

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

30 May 2022 / 30 mai 2022

Submitted by / Soumis par:

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SUBJECT: ANNUAL USE OF FORCE REPORT FOR 2020

**OBJET: RAPPORT ANNUEL DE DONNÉES SUR L'EMPLOI DE LA FORCE:
2020**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board receive this report for information.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa prenne connaissance du présent rapport à titre d'information.

BACKGROUND

Canada is not yet a post-racial society which has completed the long journey to equality of opportunity. Many within our own community continue to experience prejudice and discrimination. It can surface as graffiti on places of worship, violence in the streets, symbols of hate at protests, or systemic racism in employment and service delivery within organizations nationwide, including policing. It can cause a unique and indelible pain for the individual and communities affected - and it has no place in any civilized society.

This report includes the results of the Ottawa Police Service's (OPS) data collection related to Use of Force instances with respect to race – in alignment with new legislative requirements which came into effect January 1, 2020.

The impact of Use of Force on racialized communities is a critical issue for police services – one that must be addressed. As part of the OPS’ strategic priority to advance Equity, Diversity, and Inclusion (EDI), both within the organization and in service delivery to communities across Ottawa, data collection on Use of Force – as well as subsequent analysis and interpretation – is, and will continue to be, a top priority for the organization.

Given this, we have once again engaged Dr. Foster and Dr. Jacobs to guide critical analysis of the data collected with respect to instances of Use of Force. The results of their analysis highlights disproportionality for some communities – particularly for Black and Middle Eastern communities.

This is unacceptable.

The OPS is committed to working with our community partners to improve community safety and well-being by demonstrating a duty of care for all citizens. This includes putting into action the recommendations contained in this report.

The Community Equity Council (CEC) was instrumental in reviewing the analysis in order to provide important input for this report and formulating the recommendations.

DISCUSSION

In conformance with the Board’s policy requirement for an annual Use of Force report, this report provides an overview of the:

- 1) The role of the Professional Development Centre (PDC) in managing the Use of Force procedures and training requirements;
- 2) The 2020 Use of Force Report key analysis and findings by Dr. Lesley Jacobs and Dr. Lorne Foster; and
- 3) The response to the report’s findings and recommendations.

1. Role of the Professional Development Centre and Use of Force Requirements

The PDC is responsible for ensuring that all sworn members are trained and certified in Use of Force. This also includes monitoring qualification status, reviewing each Use of Force Report, and reporting annually. The PDC monitors compliance with Use of Force policy and delivers the training curriculum mandated by provincial legislation which includes the Ontario Use of Force Model. The authority to use reasonable force when necessary is central to the duties of a police officer:

- The Ontario Use of Force Model (2004) is a graphical representation of the various elements involved in the process by which a police officer assesses a

situation and acts in a reasonable manner to ensure both officer and public safety.

- The model assists officers and the public to understand why, and in what manner, an officer may respond with force. As an aid to training, the model promotes continuous critical assessment and evaluation of each situation and assists officers to understand and make use of a variety of force options to respond to potentially violent situations.
- The model is not intended to serve as a justification for officer Use of Force nor does it prescribe specific response option(s) appropriate to a situation, it does provide a valuable framework for understanding and articulating the events associated with an incident involving officer Use of Force.

In addition, PDC works with police and community subject matter experts to coordinate related human rights and EDI training, which has increased significantly in recent years. Some key 2020-2021 training includes Indigenous cultural awareness and Anti-Black racism learning sessions.

PDC is also responsible for the collecting, reviewing, and submitting the Use of Force incident reports to the Ministry of the Solicitor General (the Ministry). PDC captures and compiles the relevant disaggregated information from these reports for the reporting purposes and to highlight trends.

Use of Force Training

An OPS recruit will receive more than 1,600 hours of training, prior to their first shift. This includes over 500 hours on Use of Force training, with a strong focus on communication skills and de-escalation techniques. In addition to this initial recruit training, officers receive annual requalification Use of Force training. Annual Use of Force training includes a full day of training which consists of lectures, tabletop exercises, ethics and human rights, and scenario-based training.

De-escalation and Communication Training

For several years, the OPS has been working to increase de-escalation and training for all officers, from recruits to veterans. The de-escalation training assists officers in calming a situation using officer presence and communication. In January 2014, the OPS PDC added three and half hours of communication and de-escalation training to the Use of Force requalification training. While communication and de-escalation has always been a component in yearly training, the additional, focused training is intended to act as a refresher on working with people in crisis, including cases involving mental

health issues, as well as introduce a model to assist officers in articulating why and how they responded to an individual in crisis.

Human Rights and EDI Learning

Significant human rights and EDI learning modules and workshops have been introduced to OPS members in recent years. Some of the 2021-2022 training for members includes:

- Anti-Indigenous racism and Indigenous cultural awareness with a five-part learning series;
- Call it Out! Understanding Systemic Racism training module from the Human Rights Commission;
- Trauma informed awareness training;
- Anti-Black Racism learning sessions; and
- Bystander training.

A more fulsome description of human rights and EDI Learning is included in the Annual Report: Human Rights and Racial Profiling Policy, submitted to the Board May 30, 2022.

2020 Use of Force Incident Reports and 2020 statistics

Regulation 926 s.14.5 of the Police Services Act (PSA) sets out the requirements in relation to Use of Force, including: approved weapons, training, reporting, and technical specifications for available use of force options. In accordance with the PSA, officers are required to submit a Use of Force Report when a service member:

- Draws a handgun in the presence of a member of the public, points a firearm at a person or discharges a firearm;
- Uses a weapon other than a firearm on another person; or
- Uses physical force on another person that results in an injury requiring medical attention.

In 2020, OPS officers were dispatched to nearly 220,700 calls. These calls resulted in nearly 8,000 arrests and slightly more than 2,000 mental health apprehensions (MHA). In 2020, there is a total of 348 reported incidents of Use of Force involving 427 subjects. Of the 348 incidents for 2020, 40 were for Mental Health Apprehensions, 36 were for Warrants, 13 were for Suspicious Persons, 50 were for Disturbance Calls, and 95 were for Weapons Calls.

A single incident may require more than one level of force. This is reflected on the Use of Force report. For example, an initial response may only require soft physical control (e.g. empty hands). As the incident evolves the officer may transition to an intermediate weapon (e.g. Conductive Energy Weapon (CEW)) to gain control. The reports capture both force options employed, and the sequence in which they were used.

Once completed by incident officers, Use of Force reports are submitted to the PDC Chain of Command and then to the Use of Force Analyst. Each report is reviewed for completeness and statistical data is verified before it is submitted to the Ministry (as required by legislation).

New Race Based Data Collection Requirements

In 2020, the Ministry added the category of perceived race to the Use of Force form. When involved in an incident where a Use of Force report is submitted, members of a police service are required to report on their perception of the subject's race. It should be noted that subjects included on the report do not necessarily reflect only those directly present in the application of force, but all subjects present in the incident.

The information is monitored by the Ministry (Ontario's Anti-Racism Data Standards) to ensure consistent and effective practices are in place, The Ministry is expected to release 2020 findings later this year. The data allows for evidence-based decision making and helps ensure public accountability. The goal is to use the data to help address systemic racism and promote fair and equitable service delivery.

2. The 2020 Use of Force Report key analysis and findings by Dr. Lesley Jacobs and Dr. Lorne Foster

In their report titled "External Review: Race Data in Use of Force Reporting by the Ottawa Police Service, 2020," the research team, Dr. Lorne Foster and Dr. Lesley Jacobs, used a human rights lens to analyze the race data from the 2020 Use of Force incident reports.

Key Areas of Inquiry for the Race Data Reporting

Going beyond the policy and legislative requirements, the study examines four key areas of inquiry:

- A. USE OF FORCE INCIDENTS** – Are there disproportionately high incidences of Use of Force by the OPS for persons from different race groups, when compared with their respective populations in the City of Ottawa?
- B. OCCURRENCE TYPE** – Use of Force incidents are organized into occurrence types, principally Weapons Calls, Warrants, Disturbances, Mental Health Apprehensions, and Suspicious Persons. Are there patterns in the race data about these incidents?

C. USE OF FORCE OUTCOMES – The outcomes in Use of Force incidents range in seriousness, with the most serious involving the discharging of a taser and pointing and discharging a firearm. Did racialized subjects experience disproportionately high incidences of these serious outcomes in 2020?

D. TRIGGERS FOR USE OF FORCE INCIDENTS – Use of Force incidents by police are often associated with two types of triggers, the subject possessing a weapon or the subject’s aggressive behaviour during the incident. Are there patterns in the data set on these two types of triggers?

These questions and findings are discussed in detail in the report “External Review: Race Data in Use of Force Reporting by the Ottawa Police Service, 2020,” and are summarized immediately below.

Report summary

Out of 220,700 calls requiring police presence in 2020, there were 348 incidents requiring use of force involving 427 subjects. As the requirement to collect race data began on January 1, 2020, comparisons to previous years are unavailable; however, the first-year results do highlight disproportionality for some communities – particularly for Black and Middle Eastern communities.

- Individuals perceived to be Black by officers, were involved in Use of Force incidents 4.8 times more than would be expected (118 / 427 subjects were perceived as Black).
- Individuals perceived to be Middle Eastern were involved in Use of Force incidents 2.4 times more than would be expected (50 / 427 subjects were perceived as Middle Eastern).

These numbers are consistent with the experience of other police service across Canada. Indeed, police services must work to better understand and address the disproportionate use of force against racialized members of the communities they serve. This includes improving and expanding data collection with a view to better understand the context of Use of Force incidents – and other police-citizen interactions – to develop impactful solutions to these systemic issues.

Recommendations and Response

The findings of the Use of Force Report 2020 are an important step forward for the OPS on public reporting and analysis of race data for Use of Force incidents.

The CEC, the Service and the Researchers have identified the following four recommendations:

- 1) Develop, in partnership with the community,
 - a) Race Data Collection Strategy which includes: policy directives for a user-friendly, integrated approach that supports the collection of race data (and other demographics and variables) for the full range of OPS-community member interactions.
 - b) Prompt and transparent public reporting by the OPS of race-related findings.
 - c) Collaborative analysis and problem solving to respond to areas needing improvement.
 - d) Performance targets to reduce racial disparities in OPS service responses.
- 2) Increase data type/sources beyond what is required by the Ministry of the Solicitor General to deepen our understanding of Use of Force incidents.
- 3) Improve the links between Use of Force data and other OPS databases for reporting and analysis.
- 4) Leverage Use of Force race data analysis findings to promote equitable and value-based decision making, policies and practices.

Acknowledgement & Commitment to Action

The OPS recognizes the disproportionate findings in the 2020 Use of Force report provided by Dr. Jacobs and Dr. Foster. The disproportionate results continue to reflect long-standing and unresolved systemic racism and related intersectional issues that are still found in the justice system, other institutions, and our larger society. The OPS is committed to working with community partners to bring about meaningful change.

EDI Action Plan Priority Work to Address Systemic Racism

Identifying and addressing systemic racism and racial profiling is a priority action item in the OPS EDI Action Plan – an organizational action plan focused on promoting culture change and addressing systemic racism and racial profiling with policy, process, business practice, and training improvements.

A more fulsome description of EDI Action Plan work is included in another report to the Board on May 30, 2022, titled “Annual Report: Human Rights and Racial Profiling Policy.”

Next Steps – Joint Action Planning

In the pursuit of professional and equitable policing to the diverse communities we serve, the Police Service will continue to work with provincial and local partners like the Community Equity Council and Equity Ottawa to develop a larger policy framework for the collection, analysis and reporting of social identify and race-based data. The OPS’ EDI Section will lead this effort as part of the EDI Action Plan work.

CONSULTATION

The OPS is grateful to the research team and the CEC for its assistance in preparing this report and its recommendations. In order to move on to the next steps, as outlined in this report, it is important that the results are communicated with a wide range of community groups, especially racialized residents, community leaders and coalitions.

As briefly outlined in this report, next steps will involve significant community engagement and planning. This includes continuing to work closely with the CEC to create a dedicated Community Review Panel to evaluate and advise on the Use of Force applications, data analysis, and the implementation of recommendations.

The OPS will also continue working closely with provincial and federal committees, focused on improving race-based data collection and analysis in delivery of professional and equitable policing services.

FINANCIAL IMPLICATIONS

There are no new financial implications, as the costs for the research analysis work and the new data specialist is included in the OPS 2021 and 2022 operational budgets.

SUPPORTING DOCUMENTATION

The supporting documentation for this report is the “External Review: Race Data in Use of Force Reporting by the Ottawa Police Service, 2020.”

CONCLUSION

While the OPS has championed pioneering work to address systemic racism and racial profiling that has informed policy and legislation in Ontario, we know we have so much more work to do. The OPS recognizes the disproportionate findings in the 2020 Use of Force study provided by Dr. Jacobs and Dr. Foster.

As outlined in this report, the OPS is committed to continuing to work collaboratively with the community to bring about meaningful change.