

PROFESSIONAL STANDARDS ANNUAL REPORT

2008



Toronto Police Service
To Serve and Protect

Professional Standards
Semper Vigilis



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INTRODUCTION

Source Data

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

- IAPro (Professional Standards Information System - “PSIS”)
- Prosecutions Services
- PRS-Investigations (Criminal & Conduct)
- Legal Services
- Awards Office
- Special Investigations Unit
- Training & Education
- Human Resources

The PRS Annual Report was designed to amalgamate all Professional Standards reporting requirements into a concise format to facilitate statistical comparison, identify trends, and provide analysis of conduct and discipline. Investigative timelines and legislative requirements impact *complaint* statistics based on: classification, disposition, appeal, etc. To meet timelines for submission of this report, data was extracted during the first quarter of 2009.

Changes

For 2008, the Annual Report has been redesigned, most notably:

- Results from the year end Community Survey administered by Corporate Planning (which focuses on impressions of quality and satisfaction with delivery of service as well as overall perceptions of neighbourhood safety) have been removed from this report due to duplicity. Results are published in greater detail in the 2008 Service Performance Year End Report.
- Awards are reported in greater detail.
- Glossary of Terms is included to define Police Services Act, Civil Litigation, and Use of Force terminology.

HIGHLIGHTS

- Members of the Toronto Police Service received 520 Internal Service Awards, 355 External Awards, and issued 58 awards to community members. (pg. 7 & 9).
- In 2008, a total of 758 public complaints were filed against uniform members and/or the policies/services of the Toronto Police Service, an 8.6% increase from 2007 and 4.8% above the four year average (pg. 11):
 - 449 (59.2%) complaints were investigated, an increase of 2.5%, of which 440 pertained to officer conduct and 9 concerned the services and/or policies of the TPS. (pg. 11)
 - 309 (40.8%) complaints did not meet the criteria set out in the Police Services Act and therefore were not subject to investigation, a decrease of 1.5% from 2007. (pg. 11)
 - 44 (5.8%) complaints were classified as serious in nature, an increase of 2.2% from 2007. (pg. 11)
 - 475 (75.6%) concluded complaint investigations were completed within 90 days, an increase of 7.3% from 2007. (pg. 16)
 - 158 (20.8%) complaints were appealed to OCCPS for review, a decrease of 4.3% from 2007. (pg. 16)
- The Toronto Police Service received 52 new Civil Litigation cases in 2008, 23 less than in 2007 and representing a four year low. (pg. 22)
- Prosecution Services initiated 52 cases and 104 charges in 2008, a 23.5% and 31.6% decrease respectively since 2007 and representing a four year low. Off duty incidents attributed to 57.7% of new cases, a decrease of 14.3%. (pg. 23 & 25)
- The Disciplinary Hearings office concluded 35 cases involving 88 charges in 2008, a decrease from 44 cases in 2007. It should be noted that some cases concluded in 2008 were initiated in prior years. (pg. 25)
- Use of Force incidents totalled 1,666 compared to 1,591 in 2007. A total of 2,498 Use of Force reports were submitted compared to 2,290 in 2007. The most common reason for Use of Force continues to be for the protection of the officer her/himself. (pg. 29 & 32)
- Use of Force incidents in response to weapons calls have increased by 7.4% and incidents in which subjects were perceived to be armed with a weapon increased by 23.1%. (pg. 34 & 36)
- In Use of Force incidents, 215 officers received injuries in 2008, compared to 136 in 2007. Of these, 21 (26.5%) required medical attention, a decrease of 24.9% from 2007. Most injuries were minor in nature. (pg. 36)

- The Provincial Special Investigations Unit invoked its mandate to investigate 61 incidents, a decrease from 66 in 2007. Of these, 41 cases were concluded, 10 were withdrawn, 1 resulted in charges, and 9 are currently ongoing. The TPS SIU Liaison conducted 48 lectures service-wide in 2008, emphasizing crime scene management, circumstances surrounding injury incidents, and timely SIU notification. (pg. 4 & 37)
- Suspect Apprehension Pursuits were initiated on 176 occasions in 2008, representing a 6.0% increase from 2007. Subject officers terminated 31.3% of pursuits, an increase from 25.3% in 2007. (pg. 39 & 41)
- Personal injury occurred in 6.3% of initiated Suspect Apprehension Pursuits, a 2.7% decrease from 2007. In total, 17 persons received injuries and 0 fatalities occurred, compared to 22 injuries and 3 fatalities in 2007. (pg. 41)

RISK MANAGEMENT INITIATIVES

The Risk Management Unit continues to work proactively to identify opportunities for improvement in service delivery as well as to enhance the safety of TPS officers and members of the public. Supervisory lectures, debriefing sessions, and procedural amendments are among some of the steps taken to mitigate risk in 2008.

Travelling to calls in police vehicles at high speeds was identified during 2008 as an important issue. Attempts to mitigate the risk associated with travelling at high speeds were made through the continued provision of lectures on the Guaranteed Arrival Program to new supervisors, duty inspectors, and to individual platoons on a weekly basis. Guaranteed Arrival Program lectures have also been incorporated into various traffic courses and provincial statutes courses offered at C.O. Bick College. In 2008, 48 lectures were provided to the Service by the Toronto Police SIU Liaison.

As a result of a review of pursuits involving firearm discharges, the Suspect Apprehension Pursuit Procedure (15-10) regarding firearm discharges at vehicles and subjects driving vehicles was amended in 2008. The procedure now states that members are prohibited from discharging a firearm at the operator or occupant(s) of a motor vehicle unless there exists an immediate threat of death or grievous bodily harm to the officers(s) and/or members of the public by means other than the vehicle. In 2009 revisions will be incorporated into both the Use of Force procedure (15-01) and the Service Firearms procedure (15-04) to ensure standardization pertaining to firearm use across the Service.

During 2008, the importance of debriefing sessions, AVL data as a source of information, officer training, and supervisory courses as they pertain to death incidents and SIU involvement continued to be a priority issue. The Toronto Police SIU Liaison continued with debriefing sessions at the unit level upon the conclusion of all SIU investigations and the Inspections Unit continued to incorporate a review of AVL data as part of all Divisional Policing Command unit inspections. Discussions and data sharing between the SIU Liaison and the Training & Education continued as part of the SIU debriefs and on a case by case basis to ensure that officer safety training promoted the use of proper techniques to subdue hostile or potentially hostile subjects, while at the same time ensuring the safety of the officer and subjects involved.

Supervisory training courses continued to raise awareness of the unforeseen circumstances that may precede a death incident, including signs of potential narcotics overdose and suicidal persons. The training courses assisted in reaffirming the need for officers to seek medical intervention as soon as practicable for subjects who have been injured. Emphasis has been placed upon follow-up phases regarding persons in custody who have been taken to medical facilities in order to ensure a level of injury is determined as soon as practicable for a timely SIU notification. Training further emphasized proper crime scene management techniques including when/if the SIU mandate may be invoked.

The Risk Management Unit initiated several reviews of internal processes in 2008 to ensure the utmost efficiency of various investigative, technological, and operational elements associated with Professional Standards. Specifically, a review of the timeliness of the internal Prosecutions process was embarked upon and is anticipated to continue through 2009. This review has focused on the timeline associated with laying a PSA charge through to the completion of the Police Tribunal, and intends to incorporate comparison data with

other Ontario Police Services. In addition to this, an efficiencies review of the technological and operation elements associated with the Professional Standards Information System (PSIS) began in the last quarter of 2008. This review has focused on improving efficiencies in the areas of technology, staffing, structured procedures, and management of human rights complaints.

The Risk Management Unit continues to look proactively to the future for opportunities to assist officers and the public. As a means of accomplishing this, a preliminary review of complaints data was conducted at the end of 2008 to identify trends and potential areas for development. As a result of the preliminary check, it is anticipated that a detailed electronic review of public complaint trends, with a focus on allegations of incivility, will be conducted in early 2009.

Professional Standards, through the utilization of expertise and specialization across the Service and input from the public, continues to actively promote efficiency in service delivery across Toronto.

AWARDS

Background

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 2008, there were 7 internal award ceremonies in which 520 awards were distributed internally and 58 awards distributed externally to members of the community and other police services.

Internal Award Types

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

Chief of Police 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.

Chief of Police 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. (External police agencies only)

Civilian Long Service Pin: Granted by the Board and presented to civilian members upon the completion of 20, 30 and 40 years of employment with the Board.

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

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

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.

Partnership Citation: 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.

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

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

**Awards Received from the Toronto Police Services Board/Toronto Police Service
January to December 2008**

Award Type	Total Distributed
Chief of Police Excellence Award	47
Chief of Police Letter of Recognition	12
Civilian Long Service Recognition Pin (20, 30 & 40 yrs)	83
Commendation	26
Community Member Awards	42
Medal of Honour	0
Medal of Merit	0
Merit Mark	5
Partnership Citation	4
Teamwork Commendation	178
25-Year Commemorative Watch	181
Total	578

In addition to the above awards for outstanding performance, the Service presented **253** members with their retirement plaques.

External Award Types

Listed below are examples of awards presented to Service members by external agencies or organizations.

Canadian Banks' Law Enforcement Award:	Presented by the Canadian Bankers Association to recognize and honour officers for their outstanding courage and investigative ability to combat crimes against Canada's financial institutions and to protect the security of bank employees and customers.
Chinese Law Enforcement Award:	Presented by the Community Crime Awareness Association to recognize members of police services in the Greater Toronto Area who have made outstanding contributions to the Chinese community.
Federal Medal for Police Bravery:	Presented by the Governor General on behalf of the Sovereign to police officers for acts of bravery in hazardous circumstances. The Medal may be awarded posthumously.
Imperial Order Daughters of the Empire Award:	Presented bi-annually by the Toronto Chapter to an officer for outstanding work to improve the quality of life for children, youth and those in need, through education, social service and citizenship programs.
Islamic Foundation of Toronto Award:	Awarded by the Islamic Foundation of Toronto for outstanding volunteer and humanitarian efforts by an officer.
Michael Shanahan Award for Excellence in Public/Private Cooperation:	Presented by the International Association of Chiefs of Police to recognize outstanding achievement in the development and implementation of public/private cooperation in public safety.
Ontario Auxiliary Police Medal:	Presented by the Chief of Police of Toronto on behalf of the Ontario Government to auxiliary members for the dedication to 20, 25, 30, 35, and 40 years of service.
Ontario Medal for Police Bravery:	Presented by the Lieutenant-Governor to police officers to recognize acts of courage and bravery performed in the line of duty without concern for personal safety.
Ontario Women in Law Enforcement:	Recognition of outstanding achievements made by women, uniform and civilian, in Ontario law enforcement. Categories include: Excellence, Valour, Community Service, Mentoring, Leadership, and Teamwork.
Order of Merit of the Police Forces:	Presented by the Governor General on behalf of the Sovereign to recognize conspicuous merit and exceptional service by members and of Canadian police forces whose contributions extend beyond protection of the community. Three levels of membership – Commander (C.O.M.), Officer (O.O.M.) and Member (M.O.M.) to reflect long-term outstanding service in varying degrees of responsibility.

Police Exemplary Service Medal:

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.

Police Officer of the Month:

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.

Police Officer of the Year:

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.

**Awards Received from Outside Agencies
January to December 2008**

Award Type	Total Distributed
Canadian Banks' Law Enforcement Award	1
Chinese Law Enforcement Police Service Member Award	1
Federal Medal for Police Bravery	1
Imperial Order Daughters of the Empire (IODE)	1
Islamic Foundation of Toronto Award	1
Michael Shanahan Award for Excellence in Public/Private Cooperation	1
Ontario Auxiliary Police Medal	9
Ontario Medal for Police Bravery	2
Ontario Women in Law Enforcement Awards (Mentoring, Community, Valour, Leadership)	4
Order of Merit of the Police Forces (Officers and Members)	5
Police Exemplary Service Medals	302
Police Officer of the Month (2007)	23
Police Officer of the Year (2007)	4
Total	355

PUBLIC COMPLAINTS

Overview

The Toronto Police Services Board (Board) is responsible for the establishment of guidelines to manage 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 has established procedures to ensure fairness and impartiality for all parties involved in the complaints system.

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; complaint is unsigned; complaint is over six month limitation period, or; complaint is beyond the jurisdiction of the TPS.

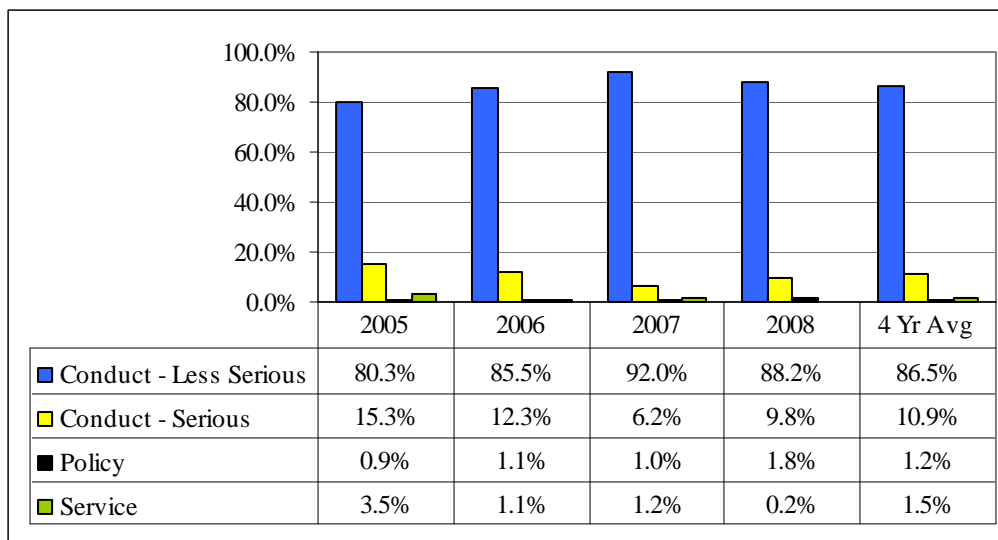
During 2008, 758 public complaints against uniform members were received by the TPS, an increase of 8.6% from 2007. Of those complaints, 59.2% were investigated, a 1.5% increase from 2007. Complaints categorized under S.59 (3) (*frivolous*) of the PSA have decreased by 1.3% in 2008. Table 2.1 compares the classifications of complaints during 2008 to the previous three years.

**Table 2.1 – Classification of Complaints
January to December 2005 - 2008**

Complaints - Investigated	2005	2006	2007	2008
Conduct - less serious	457	402	369	396
Conduct - serious	87	58	25	44
Policy	5	5	4	8
Service	20	5	5	1
Number and Percentage of Complaints (Investigated)	569	470	403	449
	73.6%	71.1%	57.7%	59.2%
Complaints - Not Investigated	2005	2006	2007	2008
Frivolous	89	122	209	217
Made in bad faith	0	1	7	10
No jurisdiction	10	3	2	1
Not directly affected	26	26	39	24
Not signed	6	1	0	1
Over six months	70	37	37	48
Vexatious	3	1	1	8
Number and Percentage of Complaints (Not Investigated)	204	191	295	309
	26.4%	28.9%	42.3%	40.8%
TOTAL NUMBER OF PUBLIC COMPLAINTS	773	661	698	758
4 YEAR AVERAGE	723			

In relation to investigated complaints, the number of complaints categorized as *conduct of a serious nature* in 2008 has increased to 9.8% from 6.2% in 2007. The percentage of complaints categorized as *conduct of a less serious nature* has decreased to 88.2% from 92.0% in 2007. The number of complaints investigated pertaining to the policies and/or services provided by the TPS account for 2.1% of the complaints, comparable to 2007. Chart 2.1 (on the next page) displays classifications of complaints that were investigated during each year since 2005, as indicated in Table 2.1.

**Chart 2.1 – Classification of Complaints Investigated
January to December, 2005 - 2008**



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 based on findings at the conclusion of the investigation.

The data in Table 2.2 compares the classifications of alleged misconduct in complaints received between 2005 and 2008. The following three types of allegations account for an average of 95.4% of the complaints investigated during all four 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 2008, allegations of Discreditable Conduct increased to 62.1% from 60.5% in 2007. Allegations of Neglect of Duty decreased to 10.0% in 2008 from 12.4% in 2007. Allegations of Unlawful/Unnecessary Exercise of Authority accounted for 24.3% of the complaints during 2008, compared to 23.6% reported in 2007. Table 2.2, on the next page, details the allegation breakdown for investigated complaints received during 2005 - 2008.

**Table 2.2 –Alleged Misconduct in Investigated Complaints
January to December 2005 - 2008**

Alleged Misconduct	2005		2006		2007		2008	
	No.	%	No.	%	No.	%	No.	%
Breach of Confidence	1	0.2	3	0.6	0	0.0	4	0.9
Consuming Drugs/Alcohol – Prejudicial to Duty	0	0.0	0	0.0	0	0.0	0	0.0
Corrupt Practice	2	0.4	4	0.9	1	0.2	1	0.2
Damage to Clothing or Equipment	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
Discreditable Conduct	306	53.8	233	49.6	244	60.5	279	62.1
Insubordination	7	1.2	2	0.4	3	0.7	2	0.4
Neglect of Duty	75	13.2	100	21.3	50	12.4	45	10.0
Unlawful/Unnecessary Exercise of Authority	152	26.7	116	24.7	95	23.6	109	24.3
Policy	5	0.9	5	1.1	4	1.0	8	1.8
Service	20	3.5	5	1.1	5	1.2	1	0.2
Total	569	100.0	470	100.0	403	100.0	449	100.0

In 2008, allegations of Discreditable Conduct, Neglect of Duty, and Unlawful/Unnecessary Exercise of Authority accounted for 96.4% of the complaints investigated. Allegations of *incivility* have decreased 12.7% and *unnecessary use of force* by 5.8% since 2007. Table 2.3 indicates the sub-classification of complaints in these categories. A description of the sub-classifications is included in the *glossary of terms* on page 44.

**Table 2.3 – Sub-Classifications of Alleged Misconduct
January to December, 2005- 2008**

Sub-Classification of Alleged Misconduct		2005		2006		2007		2008	
		No.	%	No.	%	No.	%	No.	%
Discreditable Conduct									
2(1)(a)(i)	Failure to act w/o discrimination	35	11.4	10	4.3	16	6.6	15	5.4
2(1)(a)(ii)	Profane language – re: individuality	7	2.3	5	2.1	7	2.9	6	2.2
2(1)(a)(iii)	Oppressive/tyrannical conduct	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	0	0.0
2(1)(a)(v)	Incivility - public	166	54.2	112	48.1	128	52.5	111	39.8
2(1)(a)(vi)	False statement against member	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
2(1)(a)(viii)	Withholding a report/complaint	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(1)(a)(x)	Contravene PSA	0	0.0	1	0.4	1	0.4	1	0.4
2(1)(a)(xi)	Acts in a disorderly manner	97	31.7	102	43.8	91	37.3	146	52.3
Total		306	100	233	100	244	100	279	100
Neglect of Duty									
2(1)(c)(i)	Neglects duty without lawful excuse	66	88.0	95	95.0	49	98.0	40	88.9
2(1)(c)(i.1)	Failure to comply – O.R. 673/98	0	0.0	0	0.0	0	0.0	0	0.0
2(1)(c)(ii)	Failure to comply – orders	2	2.7	1	1.0	0	0.0	1	2.2
2(1)(c)(iii)	Permit prisoner escape	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
2(1)(c)(v)	Failure to report – matter	6	8.0	4	4.0	1	2.0	0	0.0
2(1)(c)(vi)	Failure to report – info. re: charges	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	4.4
2(1)(c)(viii)	Feign/exaggerate sickness	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	4.4
2(1)(c)(x)	Untidy – person/clothing/equipment	0	0.0	0	0.0	0	0.0	0	0.0
Total		75	100	100	100	50	100	45	100
Unlawful/Unnecessary Exercise of Authority									
2(1)(g)(i)	Unlawful/Unnecessary arrest	22	14.5	35	30.2	11	11.6	19	17.4
2(1)(g)(ii)	Unnecessary force	130	85.5	81	69.8	84	88.4	90	82.6
Total		152	100	116	100	95	100	109	100

Complaint Disposition

The data in Table 2.4 compares dispositions of investigated complaints received during 2005-2008.

Unsubstantiated allegations represent the disposition of 32.8% of complaints received, a 16.3% decrease from 2007. It should be noted that the disparity between the stats for 2007 and 2008 regarding the number of unsubstantiated complaints can in part be explained by the notion that 28.8% of the 2008 investigated complaints are currently under investigation, compared to only 4.0% of 2007 complaints. As these complaint investigations are concluded the number of unsubstantiated complaints can be expected to rise.

Resolving complaints through informal resolutions has been successful in 14.9% of complaints, a decrease of 6.2%. The number of complaints withdrawn by the complainant has decreased slightly to 18.8% from 21.1% in 2007.

The number of complaints where misconduct has been identified continues to represent a very small proportion of all investigated complaints from 2005 to 2008, as indicated in Table 2.4.

**Table 2.4 – Disposition of Investigated Complaints
January to December 2005 - 2008**

Complaint Disposition	2005		2006		2007		2008	
	No.	%	No.	%	No.	%	No.	%
Informal Resolution	107	18.8	62	13.2	85	21.1	67	14.9
Misconduct Identified:	17	3.0	12	2.6	11	2.7	15	3.3
<i>Hearings</i>	3	17.6	2	16.7	2	18.2	0	0.0
<i>Unit Level</i>	14	82.4	10	83.3	9	81.8	15	100.0
No Jurisdiction	0	0.0	4	0.9	1	0.2	1	0.2
Policy/Service – Action Taken	4	0.7	2	0.4	1	0.2	1	0.2
Policy/Service – No Action Taken	12	2.1	7	1.5	6	1.5	4	0.9
Unsubstantiated	298	52.4	257	54.7	198	49.1	148	32.8
Withdrawn by Complainant	120	21.1	122	26.0	85	21.1	85	18.8
Investigation not Concluded*	11	1.9	4	0.9	16	4.0	130	28.8
Total	569	100.0	470	100.0	403	100.0	451	100.0

*Number is anticipated to decrease as the 90 day investigation period is reached. For complaints received between Oct-Dec 2008, the 90 day investigation period extends beyond the scope of this report (Jan-Dec, 2008) which can explain the apparent increase in number of complaint investigations not concluded.

Ontario Civilian Commission on Police Services (OCCPS) Reviews

The Ontario Civilian commission on Police Services (OCCPS) is an independent oversight agency that reports to the Solicitor General. The OCCPS mandate and duties are set out in the Police Services Act, of which a primary function is to conduct reviews of classifications and dispositions relating to public complaints at the request of the complainant. Upon review of a public complaint investigation, OCCPS 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.

Regarding complaints received in 2008, 158 (20.8%) were appealed for review by OCCPS, a decrease from 175 (25.1%) in 2007. Of these, 34 cases (21.5%) were overruled and returned to the TPS for further investigation in 2008, a decrease from 41 (23.4%) in 2007.

Time Taken to Conclude Complaints

Table 2.5 compares the number of days taken to complete complaints received between January and December 2005 - 2008.

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, in addition to those that have been investigated.

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 during 2008, 82.8% have been concluded. Of these, 75.6% were completed within 90 days, an increase from 68.3% in 2007.

A greater duration of investigation can be attributed to the complainant's ability to appeal dispositions to OCCPS, which may result in the complaint's return 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 during 2005-2008.

**Table 2.5 – Comparison of Number of Days to Conclude Complaints
January to December 2005 – 2008**

Time to Conclude	2005		2006		2007		2008	
	No.	%	No.	%	No.	%	No.	%
0 to 30 days	234	30.7	194	29.5	300	44.0	301	47.9
31 to 60 days	122	16.0	90	13.7	86	12.6	99	15.8
61 to 90 days	113	14.8	101	15.4	80	11.7	75	11.9
91 to 120 days	95	12.5	86	13.1	73	10.7	52	8.3
121 to 150 days	58	7.6	40	6.1	38	5.6	42	6.7
151 to 180 days	26	3.4	35	5.3	39	5.7	21	3.3
Over 180 days	114	15.0	111	16.9	66	9.7	38	6.1
Total	762	100.0	657	100.0	682	100.0	628	100.0

Location of Complaint and Precipitating Factors

Table 2.6 compares the location and precipitating factor of public complaints received during 2005-2008. The most likely location of a complaint is a street location followed by a residential area and police building.

The most common precipitating factor that generated a complaint has been categorized as 'other' which may pertain to complaints classified under Section 59 (Subsections 3, 4, and 5) of the PSA.

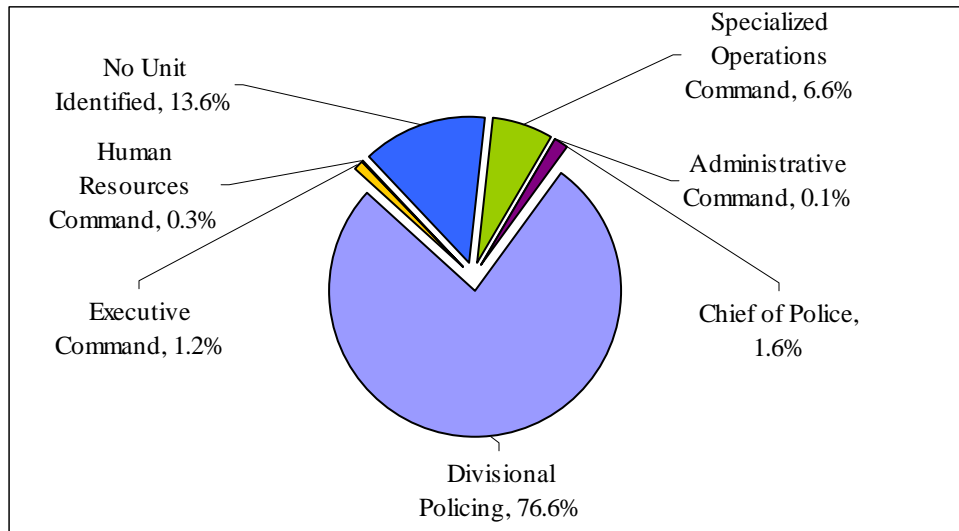
**Table 2.6 – Location and Precipitating Factors of Complaint at Time of Incident
January to December 2005 - 2008**

Incident Location	2005	2006	2007	2008
Police Building	15.9%	13.5%	16.6%	10.3%
Police Vehicle	0.1%	0.2%	0.0%	0.0%
Public Building	4.7%	13.5%	9.5%	9.0%
Residential	18.4%	20.4%	16.0%	20.6%
Street/Roadway	38.8%	42.2%	43.0%	37.6%
Other	1.6%	3.9%	12.8%	9.4%
Other - Commercial	8.5%	0.9%	0.3%	2.1%
Other - Driveway	0.1%	0.2%	0.3%	0.7%
Other - Park	0.6%	0.3%	0.1%	0.4%
Other - Parking Lot	0.9%	1.5%	0.1%	2.0%
Unknown/Not Applicable	10.3%	3.5%	1.3%	8.0%
Total	100.0%	100.0%	100.0%	100.0%
Precipitating Factor	2005	2006	2007	2008
Arrest	13.7%	15.7%	11.7%	19.8%
Confidentiality reach	0.0%	0.0%	0.0%	0.4%
Domestic	0.9%	3.0%	2.6%	2.0%
Investigation - Criminal	17.9%	20.3%	25.6%	18.3%
Investigation - EDP	1.0%	1.1%	3.2%	2.2%
Investigation - Municipal	0.8%	1.5%	2.7%	2.8%
Investigation - POA	10.2%	15.4%	15.9%	10.2%
Investigation - Other	0.0%	0.0%	0.0%	0.1%
Service Vehicle Collision	0.0%	0.0%	0.0%	0.5%
Taser	0.0%	0.0%	0.1%	0.1%
Traffic Stop	11.5%	10.4%	11.9%	17.8%
Other	43.1%	32.5%	26.2%	21.2%
Unknown	0.9%	0.0%	0.0%	4.5%
Total	100.0%	100.0%	100.0%	100.0%

Complaints by Command and Unit

Divisional Policing Command accounted for the majority of public complaints (76.6%) in 2008, comparable to 2007. Subject officers have not been identified in 13.6% of complaints received. Complaints by command are detailed in chart 2.2, and further detailed by division and unit in tables 2.7a - 2.7b.

**Chart 2.2 – Complaints by Command
January to December 2008**



**Table 2.7a – Comparison of Complaints by Division
January to December 2005 - 2008**

Division	2005		2006		2007		2008	
	No.	%	No.	%	No.	%	No.	%
11 Division	21	2.7	23	3.5	24	3.4	21	2.8
12 Division	19	2.5	15	2.3	17	2.4	16	2.1
13 Division	31	4.0	23	3.5	32	4.6	39	5.1
14 Division	57	7.4	35	5.3	54	7.7	41	5.4
22 Division	38	4.9	27	4.1	32	4.6	21	2.8
23 Division	52	6.7	37	5.6	20	2.9	26	3.4
31 Division	30	3.9	39	5.9	50	7.2	56	7.4
32 Division	24	3.1	27	4.1	30	4.3	24	3.2
33 Division	33	4.3	29	4.4	32	4.6	29	3.8
41 Division	31	4.0	17	2.6	28	4.0	33	4.4
42 Division	42	5.4	38	5.7	23	3.3	27	3.6
43 Division	0	0.0	26	3.9	19	2.7	30	4.0
51 Division	72	9.3	69	10.4	48	6.9	49	6.5
52 Division	69	8.9	50	7.6	54	7.7	62	8.2
53 Division	35	4.5	23	3.5	18	2.6	25	3.3
54 Division	19	2.5	22	3.3	17	2.4	33	4.4
55 Division	35	4.5	34	5.1	38	5.4	19	2.5
Divisional Complaints Total	608	78.7	534	80.8	536	76.8	551	72.7

**Table 2.7b – Comparison of Complaints by Unit
January to December 2005 - 2008**

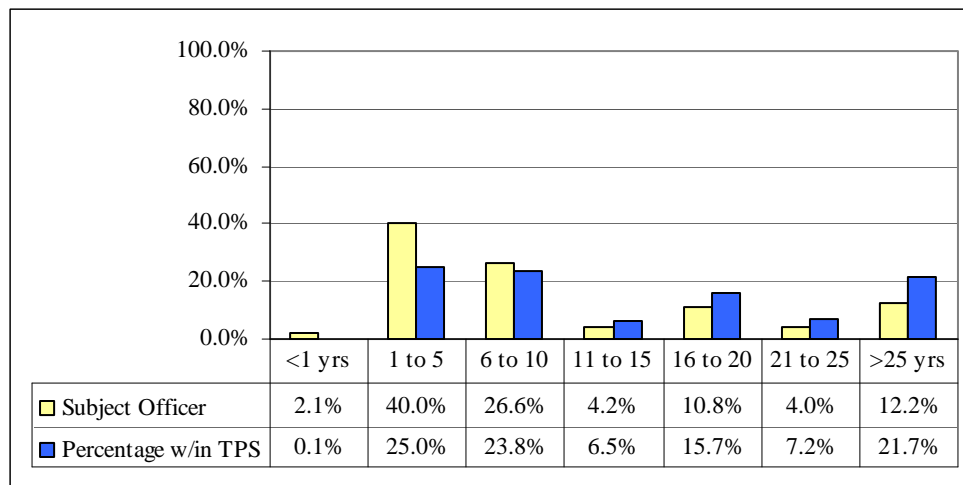
Unit	2005		2006		2007		2008	
	No.	%	No.	%	No.	%	No.	%
Bail & Parole	1	0.1	0	0.0	0	0.0	0	0.0
Communications Services	10	1.3	3	0.5	7	1.0	0	0.0
Corporate Planning	3	0.4	2	0.3	5	0.7	7	0.9
Court Services	0	0.0	2	0.3	2	0.3	1	0.1
Detective Services	2	0.3	1	0.2	1	0.1	0	0.0
Diversity Relations	0	0.0	0	0.0	2	0.3	0	0.0
Emergency Task Force	0	0.0	3	0.5	0	0.0	1	0.1
Employment	2	0.3	1	0.2	0	0.0	2	0.3
Fraud Squad	2	0.3	3	0.5	1	0.1	3	0.4
Hold-up Squad	1	0.1	1	0.2	1	0.1	4	0.5
Homicide Squad	1	0.1	0	0.0	2	0.3	2	0.3
Human Resources Mgmt.	0	0.0	1	0.2	1	0.1	0	0.0
Information Access	0	0.0	0	0.0	1	0.1	0	0.0
Intelligence Services	1	0.1	1	0.2	2	0.3	0	0.0
Investigative Unit	2	0.3	0	0.0	0	0.0	1	0.1
Marine Unit	3	0.4	1	0.2	0	0.0	0	0.0
Mounted & Police Dog Servs.	2	0.3	0	0.0	3	0.4	0	0.0
Office of the Chief of Police	4	0.5	0	0.0	0	0.0	3	0.4
Organized Crime Enforcement	0	0.0	0	0.0	0	0.0	1	0.1
Parking Enforcement	2	0.3	0	0.0	1	0.1	1	0.1
Policing Operations	0	0.0	2	0.3	4	0.6	8	1.1
Professional Standards	0	0.0	1	0.2	1	0.1	0	0.0
Provincial Rope-Bail & Parole	0	0.0	0	0.0	2	0.3	0	0.0
Public Safety Unit	1	0.1	2	0.3	1	0.1	0	0.0
Purchasing Support Services	0	0.0	0	0.0	0	0.0	1	0.1
Records Management Services	4	0.5	2	0.3	0	0.0	0	0.0
Risk Management Unit	1	0.1	0	0.0	1	0.1	1	0.1
Sex Crimes Unit	2	0.3	4	0.6	2	0.3	2	0.3
Special Investigation Services	3	0.4	6	0.9	9	1.3	6	0.8
Toronto Drug Squad	5	0.6	5	0.8	5	0.7	2	0.3
Traffic Services	20	2.6	20	3.0	33	4.7	27	3.6
Training	1	0.1	1	0.2	0	0.0	0	0.0
Unit Complaints Total	73	9.4	62	9.4	87	12.5	73	9.6
No Division/Unit Identified	92	11.9	65	9.8	75	10.7	134	17.7
TOTAL	773	100.0	661	100.0	698	100.0	758	100.0

Years of Service of Subject Officer

In 2008, TPS officers with 10 years of service or less accounted for 48.9% of uniform strength and for 68.7% of the total number of subject officers linked in public complaints, 6.8% more than 2007.

TPS officers with less than 1 year of service and between 11 and 15 years of service have the lowest number of complaints filed against them, as indicated in Chart 2.3 below.

**Chart 2.3 – Years of Service
January to December 2008**



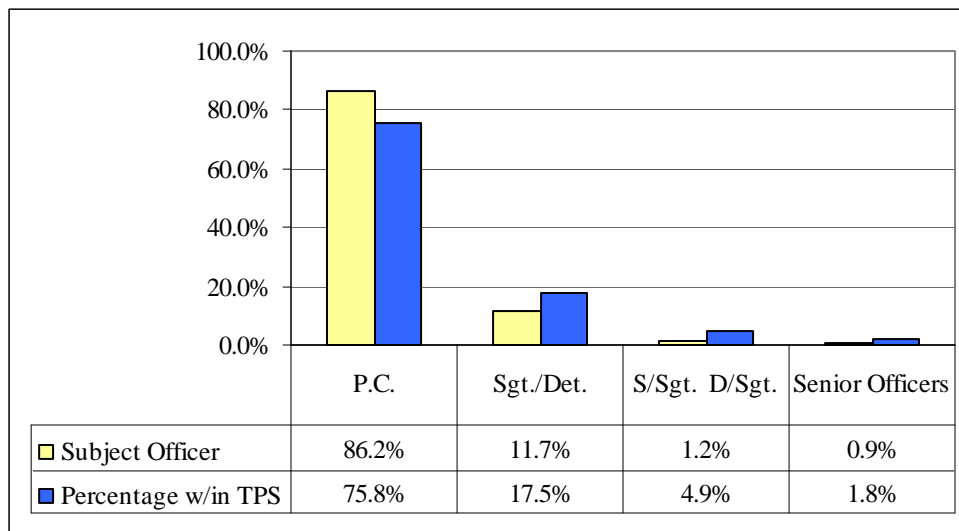
Please Note: Service wide statistics are based on officers' hire date and have been obtained from TPS Human Resources.

Rank of Subject Officer

During 2008, Police Constables accounted for 75.8% of uniform strength within the TPS and for 86.2% of subject officers in public complaints, a 1.3% decrease from 2007.

During 2007, Sergeants, Detectives, Staff Sergeants and Detective Sergeants accounted for 22.4% of uniform strength and for 12.9% of subject officers. Chart 2.4, on the following page, details the rank of subject officers at the time of incident.

**Chart 2.4 – Rank of Subject Officer
January to December 2008**



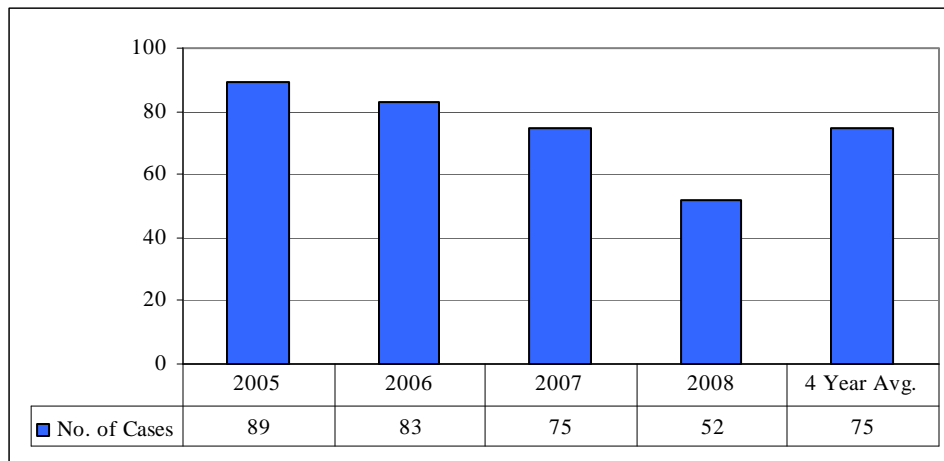
Please Note: Service wide statistics are based on officers' hire date and have been obtained from TPS Human Resources.

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 45).

In 2008, 52 Statements of Claim were issued against the Toronto Police Services Board, the Chief of Police, or named officers compared to 75 in 2007. Of those issued in 2008, 10 (19.2%) had an external complaint component, down from 19 (25.3%) in 2007. The TPS also received 16 Letters of Intent or Notices of Action, which may be followed by a Statement of Claim. There are currently over 450 outstanding actions against the TPS. The average number of civil actions initiated during the previous 4 years is 75. Chart 2.5 compares.

**Chart 2.5 – Number of Civil Litigation Cases Received
January to December 2005 – 2008**



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.

Cases and Charges Laid

In 2008, 52 new cases were initiated by Prosecution Services, which reflects a 23.5% decrease from the previous year, as indicated in Table 3.1. The number of charges laid in 2008 has decreased by 31.6% from 2007, which corresponds to a 2.6 charge per case ratio compared to 2.0 in 2007. Table 3.1 details new cases and charges initiated from 2005 - 2008.

**Table 3.1 – Charge per Case Ratio
January to December 2005 - 2008**

	2005	2006	2007	2008	4 Yr Avg.
Total Cases	63	59	68	52	61
Total Charges	165	220	152	104	160
Charge per Case Ratio	2.6	3.7	2.2	2.0	2.6

1. Category of Charges Laid in New Cases

In 2008, a total of 104 PSA charges were laid. Of the charges laid, 59.6% were for Discreditable Conduct which represents a decrease of 5.5% from 2007. Charges of Neglect of Duty have decreased by 2.2% and Insubordination charges have increased by 11.0%, as indicated in Table 3.2 on the next page.

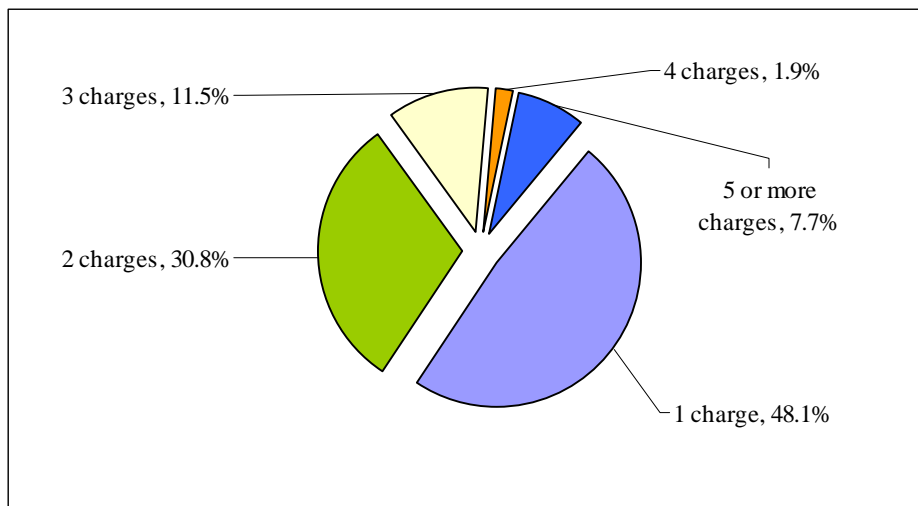
**Table 3.2 – Comparison of Charges Laid in New Cases
January to December 2005 - 2008**

Charge Category	2005		2006		2007		2008	
	No.	%	No.	%	No.	%	No.	%
Breach of Confidence	1	0.6	3	1.4	1	0.7	0	0.0
Consume Alcohol/Drugs	0	0.0	0	0.0	1	0.7	0	0.0
Corrupt Practice	7	4.2	9	4.1	1	0.7	0	0.0
Damage to Clothing/Equipment	1	0.6	0	0.0	1	0.7	1	1.0
Deceit	20	12.1	56	25.5	6	3.9	1	1.0
Discreditable Conduct	67	40.6	114	51.8	99	65.1	62	59.6
Insubordination	33	20.0	24	10.9	27	17.8	30	28.8
Neglect of Duty	27	16.4	14	6.4	15	9.9	8	7.7
Unlawful /Unnecessary Exercise of Authority	9	5.5	0	0.0	1	0.7	2	1.9
Total	165	100.0	220	100.0	152	100.0	104	100.0

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 initiated during 2008. During this time period, a single charge was laid in 48.1% of cases compared to 39.7% in 2007. Cases in which the number of charges laid per officer totalled 5 or more accounted for 7.7% of total cases and 5.9% in 2007.

**Chart 3.1 – Number of Charges Laid Per Officer
January to December 2008**



3. Duty Status in New Cases and Precipitating Factors

Of the cases initiated during 2008, 22 (42.3%) arose from on-duty conduct compared to 27.9% in 2007. Off duty incidents accounted for 30 (57.7%) new cases in 2008, of which:

Precipitating Factor	On-Duty		Off-Duty	
	No.	%	No.	%
Alcohol	0	0.0	9	17.3
Drugs	0	0.0	2	3.8
Domestic Incident	0	0.0	8	15.4
PSA Violations	22	42.3	11	21.2
Total	22	42.3	30	57.7

Cases Concluded in 2008

During the 2008, 35 cases were concluded in tribunal and 15 marked sine die which involved a total of 49 officers. Of the concluded cases, 1 pertained to a case initiated in 2004, 2 to 2005 cases, 13 to 2006 cases, 15 to 2007 cases, and 4 pertained to a 2008 case.

1. PSA Dispositions

Of the 35 cases concluded in tribunal during 2008, 37.1% involved a guilty plea, 8.6% were acquitted or dismissed, and 45.7% were withdrawn. Of the cases withdrawn, the most common reason was due to no prospect of conviction. Table 3.3 outlines the case dispositions.

**Table 3.3 – Case Disposition
Cases Concluded in 2008**

Case Disposition	No. of Cases
Acquitted	1
Dismissed	2
Guilty Plea	13
Nullity (Void)	1
Stayed	2
Withdrawn	1
Withdrawn - <i>Loss of Jurisdiction*</i>	5
Withdrawn - <i>No Prospect of Conviction</i>	9
Withdrawn - <i>Return to Unit</i>	1
Total	35

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

*Due to resignation or retirement.

2. Charge Disposition

Of the 35 cases concluded during 2008, 88 charges were dealt with in the police tribunal. Of these charges, 14.8% resulted in a conviction through a guilty plea. Table 3.4 below details the charge disposition in cases concluded in 2008.

**Table 3.4 – Charge Disposition
Cases Concluded in 2008**

Charge Disposition	No. of Charges
Acquitted	1
Dismissed	4
Guilty Plea	13
Nullity (Void)	3
Stayed	3
Withdrawn	14
Withdrawn - <i>Loss of Jurisdiction*</i>	27
Withdrawn - <i>No Prospect of Conviction</i>	21
Withdrawn - <i>Return to Unit</i>	2
Total	88

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

*Due to resignation or retirement.

3. Penalties Imposed for PSA Convictions

Of the 13 charges dealt with at the tribunal during the first half of 2008 that were concluded with a guilty plea, 15.4% related to charges of Deceit, 61.5% to Discreditable Conduct, and 23.1% to Insubordination. Penalties for these PSA convictions ranged from the forfeiture of 32 hours to 120 hours. Table 3.5 outlines the various penalties imposed for each charge category.

**Table 3.5 – Penalties Imposed for PSA Convictions
Cases Concluded in 2008**

Charge Category & Penalty Imposed	No. of Charges
Discreditable Conduct:	
Forfeiture of 4 days/32 hours	1
Forfeiture of 4 days/32 hours & successful completion of TSV Impaired Driver Investigation training w/in 6 months	2
Forfeiture of 5 days/40 hours	1
Forfeiture of 6 days/48 hours	1
Forfeiture of 8 days/64 hours	2
Forfeiture of 12 days/96 hours	2
Forfeiture of 15 days/120 hours	1
Insubordination:	
Forfeiture of 5 days/40 hours	3

4. PSA Dispositions – Time to Trial

During 2008, 35 cases were concluded in tribunal of which 1 case was initiated in 2004, 2 cases in 2005, 13 cases in 2006, 15 cases in 2007, and 4 cases were initiated in 2008. The 1 case initiated in 2004 took 47.6 months to conclude. The 2 cases initiated in 2005 took an average of 26.2 months to conclude. The 13 cases initiated in 2006 took an average of 26.2 months to conclude, and the 15 cases initiated in 2007 took an average of 9.8 months to conclude. The cases initiated in 2008 took an average of 5.9 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 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;
- Discharges a firearm;
- Uses a weapon other than a firearm on another person;
- Deploys a taser as a “demonstrated force presence”, and/or;
- Discharges a taser, whether intentionally or otherwise.

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.

Use of Force Reporting

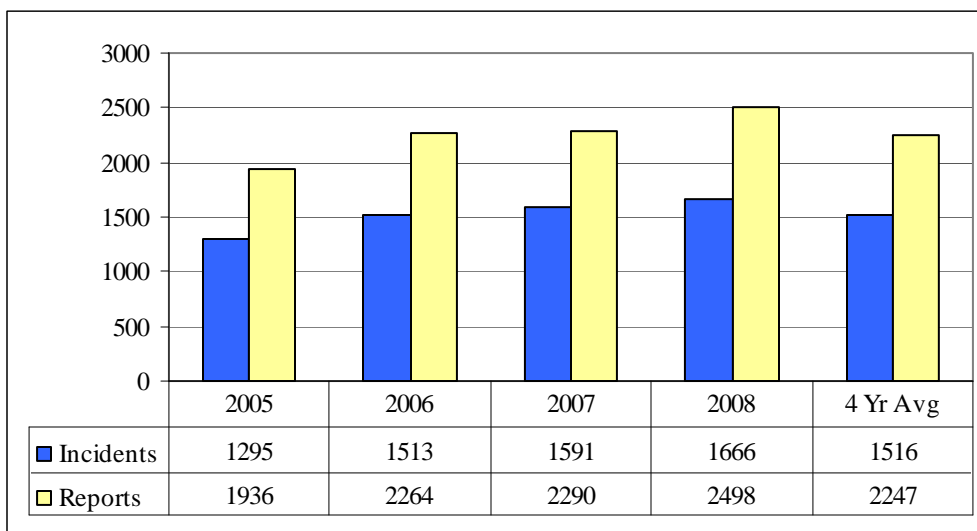
NOTE: In 2008 the Training and Education Unit engaged in initiatives to enhance member knowledge of the Use of Force Form 1, including new training materials to assist members during the completion of the Form 1. These initiatives may explain variations in the data that may exist between years.

Patrol officers are required to submit individual Use of Force reports for each incident in which they use force. Members of the Emergency Task Force and Public Safety Unit may submit team reports in situations where force is merely displayed. An incident in which force is actually used requires a separate Use of Force report for each individual member involved, in addition to a team report.

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 2008, 2,498 Use of Force reports were submitted, representing 1,666 use of force, a 4.7% increase from 2007. The apparent increase can be attributed to an overall rise in calls for service and specific arrest types¹, weapons and homicide calls (pg. 34), investigations (pg. 34), and use of force incidents in which weapons were perceived to be carried by subjects (pg. 36). Chart 4.1 compares the number of reports submitted and the number of Use of Force incidents annually from 2005 – 2008.

**Chart 4.1 – Comparison of Use of Force Incidents and Reports
January to December 2005 - 2008**



¹ TPS 2008 Year End Executive Dashboard

Use of Force Option

The most frequent Use of Force option indicated in 2008 was pointing a Service issued firearm, similar to 2007. Empty-handed techniques were the second most frequent Use of Force option, used in 40.3% of incidents compared to 41.2% in 2007.

Handguns were drawn in 8.5% of the Use of Force incidents in 2008 and 7.6% in 2007. Officers discharged firearms in 23 incidents (1.4%), a decrease from 29 (1.8%) in 2007.

Incidents of intentional discharge of a Service firearm during 2008 (23) include the following:

- 12 incidents involved wounded or aggressive animals;
- 11 incidents involved a firearm discharge in the following occurrences:
 - Bank Robbery (2)
 - Dangerous Drive et al (1)
 - Drug Investigation (1)
 - Property Damage (3)
 - Robbery/Car Jacking (1)
 - Stolen automobile (2)
 - Theft Under \$5000 (1)

The number of incidents of taser usage has decreased slightly in 2008 to 329 from 339 in 2007. In 2008, the Emergency Task Force, uniform frontline supervisors, and supervisors in high-risk units such as the Hold-Up Squad, Intelligence, Drug Squad, Organized Crime Enforcement, and the Fugitive Squad carried Service issued tasers. Taser 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 4.1 outlines the type of force options used by officers.

Use of force options employed by officers, including taser usage, is outlined in Table 4.1 located on the next page.

**Table 4.1 – Use of Force Options Employed
January to December 2007 – 2008**

Force Option	2007		2008	
	No.	%	No.	%
Aerosol Weapons (incl. tear gas)	118	7.4	110	6.6
Empty Hand Techniques	655	41.2	672	40.3
<i>Hard only</i>	90	5.7	88	5.3
<i>Soft only</i>	477	30.0	454	27.3
<i>Both Hard & Soft</i>	88	5.5	130	7.8
Impact Weapons Used	56	3.5	54	3.2
<i>Hard only</i>	43	2.7	43	2.6
<i>Soft only</i>	12	0.8	8	0.5
<i>Both Hard & Soft</i>	1	0.1	3	0.2
Handgun - Drawn only	121	7.6	141	8.5
Firearm Pointed at Person	821	51.6	950	57.0
Firearm Discharge – Intentional	29	1.8	23	1.4
Taser	339	21.3	329	19.7
<i>Demonstrated Presence</i>	107	6.7	150	9.0
<i>Drive Stun</i>	59	3.7	57*	3.4
<i>Full Deployment</i>	137	8.6	122*	7.3
<i>Combination of Deployment Types</i>	11	0.7	0	0.0
<i>Type not specified</i>	25	1.6	0	0.0
Other Type of Force	113	7.1	50	3.0

Taser statistics obtained from the Training & Education Unit. Taser deployment types are defined in the *glossary of terms* on page 45.

*Where a combination of taser deployment types have been utilized in 1 Use of Force incident, the deployment type with the greater degree of force has been recorded as the force option.

Use of Force Reason

During 2008, the most common reason for Use of Force by an officer was to protect the officer her/himself at 90.9%, comparable to the previous year at 88.0%. The Ministry standard Use of Force form allows the opportunity for multiple options to be chosen to indicate the reason for force. However, the database utilized for Use of Force statistics is configured such that only a single condition is accepted. Due to this it was determined that the first reason indicated on the form would be recorded and, given the nature and format of the Use of Force report, *protect self* has become the primary reason for force because of its placement as the first option in sequence. Technical efforts are being made to address this within the database.

Unintentional uses of force have decreased since 2007 from 1.3% to 0.6% in 2008. Reasons for use of force that are listed as ‘other’ may include incidents of aggressive animals, assaultive prisoners, or search compliance issues. Table 4.2 (pg.32) illustrates the initial reasons for using force in incidents occurring between January and December 2007-2008.

**Table 4.2 – Initial Reasons for Use of Force
January to December 2007 - 2008**

Initial Reason for Use of Force	2007		2008	
	No.	%	No.	%
Destroy an Animal	12	0.8	11	0.7
Effect Arrest	108	6.8	97	5.8
Prevent Commission of Offence	16	1.0	3	0.2
Prevent Escape	10	0.6	5	0.3
Protect Public	20	1.3	13	0.8
Protect Self	1400	88.0	1515	90.9
Unintentional	20	1.3	10	0.6
Other	5	0.3	12	0.7
Total	1591	100.0	1666	100.0

Use of Force by Sub-Command

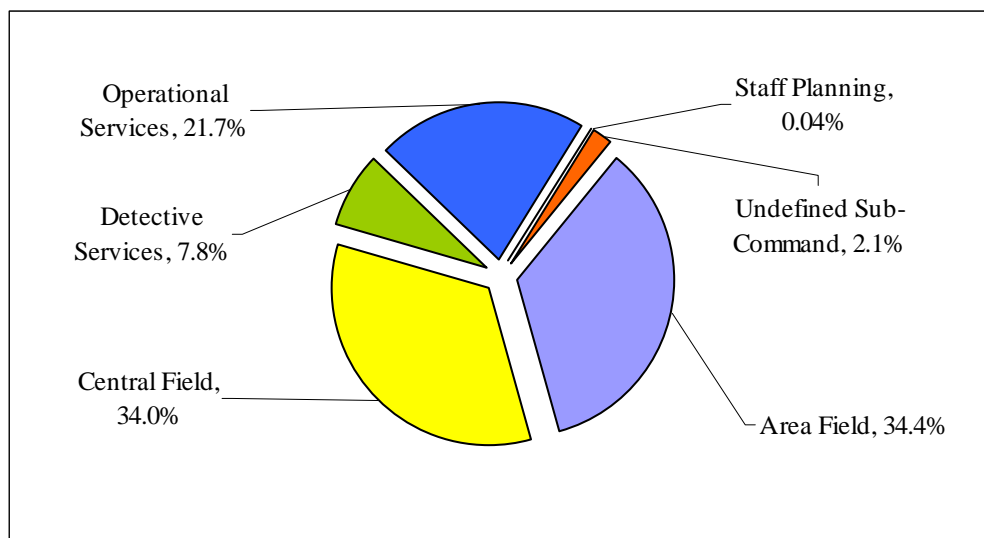
Members of Central Field Command submitted 33.8% of all Use of Force reports in 2008 compared to 42.0% in 2007, an 8.2% decrease.

Members of Area Field Command submitted 34.3% of all Use of Force reports in 2008 compared to 33.4% in 2007, a 0.9% increase.

Members of Operational Services submitted 21.7% of all Use of Force reports in 2008 compared to 19.0% in 2007, a 1.7% increase.

Members of Detective Services submitted 7.8% of all Use of Force reports in 2008 compared to 4.0% in 2007. Chart 4.2 illustrates.

**Chart 4.2 – Use of Force Reports by Sub-Command
January to December 2008**



Officer Duties

In 2008, 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 may include tactical incidents with the Emergency Task Force, officer assist calls, prisoner transport, search compliance incidents, and paid duties. During 2008, 73.9% 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- 2008**

Type of Assignment	2007		2008	
	No.	%	No.	%
Foot Patrol	73	3.2	81	3.2
General Patrol	1214	53.0	1179	47.2
Investigation	333	14.5	464	18.6
Off-Duty	1	0.0	2	0.1
Traffic Patrol	80	3.5	87	3.5
Other-Type of Assignment	576	25.2	668	26.7
Not Specified	13	0.6	17	0.7
Total	2290	100.0	2498	100.0

Category of Incidents

In 2008, incidents/disturbances where officers were required to use force that have been classified as 'other' accounted for 35.7% of the total incidents, comparable to 41.4% in 2007. The category 'other' may include: arrests, court, Emotionally Disturbed Person (EDP) calls, search warrant incidents, radio calls, off-duty incidents, and investigations. Weapons calls accounted for 33.7% of incidents as the second highest noted and represent an increase from 26.3% in 2007. Table 4.4 illustrates.

**Table 4.4 – Category of Incidents when Force is Used
January to December 2007 - 2008**

Type of Incident	2007		2008	
	No.	%	No.	%
Alarm	5	0.3	2	0.1
Break And Enter	47	3.0	54	3.2
Disturbance - Domestic	82	5.2	67	4.0
Disturbance - Other	156	9.8	127	7.6
Homicide	8	0.5	17	1.0
Robbery	56	3.5	72	4.3
Serious Injury	21	1.3	10	0.6
Suspicious Person	68	4.3	64	3.8
Traffic	70	4.4	75	4.5
Weapons Call	418	26.3	562	33.7
Other	658	41.4	594	35.7
Not Specified	2	0.1	22	1.3
Total	1591	100.0	1666	100.0

Category of Locations

During 2008, 25.9% of Use of Force incidents took place on roadways or laneways, a decrease from 31.0% in 2007. Incidents occurring on private property (including houses, apartments, or hallways) accounted for 34.9% of Use of Force incidents and is comparable to 2007. The category 'other' includes incidents involving a mixed variety of locations. Table 4.5 illustrates.

**Table 4.5 – Category of Locations when Force is Used
January to December 2007 - 2008**

Types of Locations	2007		2008	
	No.	%	No.	%
Apartment	281	17.7	308	18.5
Commercial Site	38	2.4	47	2.8
Financial Institution	3	0.2	3	0.2
Hallway	47	3.0	60	3.6
House	208	13.1	214	12.8
Laneway	73	4.6	76	4.6
Motor Vehicle	66	4.1	38	2.3
Park	30	1.9	29	1.7
Public Institution	34	2.1	21	1.3
Roadway	420	26.4	355	21.3
Rural Area	5	0.3	1	0.1
Yard	78	4.9	38	2.3
Other	308	19.4	473	28.4
Not Specified	0	0.0	3	0.2
Total	1591	100.0	1666	100.0

Number of Subjects Involved per Incident

During 2008, there were 1,666 incidents where force was used. Of these incidents, 66.1% involved a single subject, compared to 66.6% in 2007 and 63.5% in 2006. Animals are noted as the subject involved in 1.0 % of Use of Force incidents in 2008.

Perceived Weapons Carried by Subject

In 2008, weapons were perceived to be carried by subjects in 48.1% of Use of Force incidents compared to 25.0% in 2007, an increase of 23.1%. Perceived weapons classified as *other-not specified* may pertain to animals, vehicles, small projectiles, etc. Table 4.6 illustrates.

**Table 4.6 – Number of Incidents and Perceived Weapons Carried by Subject
January to December 2007 - 2008**

Perceived Weapon	2007		2008	
	No.	%	No.	%
Baseball Bat/Club	24	1.5	18	1.1
Knife/Edged Weapon	163	10.2	217	13.0
None	687	43.2	481	28.9
Other - Not Specified	68	4.3	81	4.9
Other-Firearm	13	0.8	31	1.9
Other-Replica	0	0.0	6	0.4
Revolver	26	1.6	56	3.4
Rifle	14	0.9	32	1.9
Semi-automatic	79	5.0	319	19.1
Shotgun	11	0.7	40	2.4
Unknown	499	31.4	476	28.6

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. Use of Force incidents occurring between in 2008 resulted in a total of 456 subjects injured compared to 483 subjects in 2007.

Of those injured, 319 (70.0%) required some type of medical attention, compared to 356 (73.7%) in 2007. A total of 2 people succumbed to their injuries compared to 2 in 2007.

In 2008, 215 police officers received injuries, compared to 136 in 2007. Of these, 57 (26.5%) officers required some type of medical attention compared to 70 (51.5%) in 2007.

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

During 2008, the SIU invoked its mandate to investigate 61 incidents, compared to 66 during 2007:

- 41 cases were concluded;
- 10 cases were withdrawn,
- 1 case resulted in charges, and;
- 10 cases are ongoing.

Table 4.7 displays the number of incidents and reasons for SIU investigations that occurred between January and December 2007 - 2008.

**Table 4.7 – SIU Investigations
January to December 2007 - 2008**

Number of Incidents	2007	2008	Reasons for SIU Investigation	Death		Injury	
				2007	2008	2007	2008
Withdrawn	11	10	Firearm incidents	2	2	8	2
Officer was Exonerated	43	41	Vehicle incidents	2	0	5	4
Officer was Charged	1	1	Custody incidents	8	2	37	43
Ongoing	11	9	Allegation of Sexual Assault	0	0	4	8
Total	66	61	Sub-totals	12	4	54	57

During 2008, TPS contacts with the public increased slightly including calls for service, RIDE activity, alcohol and spot-check related arrests, and the number of Provincial Offence notices issued. Similarly, the overall number of SIU investigations across the province has increased to 276 in 2008 from 257 in 2007.

SUSPECT APPREHENSION PURSUITS

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 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 believes 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 Police Vehicle Operations at the Training and Education Unit.

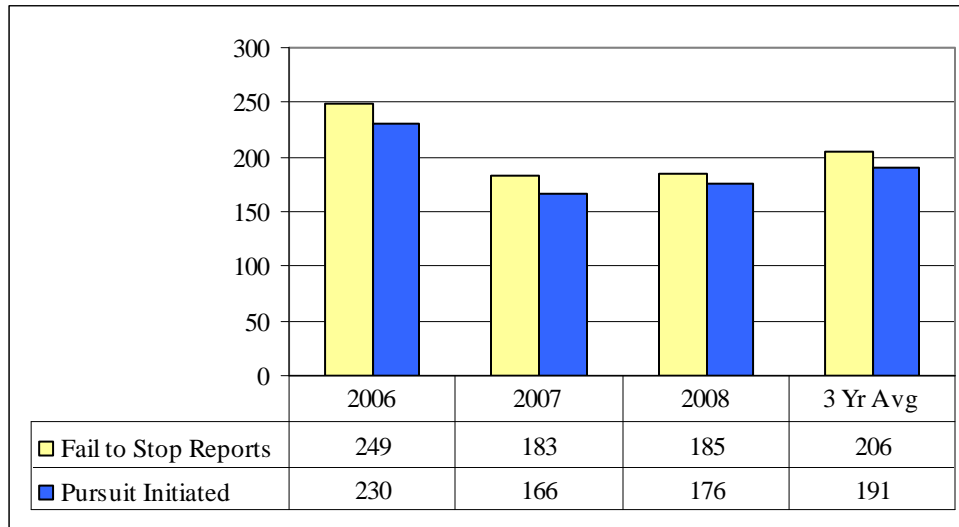
Regulation 546 further requires that each police service establish written procedures on the management and control of suspect apprehension pursuits. TPS Procedure 15-10 (Suspect Apprehension Pursuits) was specifically amended to address this requirement.

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 and Initiated Pursuits

In 2008, 185 Fail to Stop Reports were submitted representing a 1.1% increase from 2007 and a 25.7% decrease from 2006. Of the reports submitted, 95.1% resulted in the initiation of a pursuit, compared to 90.7% in 2007 and 92.4% in 2006. Due to data collection revisions, comparability of pursuits is limited to those initiated from 2006 onwards. Chart 5.1 compares.

**Chart 5.1 – Fail to Stop Reports
January to December 2006 - 2008**



Reasons for Initiating Pursuits

During 2008, of the 185 Fail to Stop reports submitted, 176 (95.1%) resulted in the initiation of a pursuit compared to 166 (90.7%) in 2007. Of those initiated in 2008, 55.7% resulted from the occurrence of a Criminal Code offence. 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 42.0% 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 2.3% of all reasons cited for initiating a pursuit, as indicated in Table 5.1 on the next page.

**Table 5.1 – Pursuit Initiation Reasons
January to December 2006 - 2008**

Pursuit Initiation Reason	2006		2007		2008	
	No.	%	No.	%	No.	%
Criminal Code						
Break and Enter	8	3.5	3	1.8	4	2.3
Dangerous Operation	28	12.2	27	16.3	19	10.8
Impaired Operation	19	8.3	6	3.6	10	5.7
Prohibited Operation	0	0.0	0	0.0	0	0.0
Robbery	5	2.2	1	0.6	5	2.8
Stolen Vehicle	59	25.7	46	27.7	43	24.4
Other	21	9.1	16	9.6	17	9.7
Sub Total	140	60.9	99	59.6	98	55.7
Highway Traffic Act						
R.I.D.E.	1	0.4	0	0.0	1	0.6
Equipment Violation	10	4.3	7	4.2	9	5.1
Moving Violation	58	25.2	46	27.7	50	28.4
Suspended Driver	1	0.4	3	1.8	1	0.6
Other	12	5.2	4	2.4	13	7.4
Sub Total	82	35.7	60	36.1	74	42.0
Miscellaneous						
Report From Public	0	0.0	2	1.2	0	0.0
Suspicious Vehicle	8	3.5	4	2.4	4	2.3
Other	0	0.0	1	0.6	0	0.0
Sub Total	8	3.5	7	4.2	4	2.3
TOTAL	230	100.0	166	100.0	176	100.0

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

Primary Police Vehicle

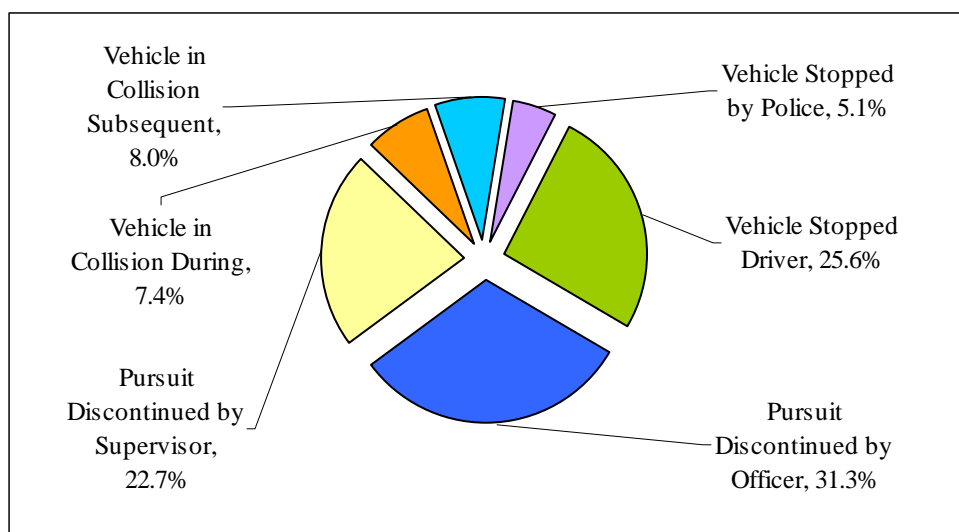
Service Procedure 15-10 outlines that officers in a non-emergency vehicle shall not engage in a pursuit unless an emergency vehicle is not readily available and the officer believes that it is necessary to immediately apprehend an individual in the fleeing vehicle or to identify the fleeing vehicle or an individual in the vehicle. Of pursuits initiated, officers were in unmarked vehicles in 1.7% of pursuits compared to 2.4% in 2007 and 3.9% in 2006.

Results of Initiated Pursuits

During 2008, supervisors terminated 22.7% of pursuits that were initiated, a decrease from 23.5% the previous year. Involved officers discontinued 31.3% of initiated pursuits, an increase from 25.3% in 2007.

In 5.1% of initiated pursuits, officers were able to stop suspect vehicles using specific techniques (e.g. rolling block, vehicle pinned, etc.), comparable to 2007. In 25.6% of pursuits initiated the vehicle was stopped by the suspect, an increase from 24.7% in 2007. The results of initiated pursuits are indicated in chart 5.2 below.

**Chart 5.2 – Results of Initiated Pursuits
January to December 2008**



Collisions and Pursuit Related Injuries

The number of pursuits resulting in collisions has decreased in 2008 to 27 from 36 in 2007. Collisions occurring during pursuits accounted for 48.1% of collisions while 51.9% occurred subsequently to pursuits.

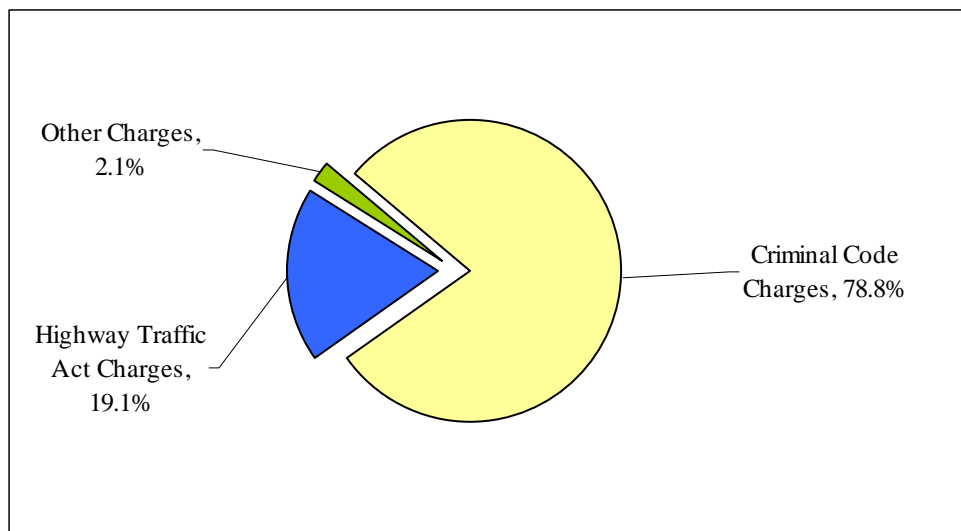
During 2008, 17 people received injuries as a result of initiated pursuits: 8 persons in pursued vehicles, 7 police officers, and 2 third party persons. The number of pursuits resulting in injury has decrease to 11 in 2008 from 15 in 2007 and 20 in 2006. There were no fatalities resulting from pursuits initiated in 2008, compared to 3 in 2007.

Charges Laid in Initiated Pursuits

During 2008, 106 people were charged with a Criminal Code offence and 41 with a Highway Traffic Act offence as a result of initiated pursuits, compared to 101 and 41 respectively in 2007.

A total of 524 charges were laid in 83 pursuits, compared to 492 charges in 88 pursuits during 2007. Criminal Code charges represent 78.8% of the total charges laid compared to 78.3% in 2007.

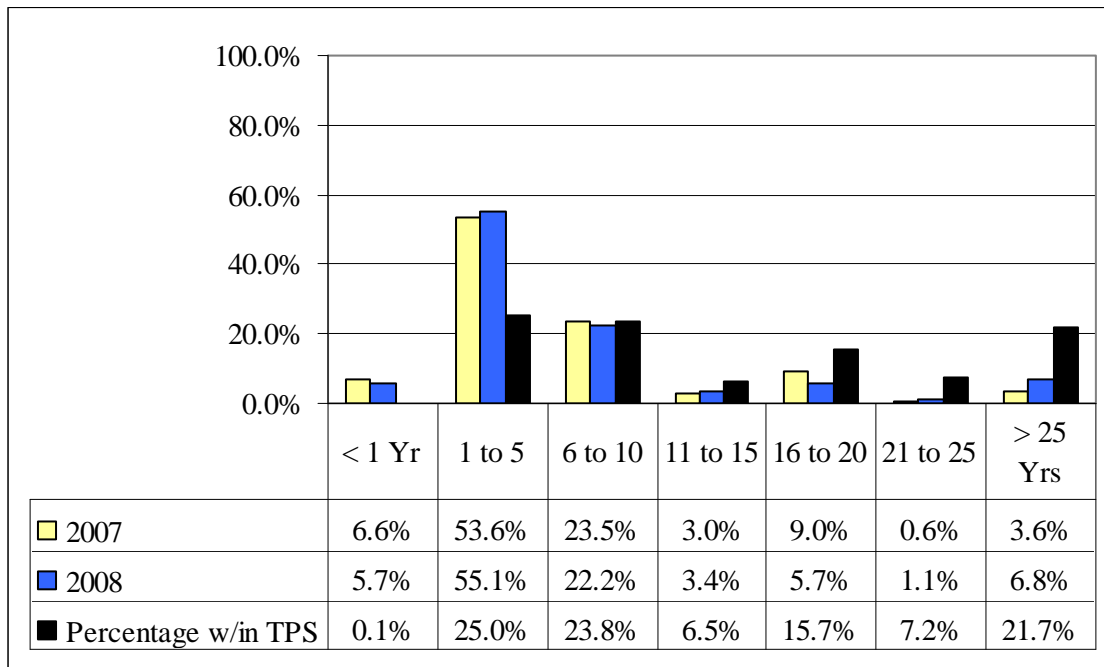
**Chart 5.3 – Types of Charges Laid
January to December 2008**



Years of Service

In 2008, TPS officers with less than 1 year of Service initiated 10 pursuits representing 5.7% of the total pursuits initiated, a decrease from 6.6% the previous year. Officers with 1 to 5 years of Service initiated 55.1% of pursuits, compared to 53.6% in 2007. Chart 5.4 illustrates the years of Service of subject officers in initiated pursuits.

**Chart 5.4 – Years of Service of Subject Officer vs. Service Wide
January to December 2007 - 2008**



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 (Taser): The taser is utilized as a demonstration only and does not make contact with the subject. The taser 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 (Taser): The taser is utilized by direct contact with the subject and the current applied; the probes are not fired.

Full Deployment (Taser): The taser is utilized by discharging the probes at a subject and the electrical pulse applied.