (data from previous years is not available).

**Chart 4.1 – Comparison of Use of Force Incidents and Reports  
January to December, 2004 - 2007**



### Types of Force Used

The most frequent Use of Force option during 2007 was pointing a firearm at a person, similar to 2006. Empty-handed techniques were the second most frequent Use of Force option, used in 41.1% of incidents compared to 49.0% in 2006.

Handguns were drawn in 7.6% of the Use of Force incidents in 2007 and 6.0% in 2006. Officers fired weapons in 29 incidents (1.8%), similar to 2006. See table 4.1 on the next page which compares the various types of force used.

Incidents of intentional shooting in 2007 (29) include the following:

- 14 incidents involved wounded or aggressive animals;
- 12 incidents involved officers discharging their firearms to protect themselves;
- 2 incidents involved accidental discharges;
- 1 incident involved officers firing at the driver of a vehicle on course for an intentional collision with the officers.

**Table 4.1 – Comparison of Types of Force Used  
January to December, 2006 – 2007**

Type of Force Used	2006		2007	
	No.	%	No.	%
Aerosol Weapons (including tear gas)	172	11.4	118	7.5
Empty Hand Techniques	741	49.0	650	41.1
<i>Hard</i>	215	14.2	176	11.1
<i>Soft</i>	649	42.9	560	35.4
Impact Weapons Used	76	5.0	55	3.5
<i>Hard</i>	64	4.2	43	2.7
<i>Soft</i>	13	0.9	13	0.8
Other Type of Force	189	12.5	116	7.3
Handgun Drawn (only)	91	6.0	121	7.6
Firearm Pointed at person	935	61.8	816	51.6
Firearm Discharges	21	1.4	29	1.8
Taser	121	8.0	333	21.0

### **2006 Taser Pilot Project**

At its March 8, 2005 meeting, the Toronto Police Services Board approved the motion to consider the continuation of Advanced Taser implementation after receiving the results of the three-month interim report on Advanced Taser Use in 31, 42, and 52 Division (Min. No. P74/05 refers).

The roll-out of a three-month Taser Pilot Project commenced on March 30, 2006 and finished on June 30, 2006, for front-line supervisors in 31, 42, and 52 Divisions and the TAVIS Rapid Response Team. Training for Advanced Tasers commenced on February 13, 2006 and was completed on March 29, 2006. A total of 63 front-line supervisors, which included 6 supervisors assigned to the TAVIS Rapid Response Team, were trained by a certified instructor at the Charles O. Bick College and received a minimum of 8 hours of training in accordance with the guidelines established by the Ministry of Community Safety and Correctional Services.

During the pilot project period there were 22 incidents involving Taser use which resulted in 23 Taser deployments (two supervisors used their Tasers as a Demonstrated Force Presence in one event which has been classified as 1 incident). Overall, there were 11 incidents where the Taser was used as a demonstrated force presence, 6 incidents where the Taser was used in drive stun mode, and 5 incidents where the Taser was fully deployed.

Deployment of the Taser in drive stun mode may result in signature marks left on the skin of the subject. Full deployment of the Taser is likely to leave minor skin punctures on the subject. Each of these injuries are anticipated with the deployment of the Taser.

Roll-out of tasers to service members was completed in 2007. Currently, all front-line supervisors, tactical officers, and detectives in high risk units (which include Drug Squad, Hold-Up, Intelligence, and SIS) have been issued service tasers.

For the purposes of this report, the Taser has been reported as a Use of Force option when used in either drive stun mode, full deployment, or as a demo-force presence.

### Reasons for Use of Force

During 2007, the most common reason for Use of Force remained to be protecting the officer her/himself at 88.0%, comparable to the previous year at 84.3%. Unintentional uses of force have increased slightly since 2006 which can be attributed to unintentional taser discharges in the Proving Unit. In 2006, the Use of Force reporting criteria changed to allow for only the initial reason for force to be recorded. Table 4.2 illustrates the initial reasons for using force between January and December, 2006-2007.

**Table 4.2 – Initial Reasons for Use of Force  
January to December, 2006 - 2007**

Initial Reason for Use of Force	2006		2007	
	No.	%	No.	%
Destroy an Animal	19	1.3	12	0.8
Effect an Arrest	128	8.5	108	6.8
Prevent Commission of an Offence	17	1.1	16	1.0
Prevent Escape	38	2.5	10	0.6
Protect Public	32	2.1	20	1.3
Protect Self	1276	84.3	1392	88.0
Unintentional	3	0.2	14	0.9
Other	0	0.0	10	0.6

## Use of Force by Sub-Command

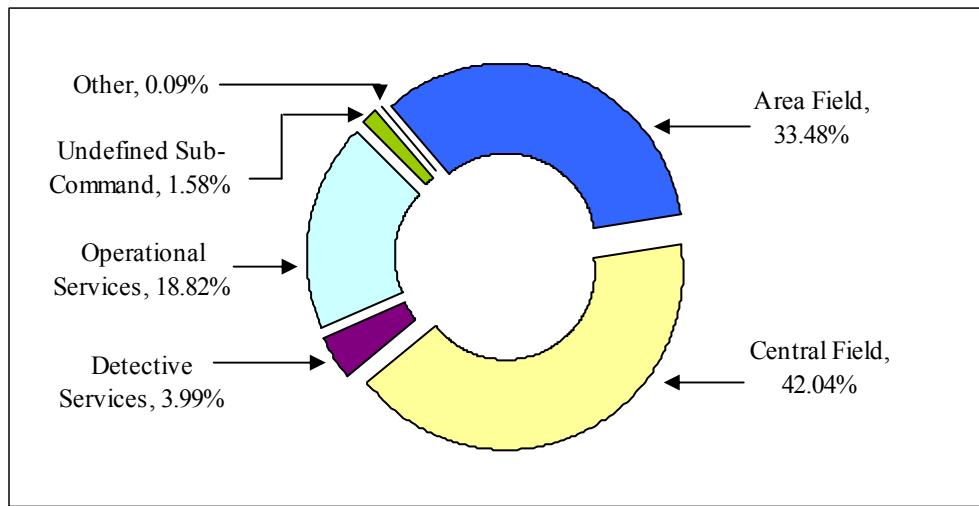
Members of Central Field Command submitted 42.0% of all of the Use of Force reports in the 2007 compared to 39.6% in 2006, a 2.4% increase.

Members of Area Field Command submitted 33.5% of all the Use of Force reports compared to 35.4% in 2006, a 1.9% decrease.

Members of Operational Services submitted 18.8% of all the Use of Force reports, comparable to 21.0% in 2006, a 2.2% decrease.

Members of Detective Services submitted 4.0% of all Use of Force reports, compared to 2.9% in 2006. Chart 4.2 illustrates.

**Chart 4.2 – Use of Force Reports by Sub-Command  
January to December, 2007**



## Officer Duties

Between January and December, 2007, 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. During 2007, 78.1% of officers reported these two types of duty at the time of a Use of Force incident. Table 4.3 illustrates.



**Table 4.3 – Officer Duties at Time of Incident  
January to December, 2007**

<b>Type of Assignment</b>	<b>No.</b>	<b>%</b>
Foot patrol	72	3.2
General patrol	1210	53.1
Investigation - Criminal	51	2.2
Investigation - Drugs	90	3.9
Investigation – Not Specified	192	8.4
Off -Duty	1	0.0
Traffic patrol	80	3.5
Other-type of assignment	570	25.0
Unknown	13	0.6
<b>Total</b>	<b>2279</b>	<b>100.0</b>

### Category of Incidents

In 2007, ‘other’ types of incidents/disturbances where officers were required to use force accounted for 51.2% of the total incidents, comparable to 2006. Examples of incidents that are categorized as 'other' include: arrests, court, Emotionally Disturbed Person (EDP) calls, search warrant incidents, radio calls, off-duty incidents, and investigations. Weapons calls accounted for 26.2% of incidents as the second highest noted and is comparable to 2006 at 28.5%. Table 4.4 illustrates.

**Table 4.4 – Category of Incidents When Force is Used  
January to December, 2006 - 2007**

<b>Types of Incidents</b>	<b>2006</b>		<b>2007</b>	
	<b>No.</b>	<b>%</b>	<b>No.</b>	<b>%</b>
Alarm Call	2	0.1	5	0.3
Break & Enter	48	3.2	47	3.0
Disturbance – Domestic	57	3.8	82	5.2
Disturbance – Other	62	4.1	155	9.8
Homicide	4	0.3	8	0.5
Robbery	80	5.3	56	3.5
Serious Injury	5	0.3	21	1.3
Suspicious Person	53	3.5	67	4.2
Traffic	58	3.8	70	4.4
Weapons Call	431	28.5	415	26.2
Unknown	1	0.1	1	0.1
Other	712	47.1	655	41.4
<b>Total</b>	<b>1513</b>	<b>100.0</b>	<b>1582</b>	<b>100.0</b>

## Category of Locations

In 2007, 31.1% of Use of Force incidents took place on roadways or laneways, similar to 2006. Incidents' occurring on private property (including houses, apartments, or hallways) accounted for 33.8% of Use of Force incidents and is comparable to 2006. Table 4.5 illustrates.

**Table 4.5 – Category of Locations when Force is Used  
January to December, 2006 - 2007**

Types of Locations	2006		2007	
	No.	%	No.	%
Apartment	296	19.6	281	17.8
Commercial site	55	3.6	38	2.4
Financial institution	1	0.1	3	0.2
Hallway	19	1.3	47	3.0
House	192	12.7	205	13.0
Laneway	33	2.2	73	4.6
Motor vehicle	27	1.8	66	4.2
Other	139	9.2	77	4.9
Other – indoors	60	4.0	84	5.3
Other – outdoors	114	7.5	141	8.9
Park	33	2.2	30	1.9
Public institution	21	1.4	34	2.1
Roadway	484	32.0	419	26.5
Yard	0	0.0	5	0.3
Unknown	39	2.6	78	4.9
<b>Total</b>	<b>0</b>	<b>0.0</b>	<b>1</b>	<b>0.1</b>

## Number of Subjects Involved per Incident

In 2007, there were 1582 incidents where force was used. Of these incidents, 66.4% involved a single subject, compared to 63.5% in 2006, and 91.6% in 2005. Animals are noted as the subject involved in 0.9% of Use of Force incidents in 2007.

## Perceived Weapons Carried by Subject

In 2007, weapons were perceived to be carried by subjects in 25.1% of Use of Force incidents compared to 30.1% in 2006, a decrease of 5.0%. In 2007, it was unknown if the subject carried a weapon in 31.5% of the incidents compared to 27.6% in 2006, a 3.9% increase.

Between January and December, 2007, knives or edged weapons accounted for 10.3% of the perceived weapons carried by a subject, compared to 12.2% in 2006. Firearms were perceived to be carried in 8.2% of incidents, compared to 5.0% in 2006. Table 4.6 illustrates.

**Table 4.6 – Number of Incidents and Perceived Weapons Carried by Subject  
January to December, 2006 - 2007**

Perceived Weapon	2006		2007	
	No.	%	No.	%
Baseball Bat/Club	19	1.3	24	1.5
Knife/Edged Weapon	185	12.2	163	10.3
Revolver	27	1.8	26	1.6
Rifle	12	0.8	14	0.9
Semi-automatic	20	1.3	79	5.0
Shotgun	17	1.1	11	0.7
None	680	44.9	682	43.1
Other	175	11.6	80	5.1
Unknown	418	27.6	498	31.5

## 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 2007, a total of 482 subjects were injured in the 1582 incidents reported compared to 393 subjects in incidents reported in 2006.

Of those injured, 355 required some type of medical attention, compared to 201 in 2006. A total of 2 people succumbed to their injuries which is equivalent to that of 2006.

In 2007, 135 police officers received injuries, compared to 124 in 2006. Of these, 70 officers required some type of medical attention compared to 32 in 2006.

## **Public Opinion**

The 2007 Community Survey, which has been developed by the TPS separately from the Professional Standards Customer Satisfaction Survey, queried residents about situations in which they may have witnessed an officer use physical force. In 2007, approximately 1,200 residents were independently queried about officer's conduct and the complaint process. Of the respondents, 19% said they had personally witnessed a situation where officers had to use physical force, an increase from 17% in 2006. Of respondents who had personally witnessed a Use of Force incident, 63% said they felt the force was necessary, an increase from 59% in the previous year.

# PROVINCIAL SPECIAL INVESTIGATIONS UNIT

## Overview

The Provincial Special Investigations Unit (SIU) is legislated to investigate the circumstances of serious injury or death that may have resulted through criminal offences committed by a police officer. Section 11 of Ontario Regulation 673/98 of the PSA, directs a Chief of Police to conduct an administrative review on each SIU case. The administrative review focuses on the policies of, or services provided by, the Service and officer(s) conduct.

## SIU Investigations

In 2007, the SIU invoked its mandate to investigate 66 incidents, compared to 50 in 2006:

- 43 cases were concluded;
- 11 cases were withdrawn;
- 11 cases are ongoing;
- 1 officer was charged.

Table 4.7 displays the number of incidents and reasons for SIU investigations for 2006 and 2007.

**Table 4.7 – SIU Investigations  
January to December, 2006 - 2007**

Number of Incidents	2006	2007	Reasons for SIU Investigation	Death		Injury		Sexual Assault	
				2006	2007	2006	2007	2006	2007
Withdrawn	14	11	Firearm incidents	1	2	2	8	0	0
Officers Exonerated	35	43	Vehicle incidents	1	2	4	5	0	0
Officers Charged	1	1	Custody incidents	4	8	36	37	0	0
Ongoing	0	11	Allegation of Sexual Assault	0	0	1	0	1	4
<b>Total</b>	<b>50</b>	<b>66</b>	<b>Sub-totals</b>	<b>6</b>	<b>12</b>	<b>43</b>	<b>50</b>	<b>1</b>	<b>4</b>

## **Risk Management Review & Actions Taken**

During 2007, overall TPS contacts with the public (including arrests, 208's, and radio calls) have increased by 5.3% since 2006.<sup>2</sup> Similarly, the overall number of SIU investigations across the province has increased to 257 in 2007 from 226 in 2006.<sup>3</sup>

In 2007, the TPS experienced an increase in the number of incidents involving death where the SIU invoked its mandate. SIU investigations and Chief's Administrative Reviews of each incident have been concluded and determined that, although the circumstances are unfortunate, officer misconduct was not attributed to the outcomes. Supervisory training courses continue to raise awareness of unforeseen circumstances that may precede a death incident, including signs of potential narcotics overdose and suicidal persons. In addition, video taped booking rooms and debriefing sessions at the conclusion of SIU investigations have become valuable in ensuring that appropriate steps are taken to minimize incidents of serious injury or death.

Travelling to calls at high speeds has been identified as an important issue in 2007. In response, the Guaranteed Arrival Program continues to be an on-going Risk Management initiative. Lectures on this topic and other risk management issues have been provided to Service members including new recruits, frontline platoons, new sergeants/supervisory personnel, Duty Inspectors, and have been integrated into various C.O. Bick College courses pertaining to Provincial Statutes and Traffic Generalist. Further to the identification of this issue, a review of pursuits involving firearm discharges was also undertaken in 2007 that involved a collaborative effort of divisions and units across the Service including both uniform and civilian members.

In 2007, other issues identified included the importance of debriefing sessions, AVL data as a source of information, and officer training. As such, the Toronto Police SIU Liaison implemented debriefing sessions at the unit level upon the conclusion of all SIU investigations and the Inspections Unit has incorporated the review of AVL data into all routine unit inspections. Discussions and data sharing between the SIU Liaison and the Training & Education unit have confirmed that the officer safety training promotes the use of proper techniques to subdue a hostile or potentially hostile subject, while at the same time ensuring the safety of the officer and subjects involved.

The Risk Management Unit continues to work proactively to identify opportunities for improvement in our service delivery.

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<sup>2</sup> Data obtained from the 2007 year end Executive Dashboard

<sup>3</sup> Data obtained from TPS SIU Liaison office

# SUSPECT APPREHENSION PURSUITS

## Historical Overview

In 1984, the Solicitor General of Ontario established a special committee to examine police pursuits in Ontario. As a result of this committee, the Ministry of the Solicitor General established detailed guidelines regarding police pursuits, which included when and how pursuits were to be commenced and continued, the supervisory obligations during the pursuit process and the reporting requirements. The guidelines were updated regularly until 1999 when new legislation was introduced entitled Suspect Apprehension Pursuit (Ontario Regulation 546/99).

Regulation 546 allows an officer to pursue, or continue to pursue,

- A fleeing vehicle that fails to stop if the officer believes that:
  - A criminal offence has been committed, or;
  - A criminal offence is about to be committed, or;
  - For the purpose of identifying the motor vehicle or an individual in the vehicle.

The Regulation insists on the following limitations:

- An officer must make a determination that there are no alternatives available before commencing a pursuit;
- That public interest and safety is best served by pursuing the vehicle, and;
- That throughout the pursuit, the officer continues to assess the risk to public safety.

Suspect Apprehension Pursuit training is a mandatory requirement for any officer to engage in a pursuit. 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 to increase education and safety efforts that promotes safe driving strategies. Further training, if required, is available through Police Vehicle Operations at the Training and Education Unit.

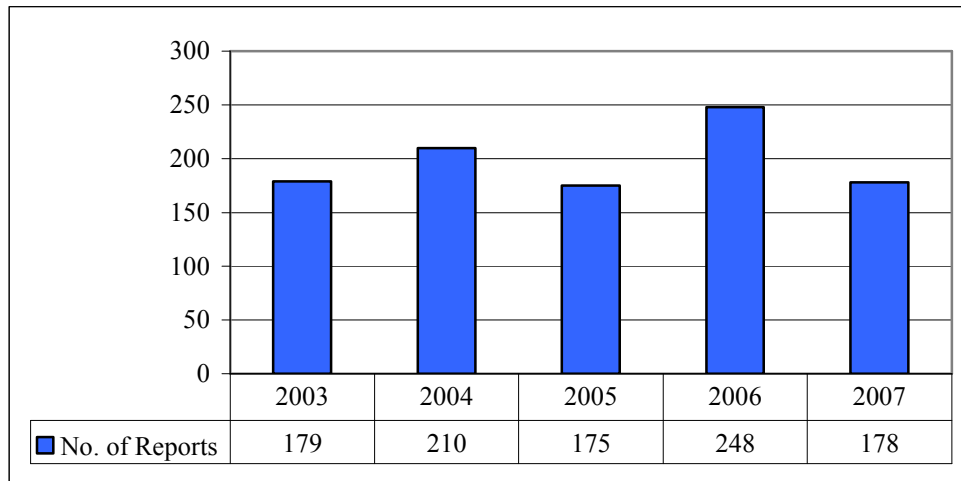
Regulation 546 further requires that each police service establish written procedures on the management and control of suspect apprehension pursuits. TPS Procedure 15-10 (Suspect Apprehension Pursuits) was specifically amended to address this requirement.

Procedure 15-10 also 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. A standardized report format was implemented in January, 2001.

## Fail to Stop Reporting

During 2007, 178 Fail to Stop reports were submitted representing a 28.2% decrease from 2006, a 1.7% increase from 2005 and a 15.2% decrease from 2004. Chart 5.1 compares.

**Chart 5.1 – Fail to Stop Reports  
January to December, 2003 - 2007**



## Reasons for Initiating Pursuits

During 2007, of the 178 Fail to Stop reports, 161 resulted in the initiation of a pursuit compared to 229 in 2006. Of those initiated in 2007, 59.6% resulted from the occurrence of a Criminal Code offence. Within the Criminal Code category, 45.8% of pursuits were initiated as a result of a stolen vehicle, compared to 42.1% in 2006.

Various offences under the Highway Traffic Act accounted for a further 36.0% of pursuits initiated, compared to 35.4% in 2006, with moving violations being the most common reason for initiating a pursuit in this category for the purpose of identifying the driver.

Miscellaneous circumstances, including reports from the public and suspicious vehicles, accounted for 4.3% of all reasons cited for initiating a pursuit, compared to 3.5% in 2006, as indicated in Table 5.1.



**Table 5.1 – Reasons for Initiating a Pursuit  
January to December, 2006 - 2007**

Reasons For Initiating Pursuits	2006		2007	
	No.	%	No.	%
<b>Criminal Code</b>				
Break and Enter	8	5.7	3	3.1
Dangerous Operation	28	20.0	27	28.1
Impaired Operation	19	13.6	5	5.2
Robbery	5	3.6	1	1.0
Stolen Vehicle	59	42.1	44	45.8
Other	21	15.0	16	16.7
<b>Sub Total</b>	<b>140</b>	<b>100.0</b>	<b>96</b>	<b>100.0</b>
<b>Highway Traffic Act</b>				
Equipment Violation	10	12.3	7	12.1
Moving Violation	58	71.6	45	77.6
R.I.D.E	1	1.2	0	0.0
Suspended Driver	1	1.2	2	3.4
Other	11	13.6	4	6.9
<b>Sub Total</b>	<b>81</b>	<b>100.0</b>	<b>58</b>	<b>100.0</b>
<b>Miscellaneous</b>				
Report from public	0	0.0	2	28.6
Suspicious Vehicle	8	100.0	4	57.1
Other	0	0.0	1	14.3
<b>Sub Total</b>	<b>8</b>	<b>100.0</b>	<b>7</b>	<b>100.0</b>
<b>Total</b>	<b>229</b>	<b>n/a</b>	<b>161</b>	<b>n/a</b>

Note: No specific data is available for previous years.

### **Primary Police Vehicle**

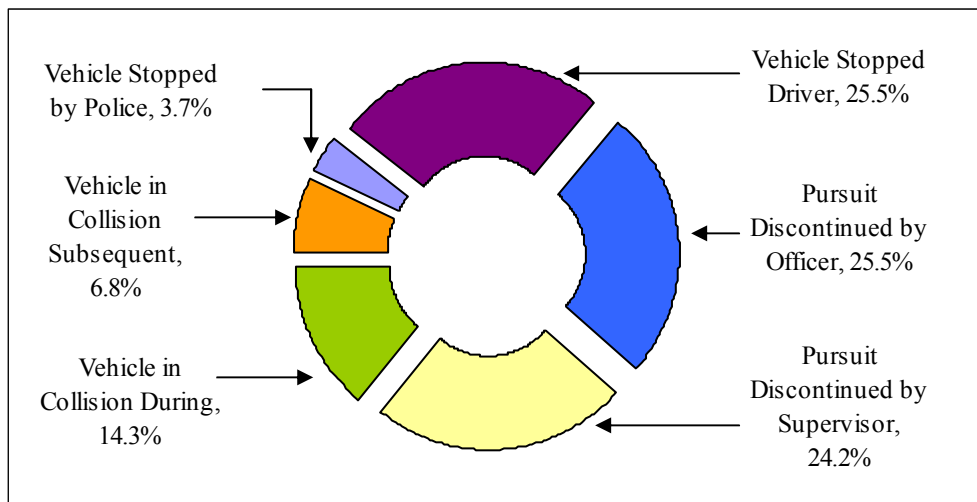
Service Procedure 15-10 outlines that officers in a non-emergency vehicle shall not engage in a pursuit unless an emergency vehicle is not readily available and the officer believes that it is necessary to immediately apprehend an individual in the fleeing vehicle or to identify the fleeing vehicle or an individual in the vehicle. Of pursuits initiated, officers were in unmarked vehicles in 2.5% of pursuits compared to 3.9% in 2006 and 2.0% in 2005.

## Results of Initiated Pursuits

During 2007, supervisors terminated 24.2% of pursuits that were initiated, a decrease from 26.6% the previous year. Involved officers discontinued 25.5% of initiated pursuits, an increase from 21.8% in 2006.

In 3.7% of initiated pursuits, officers were able to stop suspect vehicles using specific techniques (e.g. rolling block, vehicle pinned, etc.), a 2.7% decrease from 2006. In 25.5% of pursuits initiated the vehicle was stopped by the suspect, an increase from 23.6% in 2006. The results of initiated pursuits are indicated in chart 5.2.

**Chart 5.2 – Results of Initiated Pursuits  
January to December, 2007**



## Collisions and Collision Related Injuries

In 2007, there were a total of 34 collisions noted as the result of initiated pursuits. Collisions occurring during pursuits accounted for 67.6% of collisions while 32.4% occurred subsequently to pursuits.

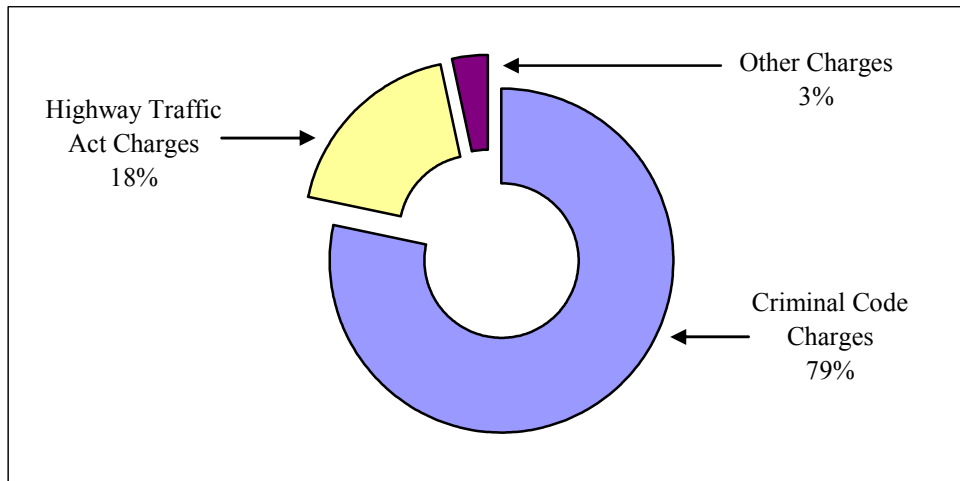
During the same time period, 22 people received injuries as a result of initiated pursuits: 7 persons in pursued vehicles, 8 police officers, and 7 persons in third party vehicles. The number of pursuits resulting in injury has decreased to 15 from 20 pursuits in 2006. There were 3 fatalities as a result of one pursuit initiated in 2007, compared to 0 fatalities in 2006 and 1 fatality in 2005.

### Charges Laid in Initiated Pursuits

During 2007, 101 people were charged with a Criminal Code offence and 41 with a Highway Traffic Act offence as a result of initiated pursuits, compared to 165 and 63 respectively in 2006.

A total of 492 charges were laid in 88 pursuits, compared to 802 charges in 131 pursuits during 2006. Criminal Code charges represent 79% of the total charges laid, comparable to 78% in 2006.

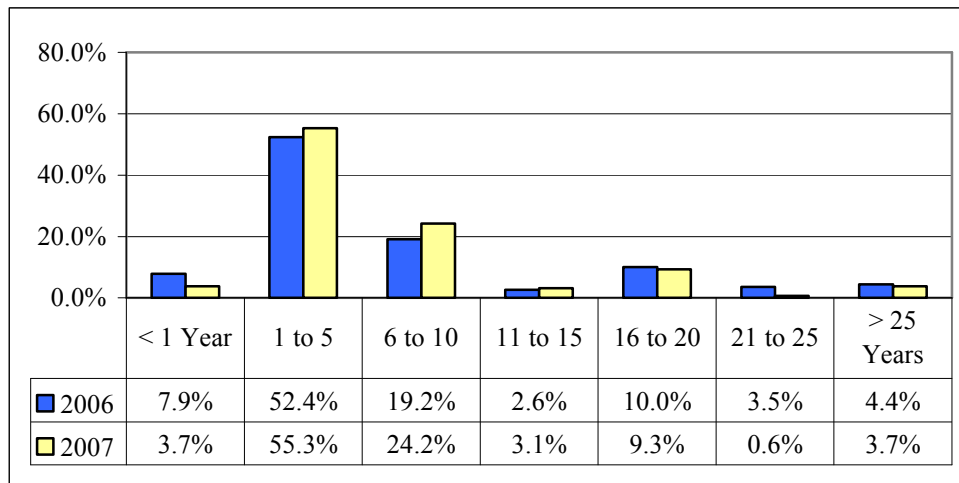
**Chart 5.3 – Types of Charges Laid  
January to December, 2007**



## Years of Service

In 2007, TPS officers with less than 1 year of Service initiated 6 pursuits representing 3.7% of the total pursuits initiated, a decrease from 7.9% the previous year. Officers with 1 to 5 years of Service initiated 55.3% of pursuits, compared to 52.4% in 2006. Chart 5.4 illustrates the years of Service of subject officers in initiated pursuits.

**Chart 5.4 – Years of Service  
January to December, 2006 - 2007**



# AWARDS

## Background

The current Awards Program officially recognizes police and civilian service members and members of the community who have made significant contributions to policing initiatives, which enhance the image or operations of the Service. In 1998, the Board approved a formal process for the granting of awards which is administered by PRS through a co-ordinating committee. A regular schedule of Award Presentations has been established for nominations to ensure that a member's performance is recognized in a timely manner. Table 6.1 illustrates the types of awards distributed between January and December, 2006-2007.

## Types of Awards

In addition to the various Long Service awards for police officers and civilian members, TPS presents the following awards for outstanding performance:

Medal of Honour:	Granted by the Board to a police officer or a civilian member for distinguished acts of bravery.
Medal of Merit:	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.
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.
Commendation:	Granted by the Board to a police officer or a civilian member for exceptional performance of duty, community policing initiatives, or innovations or initiatives that enhance the image or operation of the Service.
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 or initiatives that enhance the image or operation of the Service.
Letter of Recognition:	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.
Excellence Award:	Granted by the Chief of Police in special circumstances, to any person for acknowledgement of achievement through dedication, persistence or assistance to the Service.

## Distribution of Awards

During 2007, 368 Teamwork Commendation awards were distributed to Toronto Police officers, a 13.2% increase from 2006. Excellence Awards are noted as the second most common award received, with 37 distributed in 2007 representing a 53.2% decrease from 2006. Chart 6.1 compares awards distributed.

**Chart 6.1 – Comparison of Awards Distributed  
January to December, 2006 - 2007**

Award Type	Number of Recipients	
	2006	2007
Medal of Honour	0	0
Medal of Merit	0	7
Merit Mark	6	5
Commendation	53	48
Teamwork Commendation	325	368
Chief of Police Letter of Recognition	18	9
Chief of Police Excellence Award	79	37

In addition to the above awards for outstanding performance, the Service presented 166 members with their retirement plaques.

Finally, in recognition of the valuable service and assistance of members of the community, the TPS issued 22 Partnership Citation Award and 139 Community Member Awards.