

**Police Shootings in Ontario:
How Social, Psychological and
Situational Factors Lead to Pulling the Trigger**

by

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Abstract

Police use of deadly force has long been a source of public and governmental concern. This thesis examines the social, psychological and situational factors associated with police shootings in Ontario during the period from January 2004 to December 2012. Police firearm discharge data from Ontario's Special Investigations Unit is examined from a qualitative and quantitative perspective. An examination of the data reveals that police responding to domestic violence calls led to the largest proportion of police shootings, followed by robberies. The majority of police shooting victims were male and armed with edged weapons. Mentally ill individuals showed a significantly higher risk of being killed in police shootings than non-mentally ill individuals. This thesis discusses the implications of these findings for police training and policy. More resources should be made available towards de-escalation and mental health training for police officers. Non-lethal weapons such as Tasers should be deployed to more frontline officers to provide alternatives to deadly force. The implications of these findings for Ontario's civilian police oversight agency are also discussed. The Special Investigations Unit should make more of its findings available to the public, such as ethnographic data.

Keywords: police use of deadly force; police shootings; Special Investigations Unit, civilian oversight of police; Province of Ontario

To Nonna

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List of Acronyms

CCC	Criminal Code of Canada
CMU	Crowd Management Unit
CPR	Cardiopulmonary Resuscitation
DC	Detective Constable
ETF	Emergency Task Force
ERT	Emergency Response Team
GTA	Greater Toronto Area
MUC	Montreal Urban Community/Cummunauté Urbaine Montréal
NAPS	Nishnawbe-Aski Police Service
OPP	Ontario Provincial Police
PC	Police Constable
PSA	Police Services Act
RCMP	Royal Canadian Mounted Police
SWAT	Special Weapons and Tactics
TPS	Toronto Police Service
TRU	Tactics and Rescue Unit

Chapter 1.

Introduction

The police play a vital role in society ensuring public safety and the continuance of an ordered, functioning society (Fyfe, 1988). In the course of policing incidents where police officers need to use deadly force to protect their lives and those of the public may arise (Geller & Scott, 1992). Such incidents usually occur in situations of extreme stress where officers need to make decisions within seconds and with little information (Parent, 2006; Mitchell & Flin, 2007). As such, police officers are entrusted with the ability to take life, giving them more power than any other public servant (Fyfe, 1988). Nonetheless, police shootings remain the most controversial aspects of policing. Police shootings may lead to many negative consequences such as loss of legitimacy, public distrust and anger and towards law enforcement (Engel & Smith, 2009; Geller & Scott, 1992; Terrill, 2009; White, 2006). Police shootings have been receiving ever greater attention from the media, thereby increasing public awareness of such events (MacDonald et al., 2003). The popularity of social communication technologies such as Twitter, Reddit, Facebook, not to mention the proliferation of citizens with cell-phone video cameras, may be contributing to the growing visibility of such events, though research in this area is lacking.

Police shootings are rare events in most Western countries. Previous research has shown that citizens experience the use of force or the threatened use of force in approximately 1.9% of all police-citizen encounters (Eith & Durose, 2011; Greenfeld et al., 1999). In the US between 2007 and 2012, an average of 396 people a year are killed by law enforcement officers (United States Department of Justice, 2011). In Australia, 17 people were shot by police between 2007 and 2011 (AIC, 2013). There was an average of 12 fatal police shootings a year between 1999 and 2009 in Canada (Parent, 2011). Recent U.S. studies have examined the rate of police shootings and have found that the

trend is mostly stable or even declining slightly when taking population growth into account (Prenzler, et al., 2013; White & Klinger, 2012). Unlike the United States, there are no governmental organizations in Canada (such as Statistics Canada or the Department of Justice) that tabulate data pertaining to the police use of deadly force which makes it difficult to speculate on the frequency of such incidents.

Police shootings can have serious consequences for the officers involved, the victims who are shot, and the community at large. For example, Geller and Scott (1992) noted that police shootings have grave consequences including the “loss of life and bereavement, risk to an officer’s career, the government’s liability to civil suits, strained police-community relations, rioting and all the economic and social crises that attend major civil disturbances” (p.1). The repercussions from police shootings include public distrust, strained community relations as well as civil disobedience and riots (Engel & Smith, 2009; Geller & Scott, 1992; National Advisory Commission on Civil Disorders, 1968; President’s Commission on Law Enforcement and Administration of Justice, 1967). Public distrust can negatively impact the ability of police to carry out their duties, for public support is indispensable for successful policing (Bell, 1979; Jefferis, Butcher, & Hanley, 2011; Zamble & Amnesley, 1987). There are also significant financial burdens involved due to the costs of potential lawsuits as well as the investigation of grievances by those affected (Porter & Prenzler, 2012). The media’s tendency to overemphasize isolated shooting incidents or report only the contentious aspects of a shooting incident can distort the public’s view of police and lead them to believe they abuse their powers (Kasinsky, 1995; Terrill, 2009). Police shootings have in the past resulted in civil disobedience linked to perceived mistreatment or inequality (Martinot, 2013). Reducing police shootings would help bolster the public’s confidence in its police service.

There is a growing awareness that people who are suffering from mental illness or are beset by suicidal thoughts are being killed by police rather than dangerous criminals (Braidwood Commission, 2009; Mental Health Commission of Canada, 2010; Mills, 2012; Parent, 2011). Police have been encountering individuals suffering from illnesses such as schizophrenia and drug addiction due to the widespread de-institutionalization that took place in the latter half of the 20th century (Wilson-Bates, 2008). Oftentimes, those suffering from mental illness can exhibit symptoms that police officers would perceive as a threat and use deadly force to protect themselves and

others (Parent, 2011). Suicidal individuals who are reticent of taking their own lives have also instigated police to shoot them, a process known as 'suicide by cop' or victim-precipitated homicide (Parent, 2004; Parent, 2011). Recent research has revealed that police are devoting more and more resources to dealing with violent and deranged individuals yet they are not receiving the necessary training to safely deal with these types of individuals (Parent, 2011). Victim-precipitated suicide at the hands of police has been a cause for concern to the community and police services. It is imperative to examine and understand these incidents so as to devise ways in which individuals suffering from mental illness and suicidal ideation are not involved in police shooting incidents. Police must be trained specifically to deal with unstable, deranged individuals. Enhancing police tactics to deal with those suffering from mental illness could potentially help reduce the police use of deadly force.

There has been relatively little research done into the use of deadly force in Canada (Parent, 1996, 2004). The bulk of research on police shootings in Canada has used data from the province of British Columbia (Parent, 1996, 2004, 2011). In fact, most research in the area of police shootings and the use of deadly force in general has been concentrated in the United States (Barton, Vrij, & Bull, 1998). American research, though helpful in understanding the root causes of police shootings, is not fully applicable to the other countries due to social and legal differences (Barton, Vrij, & Bull, 1998). For example, compared to Canada, violent crime rates, personal firearm ownership, and justifiable homicides are all much higher in the US than in Canada (Parent, 2006). As such, different factors may account for police shootings in Canada.

The lack of research on police shootings in Canada is problematic as it hinders the ability to take steps to improve training and reduce the occurrence of deadly force encounters. It also leaves academics, the public and even the police itself unaware of the regularity and complexities involved in deadly force encounters. There are many difficulties in conducting research into the use of deadly force by police due to the rarity of these events, the difficulty in acquiring accurate information as well as the complexity of deadly force incidents (Barton, Vrij, & Bull, 1998; FitzGerald & Bromley, 1998; Perkins & Bourgeois, 2006). Pinizzotto et al. (2007) characterized this complexity as a 'deadly mix' which is comprised of the officer and suspect's actions and perceptions as well as the circumstances surrounding the incident. These events occur quickly and officers are

forced to act with minimal information. Police officers' decision to use deadly force and discharge their firearm can be influenced by officer characteristics (i.e. age, experience of officer), suspect characteristics (i.e. demeanor, age, aggressiveness) and situational variables (i.e. time of day, weather conditions, location) to varying degrees (Pinizzotto et al., 2007; White, 2002). Caution must be used when attempting to make conclusions from these events. Each police shooting incident is unique in nature and generalizing, even with a large amount of data, must be done carefully.

The overall lack of Canadian research on police shootings also applies to Ontario, the most populous province in Canada. This thesis will qualitatively and quantitatively analyze fatal and non-fatal police shootings that have been investigated by Ontario's civilian police oversight agency, the Special Investigations Unit (SIU), between January 2004 and December 2012. This thesis explores the social, psychological, and situational factors that lead to police shootings in Ontario between 2004 and 2012. To do so, 132 police shooting incidents are examined. Social and situational factors such as the time and place of police shootings are examined. Other situational factors such as the reason for the initial police response and the presence of weapons and their effect on police shooting behaviour are also examined. Psychological factors such as schizophrenia, depression, and other mental illnesses are explored to probe how they relate to police shootings.

The Special Investigations Unit is responsible for investigating all incidents in Ontario where serious bodily harm or death has occurred as the result of police action (SIU, 2011). The data used in this thesis were acquired by using publicly available investigation summaries released by Ontario's civilian police oversight agency, the Special Investigations Unit. There are two main sources of publicly available information published by the SIU. The first consists of annual reports that include a sample of the investigations the SIU conducted and the results of these investigations. These annual reports contain descriptive data outlining the number and type of serious incidents investigated as well as the region in which these incidents occurred. Additionally, the annual reports contain a performance review of SIU investigations that measures the time needed for SIU investigators to reach the scene under investigation and the time it took to close an investigation. The second source of public information released by the SIU is the investigation summaries that contain the results of the investigations into

cases of serious wrongdoing by police. They are published as soon as the investigation is concluded. These summaries include an overview of the incident and the SIU's conclusions about the incident. This thesis used the investigation summaries of police shooting incidents as the main unit of analysis.

Ontario has 26,274 police officers staffing all levels of law enforcement (OPC, 2007; StatsCan, 2012). They are organized on a municipal, provincial, and federal level. Ontario has the highest overall number of police officers than any other province in Canada (StatsCan, 2013). Ontario spent over 4.3 billion dollars on policing at the municipal and provincial level in 2011 (StatsCan, 2013). This represents almost half of the total amount spent on policing in Canada (StatsCan, 2013). Ontario currently has the eighth highest number of police-per-capita at 195 officers per 100,000 out of thirteen provinces and territories (StatsCan, 2013). This is approximate to the average police-per-capita in Canada of 199 officers per 100,000 (StatsCan, 2013). Out of Canada's thirteen provinces and territories, Ontario ranks last in the number of incidents-per-officer which is indicative of an officer's workload (StatsCan, 2013). There are about 58 municipal police forces within Ontario that encompass 20,539 officers (Ministry of Community Safety and Correctional Services, 2011; StatsCan, 2013). There are currently 4,266 Ontario Provincial Police (OPP) officers in Ontario (StatsCan, 2013). The Royal Canadian Mounted Police, in charge of enforcing federal laws, have 1,377 officers in the province (StatsCan, 2013). There are also nine First Nations Police Services which are responsible for law enforcement in First Nations lands (Ministry of Community Safety and Correctional Services, 2011).

Currently, the SIU does not provide a detailed analysis of police shooting incidents in Ontario to the general public. This thesis intends to compile the SIU's publicly-available data on police shootings and provide detailed information on the situational, social and psychological aspects of police shootings. This thesis will also discuss the effectiveness of the Special Investigations Unit and provide suggestions as to how to improve its work for the purpose of reducing police firearm discharges. Implications of these analyses and how they relate to policy and police training are discussed. The goal of this thesis is to help shed light on the phenomena of police shootings in Ontario and provide insight into how these complex events occur. By doing so, policy, police training, and the manner in which police are held accountable can be

improved to help reduce the occurrence of police shootings and the damage they cause. Greater understanding of police shootings can help improve oversight and accountability which in turn helps further reduce the occurrence of police shootings.

The next chapter contains an examination of the many theoretical frameworks that have been proposed over the last 60 years to explain the dynamics involved in deadly force incidents and police violence. These range from macro-level sociological theories to micro-level psychological theories (Jacobs & O'Brien, 1998; MacDonald et al., 2003; White, 2003). These frameworks help guide research and provide direction when examining data. The chapter will also explore the structure of policing in Ontario and the laws regarding use of force. The mandate, role, and structure of the Special Investigations Unit will also be discussed. Canadian legal cases involving the police use of deadly force will also be reviewed. The third chapter will detail the methods used to analyze the data that were collected for this thesis. It will also discuss the qualitative and quantitative analyses used to examine the data. The fourth chapter will contain the findings of the qualitative and quantitative analyses. Significant findings are discussed in this chapter as well as their possible meaning. Finally, the fifth chapter will discuss the implications and recommendations to be taken from this thesis. Recommendations for the police as well as the SIU will be put forth. The limitations of this thesis will also be discussed as well as areas of future research.

Chapter 2.

Theories of Violence and the Police Use of Deadly Force in the Province of Ontario

There have been many theoretical frameworks proposed over the last 60 years to explain the dynamics involved in police use of deadly force incidents. These range from macro-level sociological theories to micro-level psychological theories (Jacobs & O'Brien, 1998; MacDonald et al., 2003; White, 2003). These frameworks help guide research and provide direction when examining data.

Macro-level Theories of Violence

Geller and Scott (1992) assert that societal forces have the largest impact on the level of violence in a community and subsequent use of force by police. They note that social factors such as low opportunity, racism, poverty, demographic transitions, as well as population density influence the rate of homicide which in turn will affect the amount of force used by police in a given area. This theory has its roots in the Chicago School of criminology which pioneered the study of inner urban areas and the factors that played a role in crime. Research has confirmed over more than 50 years the link between social measures such as those identified by Geller and Scott (1992) and crime rates as well as its impact on police use of deadly force.

Police officers, and their decision to use deadly force, are influenced by the surroundings in which they work. Research has found that an area's overall homicide rate is linked to greater use of force by police. This finding has been replicated numerous times using different data sources and is one of the most established empirical findings of police use of deadly force research (Alpert, 1989; Fyfe, 1980, 1988;

Jacobs & O'Brien, 1998; Kania & Mackey, 1977; Macdonald et al., 1999; White, 2002, 2003).

The 'subculture of violence' theory is often used to explain violence which is applicable to police use of deadly force. It stipulates that there are various subcultures that "support and encourage the overt use of force in interpersonal relations and group interactions" (Wolfgang & Ferracuti, 1967). The police spend much of their time interacting with these subcultures which leads to the use of deadly force in some of their encounters with citizens.

Langworthy (1986) reviewed literature concerning police-citizen interactions and posited three potential theories as to why the use of deadly force by police occurs. The first is called Brutalization theory and states that the use deadly force by police on citizens leads to a greater willingness by citizens to use violence. The second theory is the Political Threat theory which posits that the police use of deadly force and the general homicide rate are not related at all but are a result of social inequalities and the tendency of police to focus its efforts on the less fortunate (Jacobs & O'Brien, 1998). The third and most widely accepted is the Danger Perception theory that describes that when officers find or perceive themselves to be in high-risk areas they will have a greater willingness to use deadly force (Fyfe, 1980; Kania & Mackey, 1977; MacDonald et al., 1999; Sherman & Langworthy, 1979).

Parent (2006b) conducted an in-depth examination of shooting incidents found that this danger perception can be important in keeping officers safe. Many officers have been killed by taking a higher level of risk by attempting to resolve a situation without using their firearm. Police officers develop a perceptual shorthand designed to quickly determine if an individual is a threat. Skolnick & Fyfe (1993) found that police use a 'perceptual shorthand to identify certain kinds of people as symbolic assailants' (p.97). This perceptual shorthand is an essential tool for police, as many officers have been killed in situations that they perceived as being routine (Pinizzotto et al, 2000).

The manner in which an officer's perceptual shorthand is used can have an immense impact on officer-citizen interactions; should the officer feel threatened they may be more willing to use force. Pinizzotto et al. (2000) found that officers must use

caution when dealing with those who are physically unimposing, females, or those whom they have previous experience with for the officer may be lulled into a false sense of security. The researchers found that offenders also use a perceptual shorthand to determine when it may be advantageous to attack, especially if the officer shows indecision (Pinizzotto et al., 2000). Caution must be used when using this technique in a policing environment, as there is a risk that officers may erroneously attribute threatening behaviour to a citizen which could lead to unnecessary force being used. Another potential shortfall of using perceptual shorthands is the possibility that such techniques devolve into racial profiling.

Micro-level Theories of Violence

Proponents of the interactional theory of violence state that violent incidents are the product of the interaction between the actors involved (Bayley, 1986; Best & Luckenbill, 1982; Binder & Sharf, 1980; Hannon, 2004; Sykes & Brent, 1983; Terrill et al., 2003). The use of deadly force by police is viewed as a by-product of the interaction process between the police officer and citizen. The act of one participant precipitates that of the other, which can eventually result in the officer using deadly force. A number of studies have shown that violent encounters such as murders are the result of a sequential number of interchanges between an offender and a target (Best & Luckenbill, 1982; Binder & Sharf, 1980). Hannon (2004) found evidence to suggest that some homicides are characterized by the victim taunting the shooter until deadly force is used. Researchers have theorized that the tone that is set early in a police-citizen encounter can have an impact on the outcome (Bayley, 1986; Sykes & Brent, 1983). Terrill et al. (2003) found in an observational study of police-citizen encounters that when force is initially applied by either the officer or the suspect, there will be a greater tendency to use more force later on. Encounters that did not begin with the use of force tended to end peacefully as well (Terrill et al., 2003). This suggests that the interactional process between an officer and citizen can have an impact on the use of force by police.

Situational components in police-citizen encounters can greatly impact whether force is used by police. White (2006) defines situational components of a police-citizen encounter as including "citizens' demeanor, the number of suspects present, and the

presence of a weapon” (p.306). Other situational aspects that have influenced police shooting behaviour include the officer’s age, the visibility of the situation [i.e. encounter occurring at night rather than day], as well as decisions made earlier in the police-citizen encounter (Binder & Scharf, 1980; Blumberg, 1989; Friedrich, 1980; Fyfe, 1986; White, 2006). It has also been found that factors such as temperature and noise levels can impact how police interact with citizens (Mitchell & Flin, 2007; Vrij, Van Der Steen, & Koppelaar, 1994, 1995). All police shootings are unique in that no two instances of deadly force will share all of the same characteristics. Parent (1996, 2004) emphasized that officers in dangerous situations often have to react quickly and with little opportunity for planning as they often must abruptly change their course of action. Researchers have confirmed that many police-citizen encounters can deteriorate into an incident where deadly force is used within mere seconds (Geller & Scott, 1992; Schade & Bruns, 1989; Tobin & Fackler, 1997, 2001). Van Maanen (1980) states the situational nature of police use of deadly force succinctly: “when they [police] do kill, it is usually without grand logic or pre-formulated strategy, but as an individualized response to an immediate, particular, and always peculiar situation” (p.146).

Police officers often experience perceptual distortions when they find themselves in deadly force situations, which can further erode their ability to correctly perceive what truly constitutes a threat (Klinger & Brunson, 2009; Parent, 1996; Terrill, 2009). Once an officer responds in the automatic manner in which they have been trained it can lead to deadly results. Perceptual distortions are common in situations of life-threatening stress, where one will have a ‘flight-or-fight’ experience that can result in intense physiological and physical effects (Murray & Zentner, 1975).

An extensive literature review by Parent (2006b) reported that “the police use of deadly force is best explained by the exposure of police personnel to dangerous persons and places” (p.235). Jacobs & O’Brien (1998) conducted a study that found that police shootings were more likely to occur in areas with high rates of violent crime and areas where perceived risk was high. Parent (2006b) summarized these findings by stating that officers will be more likely to use deadly force when they find themselves in violent or dangerous situations. Recent deadly force incidents in Ontario and Quebec strongly support the importance of the interactional nature of police shootings (Parent, 2004). Mirroring the statements of the Deputy Chief Coroner of Ontario, Parent (2004) found

that “the actions of a victim frequently precipitates the acts of the police officer, ultimately escalating the conflict until a police shooting occurs” (p.313). Parent (2004) notes that instances of officers being baited into an impossible situation where they must use deadly force is more common than previously thought and that this may be occurring in Ontario. Parent’s (2004) research also found that there is a growing trend in British Columbia where the irrational behaviour of mentally ill people is leading to the occurrence of police shootings.

Crime opportunity theories are derived from the premise that offenders will evaluate the costs and benefits of a crime prior to committing it (Marsh, 2006). If the benefits outweigh the costs, they will most likely commit the crime. Routine activities theory (RAT) and its use of opportunity as a major component in criminal events can be adapted to the use of deadly force by police. Cohen and Felson (1979) pioneered routine activities theory, the basis of which states that convergences in space and time between an offender, a victim, along with the absence of a capable guardian leads to criminal events. Little has been done to try and link police use of deadly force and routine activities theory. Routine activities theory as it is currently conceived is not designed to explain the police use of deadly force. However, certain elements of the theory are useful in exploring the dynamics involved in these events. The emphasis of opportunity and cost-benefit analysis in the decision-making process are well-suited to being applied to police shootings. However, some of the main elements of the theory must be adapted to reflect its application to police. The element of a ‘capable guardian’ is removed as police officers themselves are the guardian. Police would instead take the place of the ‘motivated offender’. The citizen would take the role of the ‘suitable target’. Therefore, a police shooting opportunity theory would be comprised of a police officer (or multiple officers), an offender, as well as the surrounding environment. When these three elements come together in a certain manner, a police shooting opportunity may occur.

All police shootings are the result of an opportunity that emerged from the actions of the offender, the surrounding environment, and the officer involved. However, not all opportunities where these elements come together result in a police shooting. Police officers and citizens often converge in time and space over the course of a police officer's daily duties. Yet only in rare instances do police officers find themselves in

situations where the cost-benefit analysis warrants the discharge of their firearm. Many officers work their entire careers without the need, or opportunity in RAT terms, to discharge their firearm at an individual. This thesis will help shed light on the instances where police had to discharge their firearm to protect themselves or others.

A balanced theoretical approach is necessary when examining police shooting incidents. Police shootings cannot be examined solely from a macro or micro perspective, a multi-faceted approach is essential in order to fully understand these events. Macro and micro-level theories are best utilized together when examining police shooting data. The following section examines the structure of policing in Ontario as well as the legal framework that outlines the rules governing the use of force by police. The legislation that governs the use of force in in Canada will also be examined. Finally, five cases involving police officers in Canada who have been brought to court over their use of deadly force will be examined to understand the complexities of police shootings.

Policing in Ontario

Policing in Ontario is structured on a municipal, provincial, and federal level. There are approximately 58 municipal police forces within Ontario that encompass 20,539 officers (Ministry of Community Safety & Correctional Services, 2011; StatsCan, 2013). These range from the Toronto Police Service, with over 5500 sworn officers, to the St Thomas Police Service, with approximately 60 sworn officers (OPC, 2007). These local police services are able to adapt to their municipality's needs and provide community-oriented policing with a local focus.

The Ontario Provincial Police (OPP) is the largest deployed police force in Ontario and is comprised of 4,266 officers as well as 2800 civilian members (OPP, 2009; StatsCan, 2013). It was founded by a provincial Order-In-Council in 1909 to reduce spreading lawlessness after the discovery of precious metals in Northern Ontario (OPP, 2009). Its main duties include traffic enforcement, rural policing, major-case investigations, as well as training and assisting the policing of aboriginal territories. It is also responsible for investigating province-wide crimes and those that cross local jurisdictions (OPP, 2009). The OPP also conducts municipal policing for communities

that cannot afford their own police service; a task that represents 40% of its policing duties (OPP, 2009).

Policing aboriginal communities is a mandate of the OPP. Currently the OPP conducts policing for 19 First Nations communities throughout Ontario (OPP, 2009). They also help provide training and assistance to the nine dedicated First Nation Police Services (OPP, 2009). The largest of these is the Nishnawbe-Aski Police Service (NAPS). NAPS employs over 130 officers and is the largest First Nations police service in Canada (NAPS, 2009). First Nations Police are ideally suited to provide their communities with policing services, as they are composed primarily of Aboriginals who are sensitive to First Nations culture and needs.

Federal statutes and laws are enforced by Canada's national police force, the Royal Canadian Mounted Police (RCMP) (RCMP, 2012). The "O" Division of the RCMP has over 1500 members assigned to enforce federal laws throughout Ontario excluding the National Capital Region. Its focus includes organized crime, financial regulation, border enforcement and national security (RCMP, 2012). The National Capital Region, which includes Ottawa in Ontario as well as Gatineau in neighboring Quebec, falls under the jurisdiction of the newly formed National Division, formerly known as "A" Division of the RCMP. It conducts high-risk and highly sensitive investigations concerning economic crimes, corruption, counter-intelligence as well as crimes involving Canadians overseas (RCMP, 2013).

There are also a number of other police services which are not easily classifiable that serve throughout Ontario. They include municipal transit police services that enforce laws in municipal transit systems as well as the Canadian National Police and Canadian Pacific Police which enforce federal and provincial laws within 500 metres of their respective companies' railway property (CNRC, 2012; CP, 2012). Canadian Forces Military Police are also charged with enforcing local and provincial laws in Canadian Forces Bases, including enforcing the law to any civilians who are on Department of National Defence property.

Legislation Governing the Police Use of Force in Ontario

In Ontario, and all of Canada, legislation governing the use of force is set out in federal and provincial law, as well as organizational policies of each police service. The *Criminal Code of Canada (CCC)* delineates the circumstances under which the use of force, including deadly force, may be used by a law enforcement officer. Section 25 of the *Criminal Code* states that the police use force in the course of their duties is not obligatory. Whether or not force will be used in any given situation will depend on the unique circumstances of each encounter. Sections 25-33 of the *Criminal Code* codify the exemptions given to police from what would normally be criminal actions (i.e. the use of force) in order to protect them from criminal liability. Section 25 on Protection of Persons Administering and Enforcing the Law is the most important section as it clearly outlines the rules governing the use of force:

25(1)

Every one who is required or authorized by law to do anything in the administration or enforcement of the law

- (a) as a private person,
- (b) as a peace officer or public officer,
- (c) in aid of a peace officer or public officer, or
- (d) by virtue of his office,

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

25(2)

Where a person is required or authorized by law to execute a process or to carry out a sentence, that person or any person who assists him is, if that person acts in good faith, justified in executing the process or in carrying out the sentence notwithstanding that the process or sentence is defective or that it was issued or imposed without jurisdiction or in excess of jurisdiction.

25(3)

Subject to subsections (4) and (5), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless the person believes on reasonable grounds that it is necessary for the self-preservation of the person or the preservation of any one under that person's protection from death or grievous bodily harm.

25(4)

A peace officer, and every person lawfully assisting the peace officer, is justified in using force that is intended or is likely to cause death or grievous bodily harm to a person to be arrested, if

(a) the peace officer is proceeding lawfully to arrest, with or without warrant, the person to be arrested;

(b) the offence for which the person is to be arrested is one for which that person may be arrested without warrant;

(c) the person to be arrested takes flight to avoid arrest;

(d) the peace officer or other person using the force believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer, the person lawfully assisting the peace officer or any other person from imminent or future death or grievous bodily harm; and

(e) the flight cannot be prevented by reasonable means in a less violent manner.

Further guidance is given in Section 25(5) to those charged with administering the law when dealing with an escaping convict:

25(5)

A peace officer is justified in using force that is intended or is likely to cause death or grievous bodily harm against an inmate who is escaping from a penitentiary within the meaning of subsection 2(1) of the *Corrections and Conditional Release Act*, if

(a) the peace officer believes on reasonable grounds that any of the inmates of the penitentiary poses a threat of death or grievous bodily harm to the peace officer or any other person; and

(b) the escape cannot be prevented by reasonable means in a less violent manner.

This is what is colloquially known as the ‘fleeing felon’ rule. It states that it is lawful for a law enforcement officer to use as much force as necessary to stop a convict from escaping custody if it is perceived that the convict to be a threat to the officer or to the public at large.

Section 26 of *Criminal Code* states that law enforcement officers will be held criminally liable if they use excessive force in the course of their duties. Section 27 of the *Criminal Code* outlines the use of force permissible in the prevention of a crime. It states:

27 Every one is justified in using as much force as is reasonably necessary

(a) to prevent the commission of an offence

(i) for which, if it were committed, the person who committed it might be arrested without warrant, and

(ii) that would be likely to cause immediate and serious injury to the person or property of anyone; or

(b) to prevent anything being done that, on reasonable grounds, he believes would, if it were done, be an offence mentioned in paragraph (a).

Ontario Police Services Act

In the province of Ontario, the use of force by provincial and municipal police forces is additionally governed by the *Police Services Act* (PSA). This provincial legislation exists in addition to the general provisions in the *Criminal Code of Canada* to regulate the use of force in Ontario including police firearm discharges. For example, regulation 926 of the PSA outlines the requirements needed to be issued a firearm, the circumstances under which the firearm may be drawn and used, and the procedures to follow if a civilian is killed or injured by a police firearm discharge. The following regulations are followed by all police officers within Ontario:

Regulation 926

4. Before a firearm is issued to a member of a police force, the Commissioner or chief of police, as the case may be, shall satisfy himself

or herself that the member has successfully completed the training required by section 14.2 and is competent in the use of the firearm.

9. A member of a police force shall not draw a handgun, point a firearm at a person or discharge a firearm unless he or she believes, on reasonable grounds, that to do so is necessary to protect against loss of life or serious bodily harm.

9.1 Sections 3 to 9 do not apply to a member of a police force when engaged in a training exercise, target practice or ordinary weapon maintenance in accordance with the rules of the police force.

10. Despite section 9, a member of a police force may discharge a handgun or other firearm,

(a) to call for assistance in a critical situation, if there is no reasonable alternative; or

(b) to destroy an animal that is potentially dangerous or is so badly injured that humanity dictates that its suffering be ended.

11. (1) Unless otherwise directed by the board, the chief of police or a superior officer, a member of an Ontario police force as defined in the *Interprovincial Policing Act, 2009* who is accompanying and supervising an auxiliary member of the police force may issue to the auxiliary member a firearm, except a revolver, if he or she believes, on reasonable grounds, that they are entering into a situation in which it is necessary that the auxiliary member be armed to protect against loss of life or serious bodily harm.

(2) Sections 4 to 10, 12 and 13 and 14.2 to 14.5 apply to an auxiliary member to whom a firearm is issued under subsection (1).

12. If a member of a police force, other than the Commissioner or chief of police, unintentionally or intentionally, except on a target range or in the course of ordinary weapon maintenance, discharges his or her firearm,

(a) the Commissioner or chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances, if the individual is a member of an Ontario police force as defined in the *Interprovincial Policing Act, 2009*; or

(b) the appointing official or local commander who appointed the member under the *Interprovincial Policing Act, 2009*, as the case may be, shall, if the member is a police officer appointed under that Act, immediately cause an investigation to be made into the circumstances and a report on it to be submitted to the extra-provincial commander of the officer.

13. (1) If a member of a police force, other than the Commissioner or chief of police, by the discharge of a firearm in the performance of his or her duty, kills or injures another person,

(a) the Commissioner or chief of police, as the case may be, shall immediately cause an investigation to be made into the circumstances, if the individual is a member of an Ontario police force as defined in the *Interprovincial Policing Act, 2009*; or

(b) the appointing official or local commander who appointed the member under the *Interprovincial Policing Act, 2009*, as the case may be, shall immediately cause an investigation to be made into the circumstances, if the member is a police officer appointed under that Act.

(2) A report on the investigation shall be submitted,

(a) to the Solicitor General, in the case of an investigation by the Commissioner;

(b) to the board, in the case of an investigation by the chief of police; or

(c) to the extra-provincial commander of the police officer appointed under the *Interprovincial Policing Act, 2009*, in the case of an investigation involving such a police officer.

(3) The Solicitor General or the board shall, as soon as practicable, review the report and make such further inquiries as the Solicitor General or the board considers appropriate.

(4) The board shall file with the Solicitor General a copy of any report submitted to it under subsection (2), together with a report on any additional inquiries made by the board.

(5) If the Commissioner discharges a firearm in the performance of his or her duty, the Commissioner shall promptly report the matter to the Solicitor General and the Solicitor General shall cause an investigation to be made into the circumstances.

(6) If a chief of police discharges a firearm in the performance of his or her duty, the chief of police shall promptly report the matter to the board and the board shall cause an investigation to be made into the circumstances and shall file a report on the investigation with the Solicitor General.

Ontario's PSA does not include a provision on fleeing felons, in fact, section 9 of Regulation 926 clearly states that an officer may not draw or fire a gun unless he or she believes it is necessary to protect against loss of life or serious bodily harm. Therefore,

police are not entitled to use deadly force in the apprehension of an escaping convict or suspect unless it is to prevent loss of life or serious bodily harm.

Non-lethal Weapons

In 2010, the Ministry of Community Safety and Correctional Services amended the Equipment and Use of Force Regulation (R.R.O. 1990, Reg. 926) under the *Police Services Act* to regulate the use of conducted-energy weapons such as Tasers. The amendment of Police Service Guideline 3 has had an impact on Taser availability to frontline officers:

Every Chief of Police shall ensure that:

Only the following members are permitted to carry conducted energy weapons:

- i. Members of tactical units/hostage rescue teams;
- ii. Members of preliminary perimeter control and containment teams; and
- iii. Front-line supervisors or their designates;

This amendment has resulted in only a limited number of frontline officers being authorized and trained in the use of conducted-energy weapons like the Taser. The effect this change has had on non-lethal weapon use in police shooting incidents will be discussed in the following chapters.

Canadian Legal Cases Pertaining to Police Use of Deadly Force

There have been many deadly force encounters between police and citizens which have made their way into the Canadian justice system due to police officers' misuse of deadly force. These cases help outline the levels of force which exceed the provisions made for police officers in Section 25 of the *Criminal Code*. Only the necessary amount of force should be exerted against suspects by police to gain compliance. The following cases help illustrate the difficulties police officers face when exercising their judgement in highly dynamic situations and the long-lasting impact their decisions can have on the community and the police itself.

Regina v. Gosset, 1993

One case that illustrates what constitutes a wrongful use of force is the shooting death of Anthony Griffin, who died at the hands of police in 1987. The details of this case are as follows:

At about 5:30 a.m. on November 11, 1987, Anthony Griffin having taken a taxi refused to pay the fare upon arriving at his destination. At about 6:30 a.m., the respondent Allan Gosset, a police officer in the employ of the respondent Communauté urbaine de Montréal ("CUM"), and Constable Kimberley Campbell were sent to the scene in response to a call from the taxi driver. When asked by the respondent Gosset to identify himself, the suspect answered that his name was Tony Bowers. After a check with the police station revealed this to be a lie, the respondent Gosset searched him and found a paper bearing the name Anthony Griffin. He learned from a second check that Griffin was wanted and that a warrant had been issued against him. The respondent Gosset consequently arrested Anthony, who was already sitting in the back of the police car, but neither handcuffed nor searched him further. At about 7:00 a.m., the police car left the scene for the police station. When they arrived, the respondent Gosset, who was seated on the passenger side, got out of the car and opened the door for Anthony, who upon getting out, started to run. The respondent Gosset began chasing him. At the same time, he drew his revolver, and ordered Anthony to stop running, shouting for the first time, "Stop". Anthony immediately stopped and turned to face the respondent Gosset, shifting his weight from foot to foot; he did not stand perfectly still. The respondent shouted "Stop" a second time and then, aiming his revolver at Anthony, shouted "Stop or I'll shoot". At that instant, a gunshot hit Anthony in the head. The victim was taken to the Jewish General Hospital, where he never regained consciousness, and died at 11:45 a.m. the same day. Criminal proceedings were instituted, and, after this Court had ruled on an appeal therefrom the respondent Gosset was acquitted in the end.

(R. v. Gosset, 1993)

After he was acquitted of unlawful act manslaughter by the courts, in April 1988 the Quebec Police Commission held an inquiry to investigate Constable Gosset's conduct during that day and decide whether the officer should face internal discipline for his actions. The Commission found that while Constable Gosset's conduct was not attributable to racism, his actions were reckless and he should be dismissed from the police (Pedicelli, 1998). The MUC Police Disciplinary Board also found that his actions had been unjustifiable and that he should not have drawn his weapon in order to prevent the suspect from fleeing. Montreal's chief of police fired Gosset based on these findings.

Gosset appealed this decision to a provincial labour arbitration board which ruled in his favour that an accident had occurred which should not have resulted in his dismissal from the force (Pedicelli, 1998). He was reinstated on the police force with the provision that he not be armed. He requested early retirement which was granted in 1989 and was able to receive a pension that provided him with 80% of his annual salary after having completing 16 years as a police officer (Pedicelli, 1998).

A year after his acquittal the Crown successfully appealed this decision and a second trial was ordered which began in 1994. The Supreme Court of Canada stated in its review of the appeal that “in directing the jury to inquire into the mind of the accused in this case, in order to determine if he possessed ‘criminal’ intent, the trial judge committed an error in law. Given the seriousness of the error in the charge, which went to the very heart of the elements of the offence that the Crown had to establish, the outcome may well have been affected, and therefore a new trial is required” (*R v. Gosset*, 1993). The second trial focused once more on the careless use of Gosset’s firearm and how he had been negligent in pointing it at the victim. After deliberation, the jury once more found Gosset not guilty of unlawful act manslaughter.

Gosset was able to avoid criminal liability for his actions that night, though he did face a civil suit by Anthony Griffin’s mother, Gloria Augustus. The judge found that Gosset had used excessive force and had acted illegally and forced him as well as the MUC police to pay Augustus \$14, 795 for the death of her son (Pedicelli, 1998). This was much less than the \$2,040,000 that she had originally asked for, and the resulting award was not even sufficient to cover her legal costs.

This case shows how an officer’s moment of carelessness can lead to the death of a young man and cause enormous grief to his family. It also began an arduous legal process that would take seven years before being completed. This case also helped highlight a number of improvements that could be made to police training in the future. During his hearing at the Quebec Police Commission Gosset stated that,

He usually relied on his own judgement rather than strictly adhering to MUC [Montreal] police procedures regarding body searches and the use of handcuffs. He added that he did not search and handcuff Griffin because he had not resisted arrest and therefore did not appear to be

dangerous, showed no signs of aggression, and was very co-operative and very police. (Pedicelli, 1998, p. 86)

Gosset acted in a way that precipitated Griffin's death by acting on his own judgement rather than following the proscribed procedures listed in the Montreal police's manual on how to deal with suspects being arrested. It would have made it much harder for Griffin to escape from custody had Constable Gosset searched and handcuffed the suspect, and may have prevented Griffin's ensuing death. Lost in all the attention paid to Constable Gosset are the actions of his partner, Constable Campbell. Throughout the arrest and subsequent chase she could have vocalized the need to restrain and search the suspect for weapons. She could also have told her partner to lower his weapon when he drew it to point at the suspect once he had stopped fleeing. Her inaction throughout this series of events also helped contribute to Griffin's death. The Quebec Police Commission made a number of recommendations following this episode among which were:

- MUC officers should be equipped with double-action revolvers that require more force to pull the trigger
- Investigations of in-custody deaths should be conducted by an outside police force
- Suspects who seem suicidal or violent should be handcuffed while being transported
- Police should preserve all tapes of their radio transmissions during operations where a death occurs for further review
- The MUC police should improve its officers' fitness levels and ensure that all department policies are followed.

(Mennie, 1988; Pedicelli, 1998)

This tragedy highlights the need to carefully train officers not only when they are first brought into the force but throughout their police career; Gosset's actions were those of a 15-year police veteran, not a newly-minted officer. If skills acquired during training are not periodically refreshed and strengthened, these types of events are bound to happen as officers may run the risk of getting complacent as they gain a more sizable body of knowledge as to how suspects will usually react when taken into custody.

Regina v. Sokolowski, 1994

On November 9th, 1991 Detective Constable (DC) Carl Sokolowski of the Metropolitan Toronto Force attempted to apprehend two suspected burglars in an industrial district in Toronto. He was a career officer having spent 21 years as a member of the Toronto police. DC Sokolowski and his partner were conducting surveillance in an attempt to apprehend a group of burglars stealing videocassette recorders from a warehouse at night. After having seen a group of men loading the items in their vehicle during the night the police officers decided to arrest the suspects. They positioned their vehicle to block the suspects' vehicle and announced their presence. Three suspects immediately fled the officers and ignored their commands to stop. One suspect successfully escaped DC Sokolowski's partner. Sokolowski ran after the other two suspects for some time before cornering them against a fenced portion of the industrial park. DC Sokolowski had unholstered his service revolver while chasing the suspects as he did not know whether they were armed.

DC Sokolowski successfully handcuffed the first suspect without any problems. He kept one hand on his revolver with his finger on the trigger as he attempted to place the second suspect in a secure position while awaiting other officers. It is during this sequence of events that the second suspect lost his footing and fell against DC Sokolowski causing him to discharge his firearm into the head of the second suspect. This caused the second suspect, Jonathan Howell, serious injuries and he remained permanently disabled after the incident.

The trial judge concluded that DC Sokolowski's actions constituted a marked departure from the standard of a reasonable officer in similar circumstances. He was found guilty of the careless use of a firearm in the course of his police duties. The judge found a number of shortcomings in the training of officers in the Metropolitan Toronto Police Force. Namely, officers who had qualified in the past were not trained to new standards on a regular basis. When DC Sokolowski had been trained prior to joining the police in 1970 he had been taught to keep his finger on the trigger during an arrest situation. In the early 1990s this was changed to keeping one's finger on the trigger guard and only touching the trigger when the officer's life or those of others were in imminent danger. However, DC Sokolowski had never been re-trained to these new

standards and as a result used outdated techniques with tragic consequences. This case stresses the need for police to undergo frequent and up-to-date firearm training in order to prevent these types of tragedies from occurring.

Regina v. Deane, 2000

The shooting of Dudley George by the Ontario Provincial Police (OPP) has its roots in the Ipperwash Crisis of 1995. First Nations protesters had occupied Ipperwash Provincial Park and were claiming its territory for it was considered sacred ground by the First Nations people. As tensions rose over the continuing standoff, a large number of police were brought to the area; including a riot squad called the Crowd Management Unit (CMU) as well as armed tactical officers from OPP's Tactics and Rescue Unit (TRU).

On September 6, 1995 heightened concern that protesters might try to leave the park and cause damage to those living in the surrounding area, the CMU was deployed to reign in the protesters. The advancing CMU was successfully pushing protesters back into the park when one of the protesters, Cecil Bernard George, seeking to defend the land of his ancestors confronted officers with a large bat. He was quickly beaten to the ground and was hit with batons by a number of CMU officers. This inflamed the other protesters who saw one of their relatives on the ground being beaten by numerous officers. They decided to drive a bus and car out of the park to try and split up the officers and rescue Cecil Bernard George. A number of officers were run over by the car and they responded by firing into the vehicles. At this point Acting Sergeant Ken Deane, a 10-year veteran of the TRU, noticed in the commotion what appeared to be two muzzle flashes from nearby bushes that were fired towards CMU officers. In response to this he fired a number of shots at the last location of the muzzle flashes and saw a man, Dudley George, emerge from the bushes with what appeared to be a rifle in his hand. He fired another three shots at Dudley George who he saw fall to the ground, quickly being carried by other protesters back into the park. Dudley George died soon thereafter. (Ipperwash Inquiry, 2007)

A criminal investigation involving both the OPP's Internal Affairs unit as well as Ontario's Special Investigations Unit began. Charges of criminal negligence causing death were put forth against Ken Deane. He was found guilty at trial and sentenced to two years less a day conditional sentence to be served in the community. The judge at his trial after reviewing all evidence believed that Deane had concocted the story of

seeing muzzle flashes to disguise the fact that he had shot an unarmed man (*R. v. Deane, 2000*). He appealed his conviction to the Ontario Court of Appeals as well as the Supreme Court of Canada, with both appeals being dismissed. He faced an internal Police Services Act hearing which found him guilty of discreditable conduct and was forced to resign as a member of the OPP.

The tragic shooting of Dudley George in 1995 triggered a series of trials, appeals, and a provincial inquiry which altogether lasted 12 years. The inquiry found a host of problems that plagued the police operation and led to the death of Dudley George. At the forefront of these problems were the OPP officers' racist and inappropriate views towards First Nations people. Evidence presented at the Ipperwash Inquiry found numerous audio transmissions involving OPP officers making racist and derogatory remarks towards First Nations people.

The operation was also plagued with poor intelligence and miscommunication between the units involved. There was little coordination between the CMU and the TRU. The OPP mistakenly believed that firearms were present in the protesters' camp and some of this information was not passed along to the CMU officers, who would have never been deployed had evidence of firearms been found. There was no OPP intelligence officer present to help analyze and evaluate the veracity of information being passed along to police, which was later found to be inaccurate. Also, Deane did not announce on his radio that he believed an armed man was scanning officers and did not attempt to retrieve the alleged rifle after having shot Dudley (Ipperwash Inquiry, 2007).

The tactical lessons in regards to the shooting event itself are tempered by the fact that Deane was found to have fabricated much of his reasoning as to why he shot Dudley George. The fact that he shot an unarmed man could suggest that further efforts should be taken to improve officer training, especially in night-time conditions.

Chartier v. Greaves, 2001

On August 14, 1992, two Ottawa police officers responded to a call about a landlady being assaulted by two brothers. The landlady told the officers that they were damaging the apartment, had been consuming drugs and alcohol and were HIV-positive.

The officers entered their apartment and immediately ordered the pair to lie on the ground so they could be restrained. However, the brothers reacted aggressively and continued to destroy their apartment and began to approach the officers despite being ordered to lie down. At this point, both brothers were bleeding and there was a large amount of broken glass that raised the possibility of the officers getting infected with HIV. One of the brothers broke a fire hose and began to swing the hose with a heavy metal end towards the officers while approaching them. Finally, one of the officers fired three shots at the brothers when they continued to refuse commands and tried to attack the officers. One died instantly while the other suffered a minor injury in his shoulder.

The surviving brother and his family attempted to sue the officers for acting negligently in the course of their duties. They thought that the officers should have planned their entry into the apartment better and questioned the need to use deadly force. The plaintiffs also sought financial compensation. The judge ruled that the officers used good judgment and acted as any reasonable officer would have in such a situation. The judge stressed that the situation degenerated very quickly and the officers had to rely on their training and instincts. The brothers were HIV-positive and acting irrationally and aggressively under the influence of cocaine and alcohol and tried to hit the officers while bleeding profusely which constituted an additional threat. This left the officers no other choice but to use deadly force to protect themselves. The judge stressed that it would be unreasonable to place an unrealistic standard of care on officers who have to deal with dangerous situations.

In many cases, such as *R. v. Cavanagh*, the courts will support the actions of police in dangerous situations where deadly force was used. The courts are cognizant of the fact that officers who use deadly force do not have the benefit of hindsight to direct their actions and must rely on their training during these situations. The courts will usually rule in favour of officers unless there are indications of gross misconduct or negligence. It is important for the courts to protect the officers' ability to rely on their training and good sense including the use of deadly force. Should the courts impose unrealistic or unreasonable standards upon police officers, this could result in unnecessary deaths to officers and civilians.

Regina v. Cavanagh, 2013

On September 29th, 2010, heavily-armed Toronto Emergency Task Force (ETF) officers raided the apartment of Eric Osawe to carry out a search warrant for drugs and a firearm. Police Constable (P.C.) Cavanagh attempted to arrest Mr. Osawe though he resisted and a struggle ensued. Officers first believed that Mr. Osawe was on the ground attempting to retrieve a handgun. As P.C. Cavanagh tried to restrain Mr. Osawe his MP5 submachine gun discharged a round which fatally hit Mr. Osawe. In the aftermath, it was found that there was no handgun in the immediate vicinity of Mr. Osawe. The SIU recommended a charge of manslaughter which was upgraded to second-degree murder by Crown prosecutors.

The Crown's case consisted of portraying P.C. Cavanagh's actions as overly aggressive which directly led to his decision to use deadly force against Mr. Osawe. The fact that he did not engage the safety catch of his weapon was also criticized by the Crown. The prosecutors also alleged that the fact the victim was shot in the torso indicates that the P.C. Cavanagh deliberately aimed his weapon since ETF officers are extensively trained in marksmanship. The judge determined that there was no evidence that P.C. Cavanagh intended to shoot Mr. Osawe during their struggle. The judge examined all the available facts presented to him by the Crown and the defence and concluded that the incident represented a tragic accident. He stressed that dynamic entries can sometimes result in accidental deaths or injuries.

The judge stated that in Toronto, over 200 dynamic entry operations occur each year and that it is inevitable that some end in tragedy. There was nothing P.C. Cavanagh could have done in these particular circumstances to change the outcome. Police operations involving heavily-armed officers bursting into residences using surprise and aggressive tactics are inherently dangerous by nature and can have tragic outcomes. This case helps illustrate the risks involved in police work and no matter how well-planned an operation may be there are always unknown variables that can greatly impact the outcome.

Overall, the vast majority of police officers use force judiciously and without excess. Ontario's civilian police oversight unit, the Special Investigations Unit (SIU), exonerated over 95% of officers whom they investigate (SIU, 2012). In the majority of

cases, police officers are justified in using deadly force and do so only when there are no other alternatives available. Although most police shootings in Ontario are found to be justified, there has been nonetheless a strong desire for civilian police oversight in the province. There will be instances where wrongful or accidental shootings occur. The need for an independent police oversight mechanism in Ontario became clear in the 1980s after a series of shootings involving police and members of Toronto's African-Canadian community led to a concerted push to modernize police oversight. The following section examines the events that led to the creation of the Special Investigations Unit and the strengthening of civilian police oversight.

Police Oversight in Ontario: The Police Use of Force

Civilian oversight of law enforcement agencies is one way to help maintain and strengthen trust between police and the community. An essential element of legitimate policing is an effective oversight mechanism (Filstad & Gottschalk, 2011). A system of oversight ensures public trust and enhances police legitimacy in that any wrongdoing will be investigated and corrected (Smith, 2010). Most police departments have internal affairs units which enforce departmental regulations and ensure that officers hold themselves in a way befitting the public's trust. However, over time many have feared that the law enforcement's close-knit culture would conspire to reduce its effectiveness at objectively investigating its own officers in cases of gross wrongdoing (Davis et al., 2005). Clare Lewis, head of an Ontario task force examining police shootings of minorities, noted that the police's "para-military framework, the camaraderie which binds their membership and the secrecy with which much of their work is cloaked have all combined, over time, to make police forces uniquely insular institutions" (Lewis, 1989, p.38). Doubts as to the police's ability to investigate itself helped spur the creation of civilian oversight agencies that were independent of police and that had full powers of investigation in instances where police used force on civilians (Davis et al., 2005). These agencies often have their own investigators to impartially analyze the facts and make a decision regarding potential criminal findings (Davis et al., 2005).

There are two main types of police oversight in Ontario. The first concerns general acts of police misconduct that do not involve serious injury or death. These

incidents are investigated by the Office of the Independent Police Review Director (OIPRD) which was established in 2009 (OIPRD, 2013). It has jurisdiction over all police services in Ontario. The second type of oversight concerns incidents where serious injury or death occurs. The investigation of incidents where death or serious injury occurs is undertaken by the Special Investigation Unit. By law, all incidents where police officers discharge their firearm resulting in injury or death are investigated by the SIU. Over the last thirty years that has been an evolution in the way police shootings are investigated in Ontario. The late 1980s marked a time where there was a move away from police investigating themselves after serious incidents and a push for civilian oversight. A series of police shootings involving minorities in Toronto in the late 1980s galvanized the government to direct an enquiry into the matter (Lewis, 1989).

The Clare Lewis Report

In the 1980s, there were a large number of police shootings in Ontario involving African-Canadians that caused widespread community outrage. The fact that the victims were all minorities led many to infer police wrongdoing (Lewis, 1989). In response to the public outcry, the Solicitor-General of Ontario in 1988 commissioned the Task Force on Race Relations and Policing which culminated in the publication of the Lewis Report. The Task Force examined the prevailing situation in Ontario in respect to police training, policy, and regulations involving race-relations as well as the use of force (Lewis, 1989). The Task Force elicited information from all of Ontario's 121 police forces, of which 99 responded, and sought information from community organizations that were concerned by the recent shootings.

After a year of research and consultation with the public as well as input from 99 police forces comprising 98% of Ontario police officers, 57 recommendations were made (Lewis, 1989). Its main recommendation was the creation of an independent investigative agency with the power to lay criminal charges in cases of police wrongdoing. This would lay the foundation for the creation of the Special Investigation Unit.

It also recommended a number of changes to use of force training. It stated that more emphasis should be placed on only using deadly force when absolutely necessary

to protect life. The need for expanded training on alternate levels of force was also noted in order to reduce the use of firearms by police (Lewis, 1989). The Task Force found that more training should be given to officers on how to react to potentially dangerous situations: “more extensive training is needed in tactics such as positioning, psychological disarmament and various other modes of defusing situations” (Lewis, 1989, p.134). The arrival of officers at a scene will have an immediate impact on how the situation develops depending on their actions. The Task Force noted that it is far better to “isolate, contain, negotiate and, when time permits, refrain from using lethal force” (Lewis, 1989, p.134). Tactical recommendations also included the need to improve firearms training to simulate real-life scenarios and should not be confined to the shooting range but to the outdoors where an officer is most likely fire his or her weapon. Annual requalification in the use of firearms was also mentioned as an essential component to ensuring that officers have the necessary skills to properly handle their weapon. Without these measures it is far more likely that tragic incidents, such as the misuse of a firearm, will occur and further antagonize the police-community relationship.

Special Investigation Unit History

The Ontario government followed the Lewis report recommendations and created the Special Investigations Unit (SIU) on August 8th, 1990. Its mandate is to “maintain confidence in Ontario’s police services by assuring the public that police actions resulting in serious injury, death, or allegations of sexual assault are subjected to rigorous, independent investigations” (SIU, 2011). It has jurisdiction over all municipal, regional, and provincial police officers that include 58 police services and over 26,000 officers (SIU, 2011). The legislative framework necessary for the creation of the SIU is found in section 113 of the Ontario Police Services Act. The SIU only investigates incidents where death or serious injury result, lesser misconduct by officers is investigated either by the police service itself or the Office of the Independent Police Review Director.

Subsequent to its creation, many police services were weary of the SIU and a number of incidents led the government to commission the Adams report to address these areas of concern. Notable problems included:

- Instances where police officers were delaying and obstructing SIU requests for interviews
- Police services were delaying notifying the SIU of serious incidents
- Failure of police services to segregate involved officers to prevent potential fabrications from being made
- Unauthorized statements being made by police without SIU approval
- Unauthorized interviewing and release of witnesses by police

(Adams, 1998)

The report led to a number of recommendations being made to clarify the role of the SIU and its relationship with the province's police services. Some of the most important recommendations included:

- The SIU be better funded to better reflect its important role within the province
- Police services as well as individual officers must cooperate with SIU investigators lest they be found guilty of serious misconduct
- The SIU must be immediately notified of any serious incidents that fall within its mandate
- Legislation requiring officers to be segregated from one another prior to SIU interviews and that the SIU has the lead role in all serious incident investigations

(Adams, 1998)

The provincial government acted on these recommendations and a year later enacted *Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit, O.Reg. 673/98*. Now any officers not complying with the new regulations would face potential misconduct charges under the Ontario Police Services Act. This helped clarify the SIU's role and eased tensions it had with the police services in the province.

SIU Organizational Structure

The SIU consists of approximately 100 personnel with roughly half of these being trained investigators (SIU, 2011). There is a core of investigators who have not had any policing experience to preserve the agency's independence and objectivity when investigating claims of misconduct involving police officers. The SIU has its own Forensic Identification Unit to ensure the impartiality of its forensic evidence collection.

The majority of cases investigated by the SIU are custody-related deaths and injuries followed by allegations of sexual assault as well as vehicular accidents involving police vehicles. Firearms-related investigations are much rarer, but are treated with the highest degree of urgency. This is confirmed by SIU's statistics which show that firearms-related deaths elicit the fastest deployment of investigators as compared to other types of investigations (SIU, 2011). Statistics concerning the SIU's investigations show that of the cases it investigates, more than 90% end without charges being laid (SIU, 2002).

Ontario's police services must follow the strict legislative guidelines regarding use of force expanded upon earlier in this chapter. Any deviations from these policies can result in legal actions and result in serious consequences to the officers involved from departmental reprimands, dismissal from the police service or even criminal charges. The legal cases examined earlier illustrate the possible consequences officers can face when they are involved in a wrongful or negligent shooting incident. When such incidents do occur, the Special Investigation Unit has the authority to investigate and decide whether criminal charges should be laid.

The SIU was created due to public and governmental concern over the lack of accountability and poor public perception of police officers investigating themselves. Today, the SIU is the oldest and most experienced civilian police oversight agency in Canada. Other provinces and countries establishing their own oversight units send prospective personnel to the SIU to be trained and learn the intricacies of investigating police officers (SIU, 2012). Although the majority of police shootings are found to be justified, the impartiality and expertise the SIU brings to investigating police officers increases and maintains public confidence in its law enforcement. The following chapter will examine the methodology used for this thesis. The size of the data and its collection will be discussed, as well as the variables examined. The qualitative and quantitative analyses will also be described.

Chapter 3.

Methods

Research Objectives and Questions

The goal of this thesis is to better understand the social, psychological, and situational factors that influence police shootings. Information concerning the officer involved and the victim will be collected and analyzed qualitatively and quantitatively to explore any underlying patterns. The role of mental illness as well as suicidal ideation will be probed as to ascertain its significance and impact on police shootings. The results of these findings will be used to make recommendations to improve policy, police safety and training, as well as civilian oversight of police.

One of the main objectives of this thesis is to answer some of the following questions regarding police shooting incidents in Ontario. These questions include: what were the police responding to and what weapons did they encounter in deadly force incidents? Where and at what time did these incidents occur? Were there signs of mental illness or suicidal ideation in the victims of police shootings? What is the relationship between mental health factors and the risk of being killed by police? Under what conditions is one more likely to suffer from fatal injuries during an encounter with police?

Sample

The cases examined consisted of 132 documented police shootings in the province of Ontario between January 1st, 2004 and December 31st, 2012. These included all incidents where police officers in the province of Ontario under SIU

jurisdiction discharged their firearms resulting in death or injury. There were two main categories of data examined:

- Cases where police used deadly force resulting in death
- Cases where police used potentially deadly force resulting in injury

Data Collection

All of the data in this thesis were collected using the summaries of investigation released to the public by the Special Investigations Unit. One of the strengths of using this data source is that all incidents where officers' discharged their firearms resulting in death or injury under SIU jurisdiction were recorded within the studied time period. As stated earlier, the SIU is mandated to investigate and publish a summary of their investigation of police shooting incidents. As such, the only incidents that would not have been included in this thesis were those outside SIU's jurisdiction. The only police services exempt from SIU investigation are the nine First Nations Police Services (Ministry of Community Safety and Correctional Services, 2011).

The SIU's investigative process involves the following steps:

- Examining the scene and securing all physical evidence
- Monitoring the medical condition of anyone who has been injured
- Seeking out and securing the cooperation of witnesses
- Seizing police equipment for forensic examination
- Consulting with the coroner if there has been a death
- Notifying next of kin and keeping the family of the deceased or injured parties informed
- Keeping the Investigative Supervisor, Executive Officer and Director fully informed of developments on the case
- Throughout the investigative process the top echelon of the SIU is kept informed by the investigators
- At the end of the investigative process, the Director of the SIU determines whether charges should be laid

(SIU, 2010)

A typical summary of investigation released to the public would contain the date and time of the incident as well as the name of the victim (See Appendix 1 for an example of a summary of investigation). Situational variables such as the time and place of the shooting are included in the summary. The police service involved is also named as well as the number of officers who attended the scene; the gender of the officers involved may also be included. The officer or officers who discharged their firearms and are being investigated are classified as subject officers while those present at the scene but who did not discharge their firearms are known as witness officers (SIU, 2011). The circumstances that led to the shooting are outlined and this may include the actions of the victim, the type weapon they were wielding, any attempts to negotiate with the victim, as well as the moment shots were fired. Some summaries include the number of shots fired and shots that hit the victim. Finally, the summaries conclude with the Director's decision as to whether the subject officer acted correctly or whether charges will be recommended. The following table shows the number of police shooting incidents (both fatal and non-fatal) examined for each year of the studied period. A total of 132 cases were examined.

Table 3.1. Cases Examined

Year	2004	2005	2006	2007	2008	2009	2010	2011	2012
Cases	9	11	17	20	10	14	19	18	14

All of the data used in this thesis are from the SIU's publicly available investigation summaries. Coroner reports were available for only a limited number of the cases examined. A media search was conducted in some cases to confirm details of the SIU's investigation summary. However, most of the media's information was provided by the SIU which limited the value of this information.

SIU Data Analysis: Variables Examined

The SIU's investigation summaries provide information on the police officer(s) involved in the shooting incident, the victim, as well as the actions between the two leading up to the shooting incident. This thesis coded this information into three main

categories: victim variables, police variables, and situational variables. The findings of this thesis derive from the analyses of these three categories of information.

The following table lists the variables examined in the study. Victim variables contain information on those shot by police and include age, gender, degree of injury, and indicators of mental illness, suicidal ideation, or violent behaviour. Situational variables include information related to the actual shooting incident itself such as time and place, location (i.e. street or residence), location in Ontario, reason for the initial police response, the lethal threat encountered by police, whether a motor vehicle was used either as a weapon or as a means of escape and victim planning indicators. Victim planning indicators comprise of any statements or behaviours that would lead police to believe that the victim had planned the encounter to target police, force a confrontation, commit a homicide, or instigate a suicide by cop incident. Police variables include all information related to the police such as the number of officers present, their gender, the type of officer (i.e. uniformed, plainclothes, SWAT), and the occurrence of any police injuries and their degree of seriousness. Other variables in this category include whether non-lethal weapons were used, the use of negotiation to defuse the situation, hit ratio data (which measures shooting accuracy), and the SIU's final summary of the investigation which includes whether the shooting was justified or if charges should be recommended against the officers involved.

Table 3.2. Variables Examined

Victim variables	Situational variables	Police variables
Age	Date and time of incident	Hit ratio
Gender of victim	Location	Number of police present
Victim injuries	Location in Ontario	Type of officer
Indicators of mental illness	Reason for police response	Police injuries
Indicators of suicidal ideation	Lethal threat encountered by police	Gender of police officer
Indicators of violent behavior	Use of motor vehicle	Police negotiation
	Victim planning indicators	Use of non-lethal weapons
		SIU summary of investigation

Summary of Data Collection and Analysis Procedure

This thesis explores and analyzes SIU data using descriptive statistics. Each individual incident is used as the unit of analysis. This means that one police shooting incident would account for one case. Descriptive statistics use measurements such as mean, median, mode and frequency to summarize the data examined. These measurements are essential to gain qualitative insight on how of police shootings in Ontario occur. These measures will also allow for a description of the typical shooting incident in Ontario to be made.

Logistic regression is used in this thesis to determine whether fatal police shootings can be predicted using the data collected. Logistic regression is the optimal inferential tool as it is able to predict a categorical outcome; in this case the categorical variable is whether a shooting incident will have a fatal or non-fatal outcome. Logistic regression uses the independent variables, which are composed of the police, victim, and situational variables, to try and predict a fatal outcome. The variables that do predict a fatal outcome are known as predictor variables. Another advantage of using logistic regression is that the dichotomous outcome variable (fatal or non-fatal outcome) does not need to satisfy normality (Norusis, 2012). The probability value of the dependent variable is the probability of a fatal shooting occurring.

$$\textit{Probability (fatal shooting)} = \frac{1}{1 + e^{\beta_0 - \beta_1 X}}$$

The outcome variable is a dichotomized variable; in this case a fatal outcome (1) or a non-fatal outcome (0). The data codified from the SIU case summaries were included as predictors in the final analysis in an attempt to understand which factors were more likely to lead to a fatal outcome. In other words, the logistic regression will be used to determine if certain factors are more likely to lead to a fatal outcome in police shootings than others. Marginal effects are calculated for each of the independent variables. To do so, you set the values in the logistic regression equation to zero calculating the probability of a fatal shooting. One by one, you then change the value of each independent variable to one in order to calculate the effect the variable has on the

overall probability of a fatal outcome. If the marginal effect is high in magnitude this indicates that changes in the presence of that particular variable can have a large impact on the probability of a fatal outcome in a police shooting.

Dependant Variable

The dependent variable is victim fatality in police shooting incidents. This is a dichotomous variable (0=non-fatal; 1=fatal) in order to facilitate regression analysis. The key objective of this study was to discern whether some factors are more likely to lead to a fatal outcome than others. Identifying predictors of fatal outcomes will help guide future police training and improve police safety as well as provide information on the dynamics of police shooting incidents in Ontario.

Independent Variables

The independent variables in the analysis consisted of victim, police, and situational variables mentioned in the SIU summaries of investigation. White (2002) used a similar framework when examining shooting data from the Philadelphia Police Department. Examining these variables is important to understand whether police will use deadly force or not.

Tables 3.3 to 3.5 outline the coding schema used for the data analysis. In this thesis, coding involved taking information present in the SIU investigation summaries and inputting this information into a statistical program to facilitate analysis. In this case, IBM SPSS 19 program was used to complete data analysis. For example, the gender of the victim of a shooting incident would be coded either (0) for females and (1) for males. Victim injuries would be coded as (0) for fatal, (1) for non-fatal serious, and (2) for non-fatal non-serious injury. This was applied to all the variables examined and allowed the statistical program to compute descriptive statistics for all the police shooting incidents included.

Table 3.3. Victim variables coding schemes

Gender of victim	Victim injuries	Mental illness indicators	Violent behavior indicators
Male and Female	Fatal	Statements by family/friends	Criminal record
	Non-fatal serious	Police observations	Police observations
	Non-fatal non-serious	Medical documentation Statements by victim	Statements by victim Statements by family/friends

Table 3.4. Police variables coding schemes

Police injuries	Gender of police officer	Type of police officer	Police use of non-lethal weapon	Police negotiation used	SIU summary	Police charged
Fatal	Male	Uniformed patrol	Pepper spray	Negotiation by patrol officer	Criminal act	Criminal conviction of police officer
Non-fatal serious	Female	Plainclothes	Baton	Negotiation by ERT	Mental illness/suicide act	Suspicious incident
Non-fatal non-serious		Emergency Response Team (ERT) member	Physical force Taser	Negotiation by negotiation specialists	Accidental shooting	Cleared by SIU
No injury			Bean bag weapon Increasing use of force		Wrongful shooting	

Table 3.5. Situational variables coding schemes

Residence	Morning (6:00am-10:59am)	Greater Toronto Area	Routine check	Firearm/perceived	Suspect initiated pursuit	Purpose of suicide
Business setting		Hamilton	Disturbance	firearm	Motor vehicle used as lethal threat	Purpose of homicide
Street		Kitchener	Domestic violence	Edged weapon		Purpose of killing
Rural setting	Afternoon (11:00am-4:59pm)	London	Assault	Blunt weapon	Suspect used vehicle to attempt escape from police	Purpose for police officers
	Evening (5:00pm-10:59pm)	St-Catherines	Sexual assault	Perceived deadly weapon		Purpose for confrontation
	Night (11:00pm-5:59am)	Oshawa	Robbery	Motor vehicle as weapon		Crime in progress
		Windsor	Theft	No weapon		Attempt to escape from officers
		Simcoe County	Deranged person	Physical force		
		Greater Sudbury	Prisoner transport	Explosives		
		Kingston	Hostage/barricade situation			
		Ottawa				
		Northern Ontario	Burglary			
		Southern Ontario	Raid/surveillance			
		Central Ontario	Pursuit of vehicle			
			Person with gun			
			Person with knife			
			Arrest of felon			
			Stolen vehicle			
			Serving legal documents			

Firearms and perceived firearms were coded as a single variable due to the fact that police officers respond to individuals holding firearms with the assumption that the suspect is holding a loaded firearm. Dummy variables were created to facilitate quantitative analysis using logistic regression. A dummy variable is a variable that can only have as a value either 0 or 1. This facilitates statistical analysis by limiting the value any variable can take thus simplifying analysis. For example, rather than a lethal threat category with five different types of weapons a variable for the presence of each weapon is created instead. The following variables were dichotomized where (1) indicates the presence of the variable and (0) indicates the absence of the variable.

- Fatal outcome
- Lethal threat - firearm/perceived firearm
- Lethal threat - edged weapon
- Lethal threat - physical altercation between officer and victim
- Lethal threat - motor vehicle
- Daylight conditions
- Nocturnal conditions
- Incident occurred in the morning
- Incident occurred in the afternoon
- Incident occurred in the evening
- Incident occurred at night
- Enclosed space
- Open space
- Non-lethal weapon used by police
- Police responded to - crime in progress
- Police responded to - domestic violence incident
- Police responded to - person with gun
- Police responded to - person with edged weapon
- Police responded to - stolen vehicle
- Police responded to - robbery/burglary
- Victim planning indicator- purpose of homicide
- Victim planning indicator- purpose of suicide
- Victim planning indicator- purpose of killing police officer
- Victim planning indicator - Purpose of confrontation

- Victim planning indicator- purpose of escaping from officers
- Mental illness indicators
- Schizophrenia indicators
- Violent behaviour indicators
- Victim possessed criminal record
- Police injuries occurred
- Police fatality occurred
- SIU summary indicates mental illness involved
- More than one officer present

When examining the data through an opportunity theory lens there are a number of factors among the three main components of a police shooting incident (the officer involved, the surrounding environment, and the offender) that potentially elevate the risk of a police shooting. The following table summarizes these potential factors. The results of the analyses conducted in this paper will help shed light as to whether these factors do play a role in police shootings.

Table 3.6. Potential variables raising risk for police shooting

Police	Surrounding Environment	Offender
Aggressive response	Low visibility	Armed (knife/gun/vehicle)
Multiple officers on scene	Enclosed environment	Agitated/aggressive behavior
Male officers	Late night/early morning	Mentally ill
Absence of non-lethal weapons	High-crime area	Attacking police
		Endangering bystanders

The data in this thesis were collected solely from publicly available investigation summaries released by the SIU. Information within these summaries were categorized into police, victim, or situational variables. Police variables include shots fired by police, the number of officers present, and police injuries. Victim variables include the victims' age, gender, and mental illness indicators. Finally, situational variables include the reason for police response, the location of the incident, and the time of the incident.

A qualitative and quantitative examination of the data was undertaken once data collection was complete. The qualitative analysis relied upon descriptive statistics such

as frequency, mean, and mode to gain better insight on police shooting incidents in Ontario during the time frame examined. For example, these insights include which type of call for service had the highest proportion of police shootings, the type of weapons yielded by victims of police firearm discharges, and the time of police shooting incidents. The quantitative analysis used logistic regression to determine whether certain variables predicted a higher risk of fatality.

The following chapter will present the findings of the qualitative and quantitative analyses. Victim, police, and situational findings will be presented with a discussion of what they may indicate about police shootings in Ontario. The results of the logistic regression will also be examined and discussed along with their potential significance. The results are organized under victim findings, situational findings, and police findings.

Chapter 4.

Findings

The analyses conducted in this thesis will help important information regarding police shootings in Ontario that is currently unavailable in the public domain. The findings of this thesis are relevant as they are derived from the latest available data (2004-2012) and provide an aggregate picture of police shooting incidents in Ontario. The findings in this thesis allow for a higher level of scrutiny than what is currently possible using data made available by the SIU.

The SIU releases annual reports that include the total number of police shootings that resulted in death or injury, the city or county where the incidents occurred, as well as the police service involved. However, the SIU does not include a compilation of police, victim, or situational information in these annual reports. The SIU publishes an investigation summary for each police shooting containing data on victim, police and situational variables as their investigation is concluded. However, these summaries are not aggregated and released to the public. Currently, little is known about the victims of police shootings, the officers involved in these incidents and the situational aspects leading to police firearm discharges.

This thesis mitigates the limitations of the SIU's reporting of police shooting incidents by analyzing each investigation summary and publishing the aggregated findings. This thesis provides a complete picture of police shootings in Ontario which is not provided by the SIU or any other governmental source. It does so by using qualitative and quantitative analysis to provide greater insight on police shooting incidents in Ontario. For example, these analyses will allow readers to know which types of weapon were yielded by victims of police shootings, the calls for service which were most likely to lead to a police shooting, and whether certain factors were more likely to

lead to a fatal police shooting. This information is important as it can help guide public policy and aid police training.

Demographic Findings

Age of victims spanned 15-70 years ($M=33.53$; $SD= 12.4$) (see Figure 4.1). The peak age of victims was between 22-24 years. The majority of police shooting incidents involved male victims ($n=128$; 96%). Slightly over 15% ($n=25$) of the victims exhibited mental illness indicators according to police observations at the scene, statements by family or friends, as well as medical documentation; six percent ($n=8$) were identified as schizophrenics. Table 4.5 provides information regarding the injuries of police shooting victims. Over 90% ($n=120$) of incidents resulted in fatal or serious life-threatening injuries to the victims. This is not surprising since police officers are trained to shoot at the center of mass of a target when using their firearm (Force Science Institute, 2006).

The majority of the shooting victims were in their early adulthood which is consistent with criminological research that states that criminality, and resulting contact with police, peak in late adolescence and start declining thereafter (Shulman, Steinberg, & Piquero, 2013; StatsCan, 2012). The fact that the majority of victims were male supports previous research showing that males were most likely to have contact with police officers (Greenfeld et al., 1999). Males tend to commit the majority of violent crimes and are more aggressive than women; this helps explain why men are involved in more police shootings than women (Daly & Wilson, 1994). While the finding that males are far likelier to be involved in police shootings is unsurprising, more awareness should be provided to officers regarding their approach to female suspects. Police may relax around females yet it must always be stressed that they can be just as capable of endangering officers as males.

Figure 4.1. Victims' age

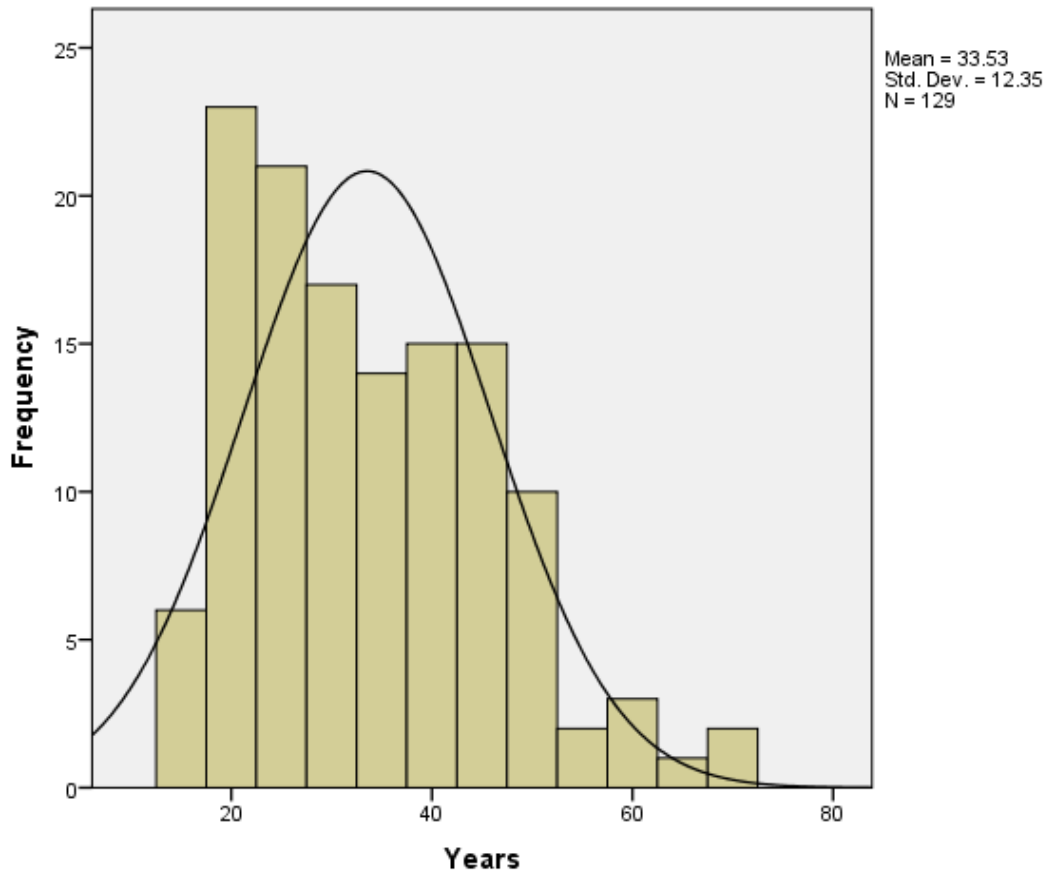


Table 4.1. Victim injuries

Type of injury	Frequency	Percent
Fatal	70	53
Serious injuries	50	38
Non-serious injuries	12	9
Total	132	100.0

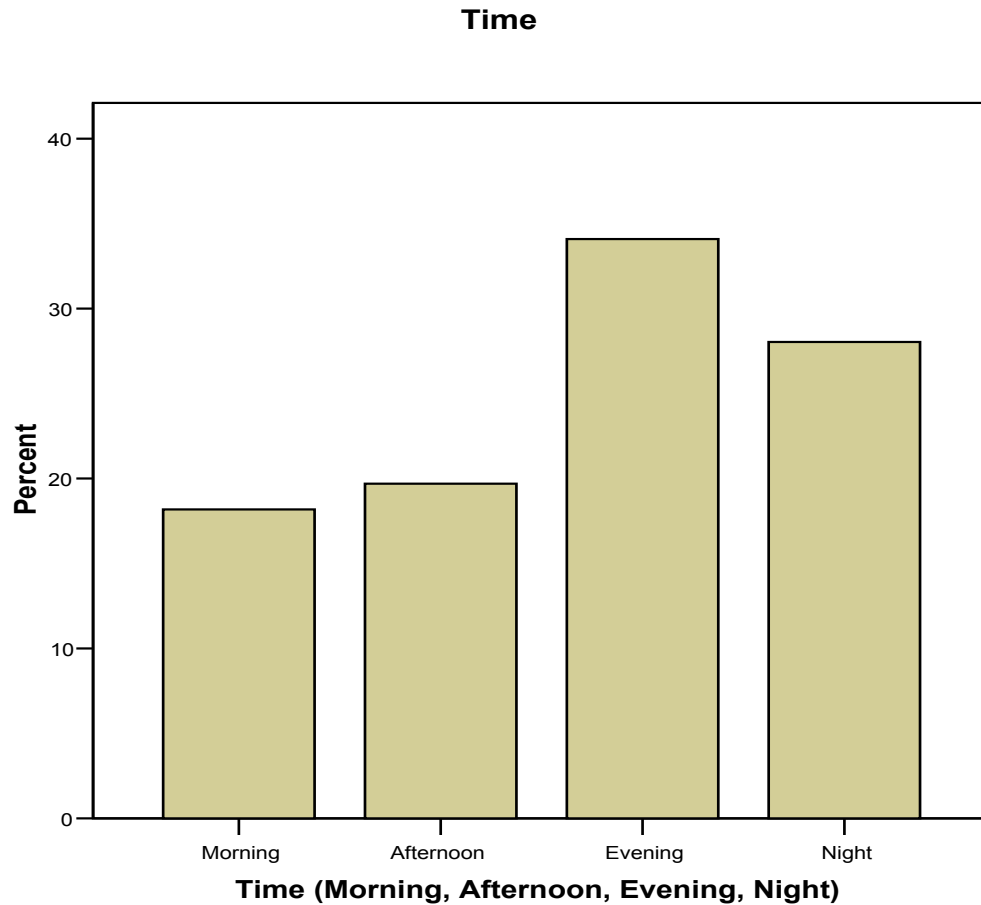
Situational Findings

Time of Incident

The majority of police shootings in Ontario occurred during the evening or night. A total of 62% of police shootings (n=82) occurred during evening or night time. The full breakdown can be seen in Figure 4.2.

These results appear to support the danger perception theory that states that officers will more readily use deadly force when they feel threatened (Langworthy, 1986; Parent, 2006). This also supports opportunity theory in that officers' costs-benefit analysis may lean towards using deadly force when they are placed in situations with poor visibility and situational awareness. When officers are in a situation where visibility is limited and there is little to no ambient light they do not have the same situational awareness as compared to daytime. This can raise uncertainty about factors that can impact officers' decision to discharge their firearm such as the presence of a weapon, the number of suspects, and the demeanor of suspects. Police officers' vulnerability is greater in these scenarios and this would influence their decision to use deadly force. Officers' ability to distinguish between benign actions from perceived threats may be diminished which can place them at a higher risk. The opportunity for a police shooting to occur rises as the perceived sense of danger increases.

Figure 4.2. Time of incident



Response Type

Of the 132 police shootings examined, the most prevalent response for service calls which lead to police shootings in Ontario were domestic violence incidents (19%; n=25), general disturbances (12%; n=16), and robberies (11%; n=15). See Figure 4.3 for the breakdown of police responses that lead to shooting incidents.

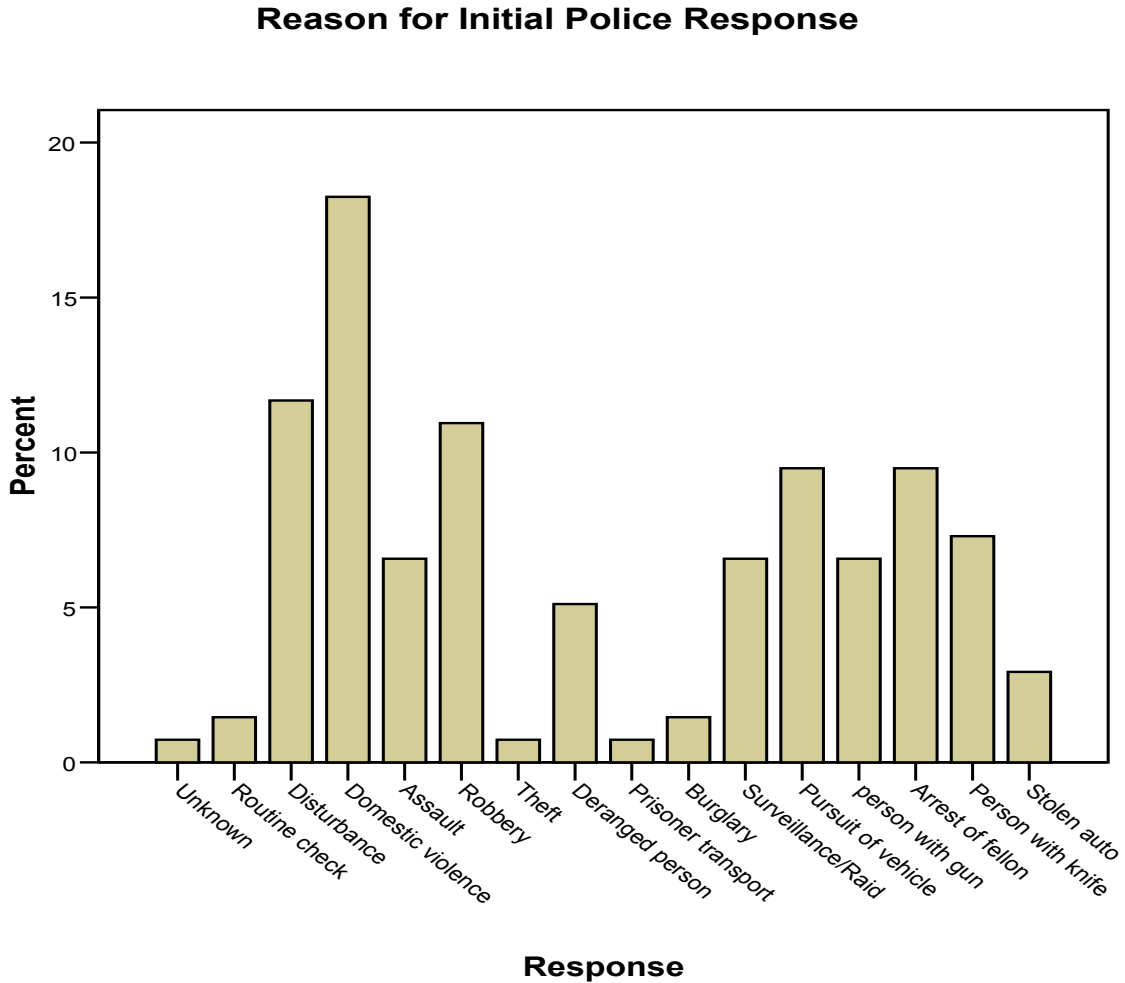
Domestic violence responses as well as robberies are known for their unpredictability and high level of dangerousness (MacDonald et al., 2003). Hirschel et al. (1994) found that most police calls for service involve interpersonal disputes such as domestic violence incidents. Police attending domestic violence calls must prepare

themselves for the unexpected as well as having to calm down people who are in an agitated state. Studies have found that factors such as alcohol consumption and hostile demeanor were predictors of police injuries when attending domestic violence calls (Ellis, Choi, & Blaus, 1993; Johnson, 2011). From an opportunity perspective, the presence of agitated and possibly aggressive individuals when responding to these calls may impact officers' decision-making when it comes to using deadly force. This would be further heightened if it is known that violence has already occurred or if there are reports of injuries at the scene. Domestic violence calls for service are dangerous and police require additional training in dealing with these specific calls given the fact that they constitute the main response for service that led to a police shooting in Ontario. Police should ensure that a minimum of two officers attend such calls in order to provide the necessary support to its officers.

Robberies are also dangerous especially if police are unsure whether the suspect is armed. Disturbances can also be dangerous due to the minimal information available to guide officers in their approach. Officers attending calls with minimal knowledge face an inherently higher level of risk which can influence an officer's decision to use his or her firearm. MacDonald et al. (2003) summarized research into the correlation between police use of force and seriousness of the initial call and found that many studies link domestic violence, robberies, as well as general disturbances as more likely to lead to police use of force. A Canadian study conducted in the early 1990s found that while domestic violence incidents are dangerous, there was a higher risk of police injuries when attending robbery calls (Ellis, Choi, & Blaus, 1993).

These findings regarding use of deadly force and calls for service are important as MacDonald et al. (2003) noted that the lack of research into this area is worrisome since police spend the bulk of their time responding to calls of service. Police services can better tailor their officer-safety training if they have greater information as to how deadly force incidents are distributed through various types of calls for service. The role of opportunity and how the surrounding environment along with the actions of the officer and the offender involved should also be further studied.

Figure 4.3. Reason for police response



Location of Incident

The majority of police shooting incidents occurred in residences (42%) or on the street (32%). Over 59% (n=79) of police shooting incidents occurred within enclosed settings. Approximately 57% (n=76) of all police shooting incidents occurred in the Greater Toronto Area (GTA) which includes Toronto, Mississauga, Peel Region, Durham Region, York Region, and Halton Region. The southern Ontario region contained another 16% (n=21) of the shooting incidents when including Simcoe County and Barrie.

It may be explained that officers who attend a call within a residence can feel a heightened sense of danger since they have very little room to operate, can be easily cornered, and are unfamiliar with the general layout of the home. Homes tend to have many blind spots as well as areas where someone can hide with ease. The ability to disengage and back away from a dangerous person is restricted when inside a residence. Once again, the opportunity of a police shooting occurring may increase when officers are confronted with unfamiliar settings. The high percentage of shooting incidents occurring on the street could be related to the fact that police spend much of their time conducting traffic enforcement which can lead to deadly force incidents. Some calls which originally took place in a residence can spill into the streets where the shooting takes place. The third most likely location for a shooting incident was a business setting which is not unusual given that money is often kept on business premises and can be the subject of robbery, theft, or burglary. Some of these businesses are also public houses where the consumption of alcohol can lead to behaviour that requires police attention.

Altogether, well over half of the police shootings in Ontario take place in the southern part of the province where the majority of Ontario's population live. This is not surprising as the Greater Toronto Area alone contains approximately 47% of the province's population (Ontario Ministry of Finance, 2012). However, there may be police shootings that are not being investigated in the northern area of Ontario. This is due to the fact that large swathes of territory in the north are part of First Nations lands, which is outside of the SIU's jurisdiction.

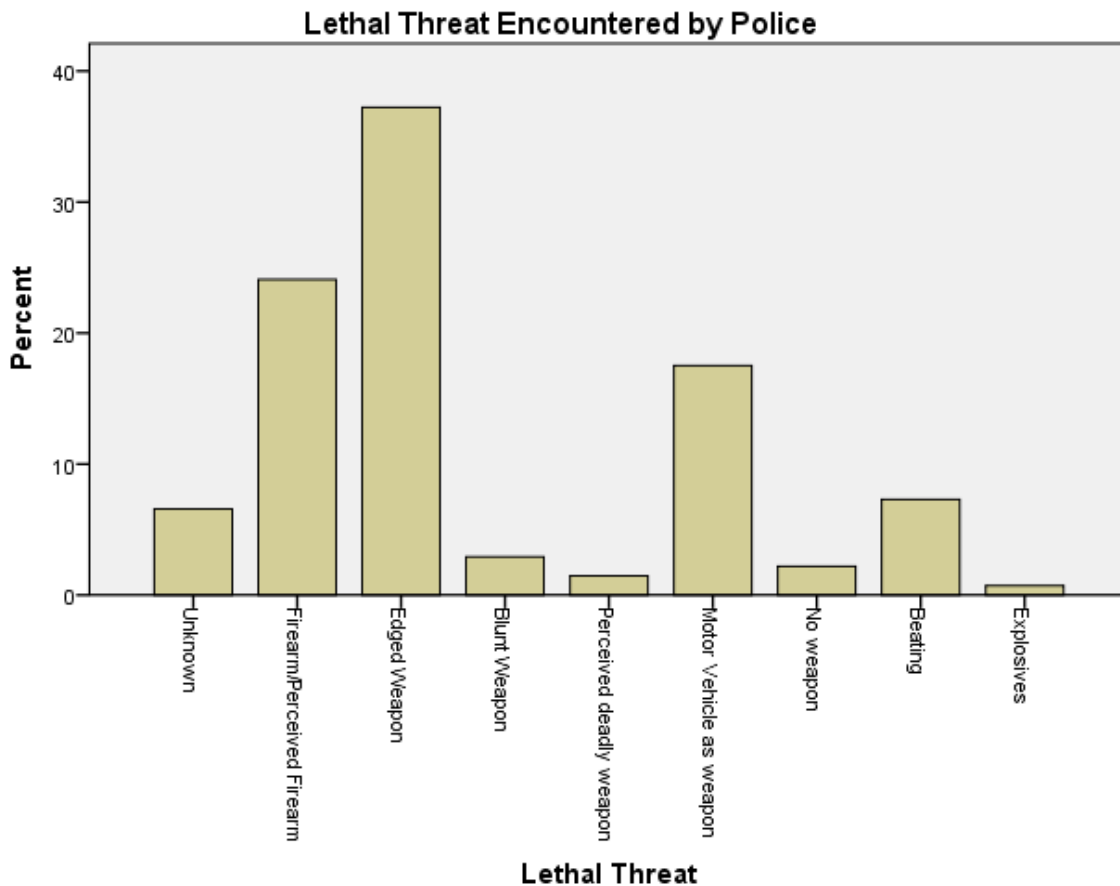
Lethal Threats Encountered by Police

The majority of officers in Ontario involved in police shooting incidents faced a suspect with an edged weapon (39%; n=51). Firearms and perceived firearms were found in 25% (n=33) of all police shooting incidents with handguns being the main type of firearm encountered. See Figure 4.4 for the complete breakdown of lethal threats encountered by police.

When police face those who have firearms they have very little time to decide whether they can negotiate or use deadly force. Many researchers have stressed that

these situations evolve extremely quickly and decisions must be made in a matter of seconds (MacDonald et al., 2003). Officers will use deadly force to protect themselves as well as the general public when someone is holding and pointing a firearm. The costs of not using deadly force in these situations could result in the death or injury to officers as well as members of the public. The opportunity of a police shooting occurring would be very likely as officers would want to move quickly to neutralize a deadly threat. Police treat all firearms as loaded since it cannot be known whether it is or not until police have it in their possession. The use of edged weapons against police officers is concerning and more training must be instituted to help police deal with people armed with such weapons. The tactics officers would use when confronting someone armed with a knife would necessarily be different than confronting a person with a firearm. However, extreme caution must be taken, especially if the person is within 20 feet of the officer as this distance can be covered within a few seconds.

Figure 4.4. Lethal threat encountered by police



Additional Findings

- The gender of police officers involved in shooting incidents was only available for 55 of the 132 cases examined. Of these, male officers comprised 93% (n=51) of those who discharged their firearms at suspects resulting in death or injury. Female officers were the primary shooter in only 3% (n=4) of shooting incidents.
- There was a low risk of police officers being killed or injured in situations where officers had to discharge their firearms (See Table 4.6). Two officers were killed during police shooting incidents in the nine-year period studied which amounts to approximately 2% of total incidents. Officers suffered non-fatal injuries ranging from mild to serious in approximately 18% (n=24) of police shooting incidents.

Table 4.2. Police injuries

Severity of injury	Frequency	Percentage
Fatal	2	1
Serious	4	3
Non-serious	18	14
No Injury	108	82
Total	132	100

Note. Serious injuries were not superficial in nature and included outcomes that necessitated major medical intervention

Hit Ratio of Police Firearm Discharge

An interesting finding of this thesis is that 22% (n=29) of police shooting incidents involved officers discharging their firearms a single time. Officers discharged their firearms twice in 18% (n=24) of cases. Another finding of this thesis is that police officers in Ontario had a hit ratio of 81%. Police hit ratios are the probability of an officer's shot hitting the target which is calculated by using the proportion of shots fired versus shots hit. Hit ratios are a measure of firearm accuracy.

The fact that 40% of police shootings involved the firing of only one to two rounds from their firearms is a significant finding. This result is interesting considering the growing concern in the U.S. about officers firing many shots towards suspects (White & Klinger, 2012). A possible reason as to why the majority of officers in Ontario fired only one or two shots is that they are trained to reassess the situation after every shot if possible. Also, officers can fire a shot and assess the situation with less fear of being fired at with a firearm by a wounded suspect if they are facing a suspect with an edged weapon. This can allow them to ensure the threat has been neutralized prior to deciding whether they must fire again.

The hit ratio exhibited by Ontario police officers between 2004 and 2012 of 81% is dramatically higher than any other studies have shown regarding this measure. A review of research conducted in the United States found that most officers displayed a hit ratio varying from 15% to 60% (Geller & Scott, 1992; White, 2006; Oudejans, 2008). Oudejans (2008) stated that a 60% hit ratio is seen as an exception to the norm for

frontline officers. This indicates that police officers in Ontario have an exceptionally high hit ratio as compared to their peers in the United States. A possible reason for the very high hit ratio is that officers involved in shooting incidents tend to be very close to the victims when they discharge their firearm, especially when the victims are armed with edged weapons.

Gender and Police Firearm Discharge

Of 55 cases where officer gender was available, only three percent (n=4) of police shootings involved a female officer discharging her firearm. These findings seem to suggest that female officers are less prone to using deadly force than their male counterparts. As of 2012, there are 4,917 female police officers who comprise 19% of Ontario's effective police strength (StatsCan, 2013). The fact that female officers comprise such a large and growing segment of police officers yet have used deadly force so rarely may suggest that they approach incidents where deadly force is justified differently than male officers. Caution must be taken, however, when interpreting these findings. Although 20% of police officers are women, it is unclear what percentage is involved strictly with street-level policing where the risk of police shootings is much higher than other areas of policing. It is also unclear how the presence of female officers impacts male officers' decision-making. The differences between male and female officers' decision-making process must also be further studied. More research must be undertaken to expand upon this finding and its potential impact on street-level policing strategies.

Number of Officers Present During a Firearm Discharge

Police shootings involving only one officer comprised 13% (n=17) of incidents. Over 37% (n=49) of police shooting incidents involved two officers at the scene. Ten percent (n=13) of cases involved three officers, and incidents where four or more officers were present comprised 28% (n=37) of cases.

This finding suggests that single officer responses to calls result in lower numbers of police shootings while responses with two or more officers can lead to more police shootings. This could be due to a number of factors; one possibility is that fellow

officers may perceive their partner(s) to be in enough danger to warrant the use of their firearm. An officer's perception of lethal danger can lead to the use of deadly force. Police officers focus on observed behavior and perceived threat and will act accordingly to protect themselves and others. A single officer may be more willing to use de-escalation techniques as well as other use-of-force options, yet when in a group they will not hesitate to use deadly force if they believe one of their colleague's is at risk. There may be a higher opportunity for police shootings to occur if an officer believes a partner is in danger.

Assigned Duty of Police Officer During Incidents

Over 84% (n=112) of police shootings involved uniformed officers. Plainclothes officers (n=12) as well as Emergency Response Team (i.e. SWAT) officers (n=12) each responded to a little over nine percent of incidents.

This distribution is not surprising given the fact that the majority of officers involved in street-level policing are uniformed and deal primarily with responding to calls for service, and engaging in duties such as traffic enforcement and general patrol. It is interesting that ERT officers were not involved in more police shootings considering they receive very high levels of training as well as state-of-the-art equipment to deal with high-risk situations where deadly force incidents are more likely to occur. Despite this, it is more likely that a uniformed officer will find themselves in a shooting incident as compared to other types of officers. This finding suggests it may be important that uniformed officers be provided with higher level training to deal with shooting incidents than is currently the case.

The Use of Police Negotiators During Incidents

Five percent (n=7) of cases involved negotiations with the victim outside of normal police orders to comply with their demands. This number is quite low when considering there were 132 incidents where police officers discharged their firearms. It is possible that some of the police shootings incidents could have been prevented with an increased use of negotiation tactics or de-escalation skills to try and defuse the situation.

It is important to note, however, that police will be forced to use deadly force if their life or those of others are in danger.

The Deployment of Non-Lethal Weapons

Officers used non-lethal weapons in 18% (n=25) of cases prior to utilizing deadly force. Of these, a Taser —a conducted-energy weapon— was used in 7% (n=9) of incidents. Conducted-energy weapons are non-lethal and are designed to provide officers with the ability to incapacitate a resisting person long enough to allow officers to restrain the person. The relatively low usage of non-lethal weapons, including Tasers, batons, and pepper spray, may be due to the limited time officers had to respond to the threat.

Currently law in Ontario restricting the use of conducted-energy weapons to members of special tactical teams as well as patrol supervisors may be partly to blame for the low usage of non-lethal weapons. However, this has changed recently as the government of Ontario has relaxed this provision in August 2013. Also, if a citizen threatens officers with a firearm police would have no choice but to use their firearm in order to protect their safety and that of the public. However, depending on the dynamic of the individual situation, persons armed with edged weapons could be dealt with by the use of a Taser. Officers' other non-lethal options such as batons and pepper spray were used rarely in police shooting incidents.

Misconduct and Police Personnel Charged

The SIU cleared 98% (n=130) of officers involved in police shooting incidents from any wrongdoing in the nine-year period examined (2004-2012). Another finding of the data examination is that in 75% of police shootings (n=99) were found to be justifiable. In these instances, the investigation by the SIU revealed that the victims' criminal actions left officers no other choice but to use deadly force in order to protect themselves and the public (See figure 4.7).

Another 19% (n=25) of police shootings were found to be influenced by the victim's mental illness, suicidal ideation or irrational behavior yet police were still justified

in using deadly force due to the risk to their safety. The SIU's determination of mental illness, suicidal ideation, and irrational behavior are determined through interviews with civilian and officer witnesses. Finally, six percent (n=8) of police shooting incidents were found to have been cases of accidental or wrongful shooting on the part of police.

The SIU's investigations have clearly shown that the majority of officers display exemplary decision making and resorted to using deadly force only in the direst of circumstances. The circumstances in most of the police shootings studied in this thesis make it clear that officers resorted to deadly force only when they had no other options available in order to safeguard their lives and those of the general public.

However, one officer has been brought forth on charges of manslaughter for actions during a police shooting incident. Another officer has been charged with assault with a weapon as well as careless use of a firearm. Those are the only two incidents where officers were brought forth on charges due to negligence in the course of their duties. It appears from an examination of media accounts that families and friends of at least 14 deceased victims dispute the findings of the SIU. It is unclear whether these concerns have basis in fact, as the emotional toll of losing a loved one in such a violent manner could influence the way the families and friends perceive the SIU's investigation. Nevertheless, whenever there are concerns of investigative wrongdoings or cover-ups it is essential to take these seriously as they can damage the public's trust in the SIU and the province's policing agencies.

Table 4.3. SIU summary of investigation

SIU Summary	Frequency	Percent
Criminal act by victim	99	75
Mental illness	12	9
Suicide act by victim	12	9
Irrational behavior	1	1
Accidental shooting	6	5
Wrongful shooting by police	2	1
Total	132	98

Inferential Findings

A logistic regression analysis was conducted to determine whether any of the victim, police, or situational variables can help predict a fatal police shooting. The full breakdown of the logistic regression analysis can be seen in Table 4.8. Results of the logistic regression analysis indicate that a number of predictors are significantly associated with a fatal outcome. The initial regression model included all dummy variables and non-significant predictors were eliminated using a backward selection method. The non-significant predictors consisted of a large portion of the victim, police and situational variables. For example, variables such as time of day, history of violence or criminal behavior, victim's demeanor, and location did not significantly predict a fatal police shooting.

Marginal effects for the independent variables were high in magnitude indicating that changes in the presence of certain variables can have a large impact on the probability of a fatal outcome in a police shooting. The base regression equation using the data collected indicates a 60% probability of a fatal outcome. This is reasonably close to the 50% fatal outcome probability of the actual data. This is important for the validity of the regression analysis as it demonstrates that the model can predict which police shooting incidents are more likely to have fatal outcomes.

There was a significant positive interaction between the victim having a firearm/perceived firearm and a fatal outcome. This means that there is a higher chance of being killed when holding a firearm/perceived firearm in the presence of police. This is not surprising given that police will act decisively to protect themselves and the public when there is someone wielding a firearm.

There was also a significant positive interaction between the victim using physical force against an officer and a fatal outcome. A possible explanation is that officers will use deadly force if they fear that their firearm may be taken from them and used by an assailant. This is one of the worst case scenarios for officers as their weapon may not only be used against them but against other innocent people as well. It is imperative that they remain in control of their firearm during physical altercations. In cases such as these, the officer would have little choice but to use deadly force.

One of the significant results of the logistic regression analysis is that victims exhibiting suffering from mental illness, such as schizophrenia, were more likely to be killed by police than those without signs of mental illness.

A fatal outcome was also more likely to occur when police were responding to domestic violence incidents where injuries or deaths were reported. This finding is supported by the earlier result that domestic violence calls constitute the most frequent call for service that lead to police shootings. The heightened emotional state of those being attended to and the presence of police officers in their home can quickly lead to confrontations and the need to use deadly force.

The findings of this logistic regression analysis are very important for a number of reasons. This thesis is the first to use police shooting data from Ontario to find significant predictors of fatal police shooting outcomes. These results confirm that there are certain factors that can significantly increase a person's risk of being shot and killed by police. These findings can help police direct their training efforts so that officers can be taught to identify some of these factors, such as mental illness and suicidal ideation indicators, so as to use all means possible to prevent a fatal police shooting. The significant findings related to mental illness show that police must take this issue seriously and train their officers to a higher standard at recognizing and de-escalating their interactions with such people. The finding that victims who are armed with firearms have a higher likelihood of being killed is a common sense finding , yet it helps validate the other significant findings that may not be as obvious to police and the public.

Table 4.4. Likelihood of fatal outcome with all predictors

Predictors	Fatality (p-value)	B
Victim had a firearm	.006 [0.083]*	.287
Victim suffered from Schizophrenia	.028[0.087]*	.424
Responding to domestic violence (injuries/death reported)	.026[0.077]*	.331
Victim's age	.411	.003
Victim's gender	.388	-.188
Responding to crime in progress	.012[-0.048]*	-.222

Notes.* indicates $p < .05$; marginal effects are shown in brackets.

Suicide, Mental Illness and Police Shootings

In this thesis, 19% of police shooting incidents in Ontario between 2004 and 2012 involved a victim that exhibited some indicators leading police to believe they suffered from a mental illness or suicidal ideation. These indicators could include information relayed by 911 callers, and police observations at the scene. Six percent of the fatalities documented involved people suffering from schizophrenia. Nine percent of fatalities involved victims who had a history of suicidal ideation (i.e. medical documentation or statements by family and friends) or was exhibiting suicidal behavior. Police interactions with the mentally ill have been subject of increasing academic attention, especially in recent years where mentally ill victims have been shot and killed by police in suspicious circumstances (See cases 1 and 2). Police have been called 'armed social workers' due to the growing number of mental health calls they attend (Parent, 2007)

There are cases where victims will actively seek out police and provoke them into using deadly force either by holding a firearm in a threatening manner or by attacking police with an edged weapon. These types of cases illustrate the phenomena of 'suicide-by-cop' or 'victim-precipitated homicide' in which a person who does not wish to kill themselves acts in such a way that forces police to use deadly force (Parent, 1996). The data examined indicates that people are increasingly instigating their own deaths at the hands of police. These situations are particularly dangerous to officers as they cannot be certain the weapon being yielded by the victim is operable or not in the case of person with a firearm. If the victim decides to run towards an officer in an aggressive manner with an edged weapon there is little officers can do but use deadly force to protect themselves. When it is clear that the individual being dealt with by police is suffering from mental illness or is in a suicidal state it is imperative that officers do everything possible to contain and defuse the situation. Most police shooting incidents occur after a rapid process of assessment and attempt to gain compliance from the suspect. If more time is spent attempting to defuse and contain the situation, resorting to deadly force may be prevented. The two following cases help illustrate how police can be provoked into using deadly force. The SIU summaries of investigation have been redacted in order

to preserve the victim's anonymity as well as that of the police service involved in the shooting.

Case # 1

A 52-year-old woman was shot and killed by officers of a large urban police service in the fall of 2011. The summary of investigation is as follows:

- At approximately 9:30 a.m., the subject called 911 from her residence and told the operator she had a knife and was going to commit a crime.
- The subject officer and another officer responded to the call in separate marked police cruisers.
- The subject officer approached the house. The subject suddenly exited the residence through the front doors and descended from the porch with a large knife in her right hand. She went directly toward the subject officer holding the knife in a threatening manner. The subject officer unholstered his firearm and pointed it at the subject while stepping backward toward the street and repeatedly yelling in a loud and clear manner to "Put the knife down!", to which the subject responded, "No".
- The in-car video camera recordings showed her less than two metres away from the subject officer with the knife positioned above her shoulder and continuing to close in on him when the subject officer discharged his firearm three times in rapid succession causing the subject to fall on the roadway. Both officers present performed CPR until she was transported to the hospital by ambulance. The post-mortem examination concluded that the subject died of one gunshot wound to the front of the chest.

(SIU, 2011)

As in many of the cases studied in this thesis, two officers were involved in the shooting incident. The subject's refusals to heed repeated orders to stop approaching police officers and drop the knife poised above her shoulder lead to her shooting death. Preliminary research has suggested that police officers can be unprepared when faced with a sudden attack from a woman as women are not usually associated with violence (Plant et al., 2011). The subject was able to get to within six feet of the officer before he decided to use deadly force, which is far closer than the standard 20-foot space that officers are generally taught an edged weapon becomes a life-threatening danger. It is clear in this case how the opportunity for a police firearm discharge arose through the actions of the officers, the subject and the immediate environment. Also, the presence of

an edged weapon changed the decision-making calculus of the officers and led to their decision to use deadly force.

From a tactical standpoint, the officer was well within his right to discharge his firearm by the time the subject came so close to him with a lethal threat. However, there are some troubling aspects of this incident which were not discussed or mentioned by the SIU in its summary. The subject's family told the press that she suffered from symptoms of schizophrenia and psychosis and had been diagnosed as having bipolar disorder, which is characterized by periods of depression. Express mention was made of the fact that the subject suffered from bipolar disorder according to audio of the police dispatcher speaking to units responding to the call obtained by the press (Mills, 2012b). The SIU failed to mention this in their summary of investigation and how this could have affected the subsequent police response. This further supports the notion that more intensive training must be given to frontline officers in how to deal with mentally disturbed individuals so as to attempt to preserve their lives if possible.

Case # 2

A 29-year-old male was shot and killed by officers from a large urban police service in early 2012. The following is a redacted summary of the incident by the SIU.

- In the morning hours, the subject left a hospital wearing a hospital gown, a toque, and a pair of socks. He had been involuntarily admitted to the hospital and was under observation.
- The subject entered a nearby store where he picked up two pairs of scissors and attempted to leave. He got into a confrontation with the store owner and the store owner reported the incident to 911. Police cruisers in the vicinity were notified that there had been a stabbing incident in which a suspect who may have been in hospital was armed with two pairs of scissors.
- The subject next demanded car keys from women in two separate incidents in an attempt to deprive them of their cars. The attempts were unsuccessful and one of the incidents was reported to 911. This incident was also relayed to nearby police cruisers as an attempted car-jacking.
- These multiple calls to 911 led to twelve officers (including the subject officer) in six cruisers converging near his location in an attempt to apprehend the subject.
- The subject officer first saw the subject jogging from a driveway. The subject had a pair of scissors in each hand clutching them such that the bladed parts

were exposed and pointing down. He appeared agitated, and when viewing his clothing, the subject officer concluded he was suffering from a mental disorder. The subject officer joined other officers keeping pace the subject. Some yelled at him to drop the knife or knives, but the subject ignored all of the commands.

- He then stopped, turned towards the officers and began walking towards them. A line of approximately seven officers with their guns drawn began backing up on the roadway. One of the officers continued to yell commands to the subject to “drop the knives”, and “stop moving.” The distance between the officers and the subject was approximately ten to twelve feet, and the subject continued to hold the scissors in front of his body as he walked towards the subject officer and a witness officer, both of whom were slowly backing up toward a parked pickup truck. The witness officer backed into the truck and the subject officer momentarily stopped backing up, causing the distance between these officers and the subject to shrink.
- According to the officers, the subject said words to the effect, “one of you is going to die.” The subject officer told the subject to drop the weapon or he would shoot, but the subject did not comply and continued to advance. The subject officer discharged his firearm three times, with one round striking the subject who was later pronounced dead at hospital.
- The best estimate of the distance between the subject officer and the subject at the moment of discharge is eight to ten feet.

(SIU, 2012)

The SIU concluded that the officers were justified in using deadly force. The point was made by the SIU as to whether non-lethal options could have been an effective way of ending the threat posed by the subject. However, Tasers were not issued to frontline officers in Ontario at the time and the other use-of-force options were not optimal for the situation. As in the previous case, the distance between the victim and officer was well within the danger zone for an edged weapon. The officers also responded to the subject’s actions by aggressively ordering him to stop moving and to drop the scissors he was carrying. By reacting in such an aggressive manner, the officers may have unwittingly provoked the subject and precipitated the actions that were to follow. Anyone suffering from a serious mental illness would find facing a line of seven police officers with their guns drawn to be a terrifying experience. It will never be known what the impact this strategy had on his eventual shooting death but it certainly would not have helped defuse the situation.

The two cases examined included individuals who suffered from suicidal tendencies (in case # 1) and mental illness (case #2). The shooting incidents examined

in the two cases above follow to a large extent the interactional theory of violence where the actors involved precipitate each other's actions (Bayley, 1986; Sykes & Brent, 1983; Terrill et al., 2003). It is clear that officers reacted to both situations using compliance tactics they had been taught to use against healthy individuals who are resisting orders. However, in these two cases officers were dealing with individuals suffered from serious mental health issues. Police moved quickly to neutralize the threat both victims posed and did not attempt to contain or de-escalate the situation beyond normal compliance tactics. A shooting opportunity arose due to the combined actions of the police and the subject.

Police as Victims

As noted earlier, the majority of police shooting incidents do not result in serious injury or death to the officers involved. However, two officers were killed in the line of duty in the nine-year period examined in this thesis. The following is a redacted summary of an SIU investigation into a police shooting incident in which the shooting death of an Ontario police officer occurred.

- On March 8, 2010, two officers were dispatched in separate police cruisers to a farm residence. The police had received information that a 72-year-old male intended to cause a resident harm.
- The officers arrived at the residence, but no one was home. They left the residence and remained in the area.
- At approximately 10:12 a.m., one of the officers saw the white pickup truck driven by the subject.
- The officer radioed his location and requested the other officer, who was still in the area, to assist him in investigating the vehicle.
- The officer signalled the subject to pull over. Once the pick-up truck stopped on the east shoulder of the road, the officer parked 2.5 metres behind the truck. The subject exited his truck and officer exited his cruiser.
- In the meantime, the second officer turned his police cruiser around with the intention of parking directly behind the first officer's cruiser. As the second officer was bringing his cruiser to a stop, he saw the subject leave the truck's cab with a rifle, walk behind his truck, point the rifle at the first officer and shoot him. The first officer had managed to unholster his handgun and discharge it once immediately before being felled but it is unlikely that this shot hit the subject.

- The second officer broadcast on his police radio that the subject had a high-powered rifle and had just shot the first officer.
- The subject shot at the second officer at least two times. The second officer unholstered his handgun as the subject walked towards him with rifle in hand. The second officer shot multiple rounds at the subject from his location near the passenger side of his cruiser. The second officer yelled at the subject to drop his weapon. The subject shot one round in the direction of the second officer and then attempted to take cover on the east side of the incline. The second officer fired another five rounds from his handgun at the subject. The subject was shot six times in total.

(SIU, 2010)

Unfortunately, the injured officer did not recover from his injuries and died. The suspect suffered fatal injuries as well. The second officer, who was the subject officer in the SIU's investigation, was found by the SIU's Director to be well within his rights to have used deadly force in the incident. This case highlights that although the majority of police shootings incidents end with no injuries to the officers involved, policing is an inherently risky business and the dangers of being seriously injured or killed are always present.

The findings of this thesis help shed light on the issue of police shootings in Ontario. Some of these findings confirm previous research on the use of deadly force rather than offer novel insights. However, this is the first study to examine the use of deadly force in Ontario using regression analysis as well as using such a large amount of data. These findings help show that the majority of the U.S. research conducted on the use of deadly force by police is applicable to a Canadian setting. The average police shooting incident involves a young male individual coming into contact with uniformed police at night and armed with either an edged weapon or a firearm. The main calls for service leading to police shootings are domestic violence incidents. Nearly 20% of police shooting victims suffered from mental illness or suicidal tendencies. Female officers comprised only three percent of officers who discharged their firearm. Finally, the logistic regression analysis determined that possessing a firearm/perceived firearm, suffering from a mental illness such as schizophrenia and responding to a domestic violence incident were all significant predictors of fatal police shooting incidents.

The implications of these findings will be discussed in the following chapter. These findings have implications on officer safety and police training, policy as well as

civilian oversight of police in the province of Ontario. Recommendations will be made to address the issues arising from this thesis and steps will be proposed to attempt to reduce the occurrence of police shootings while keeping officers safe. The findings regarding the SIU will also be discussed and ways of improving civilian police oversight in Ontario will be proposed.

Chapter 5.

Implications and Recommendations

The goal of this thesis has been to examine what social, psychological and situational factors are associated with police shootings in Ontario. This thesis found that the average victim of police shootings were young males. The most common weapon faced by police officers in deadly force situations were edged weapons such as knives. The most common call for service leading to police shootings was domestic violence incidents. Also, individuals suffering from a mental illness faced a significantly higher risk of being fatally shot by police. The majority of police officers involved in shooting incidents did not suffer injuries, though one officer was killed during the studied time period. Female police officers were rarely involved in police shooting incidents. The SIU cleared over 95% of police shooting incidents they investigated. These findings have implications for police tactics and policy as well as for the civilian oversight of police. These implications will be the focus of this chapter. The limitations of this thesis are also discussed along with potential areas of future research.

Policing in Ontario: Implications

The findings of this study have numerous implications for the way police operate. The main goal of this thesis was to be able to provide officers with insight on the way police shootings can be reduced, prevented, and officers' safety improved. These findings can also help guide police into improving their training.

Training

The largest proportion of calls leading to police shootings in Ontario was domestic violence incidents. Police training should incorporate improved communication

and de-escalation techniques so that officers may be able to defuse these situations without having to resort to deadly force. Police should examine the techniques officers used to successfully resolve domestic violence incidents and adopt a best-practices approach in order to make these techniques standard for these situations. A number of studies have recommended these steps be taken as a way of reducing the shooting of mentally ill individuals (Mental Health Commission of Canada, 2008, 2010) yet these steps could also be used to potentially reduce police shootings at the site of domestic violence incidents.

Police officers in Ontario receive firearm training on indoor and outdoor firing ranges as well as in use-of-force simulators. Many police services in Ontario as well as the Ontario Police College have use-of-force simulators to supplement their regular in-class training (Bennell, Jones & Corey, 2007). These simulators consist of a large video screen where policing scenarios can be projected and officers must decide what actions to take (Bennell, Jones, & Corey, 2007). These simulators help train officers in using their use-of-force skills as well as their decision-making abilities. Most of the agencies reporting to have such simulators were based in Ontario according to a literature review conducted by Bennell, Jones & Corey (2007). This is an encouraging sign that Ontario is making use of technology to better prepare officers for what they will face on the streets. However, one of the pitfalls regarding this training is that officers had minimal training time with the simulators and that the scenarios do not change often enough and get repetitive which lessens the training's effectiveness.

The finding that police shootings are more likely to occur when it is dark stresses the importance of ensuring that police are trained to shoot in adverse conditions. While many Ontario officers have access to use-of-force simulators it is unclear how much emphasis is placed on firearm training in real-life conditions, such as at night and in poor weather. There are also gaps in our knowledge of the use of realistic scenarios that are to guide their firearm training. These scenarios would preferably be drawn from experiences from Ontario police officers who have had to discharge their firearm in the course of their duties. Police training in Ontario should also consider using more reality-based training techniques such as those using live-fire to more closely approximate situations officers may find themselves in. This type of training involves shooting at an opponent who fires back with painted soap cartridges that produce intense pain when

struck (Oudejans, 2008). This would not only prepare officers for what they may encounter in real life, but also improve their shooting accuracy in highly stressful situations which may save their lives and those of others (Oudejans, 2008). It would also improve their marksmanship thus reducing the risk of bystander injury or death (Oudejans, 2008).

For example, in the neighbouring province of Quebec a recent fatal shooting of an innocent bystander in Montreal in June 2011 shows the need for officers to be well trained in the use of their firearm. The bystander was on his way to work when he walked by police who were attempting to arrest a disturbed individual brandishing a knife (Bureau du Coroner, 2012). Two police officers discharged three rounds towards the assailant, of which two missed with one causing the death of the bystander. The Coroner's Report into the incident recommended increased firearms proficiency training to ensure that such tragic events do not reoccur (Bureau du Coroner, 2012). There are some challenges to implementing these improvements. Research has shown that many police departments are limited in the amount of real-life training in adverse conditions they can undertake due to fiscal concerns (Morrison, 2003). Morrison (2003) reviewed police handgun training in Washington State and found that few departments have training equipment that mimic real-life scenarios such as turning/disappearing targets, outdoor shooting ranges, computer-based simulation training or live-fire shooting areas. Police training in Ontario is more centralized than in the United States thus providing more resources for officers to gain proficiency in using their firearm, and a number of police services in the province already use computer use-of-force simulators (Bennell, Jones, & Corey, 2007). However, it is important that police do not overemphasize training in lit, indoor ranges while neglecting more challenging scenarios which officers are more likely to face. More research must be conducted to find out how much realistic training Ontario police officers receive and how this compares to other police services.

It is not currently known how much training police officers receive in Ontario to deal with suspects with edged weapons. Police officers are normally taught that edged weapons become a mortal danger within the 21-foot span, as a suspect with an edged weapon can cover a 21-foot span in a second (Mental Health Commission of Canada, 2010). However, some researchers have pointed out that this rule may not be entirely appropriate depending on the situation and the posture of the person with the edged

weapon (Dupont & Cochrane, 2000; Mental Health Commission of Canada, 2010; Tucker et al., 2008). The Force Science Institute (2005), a police research institute, conducted research and found that police may need even more than 21 feet in order to respond to a charging individual yielding an edged weapon.

One of the most noteworthy findings of this study is that police officers are more likely to face an assailant armed with an edged weapon than a firearm in Ontario. An important recommendation of this thesis is that police services across Ontario should enhance their edged weapon training as it is more likely that officers will encounter an edged weapon than a firearm. Officers in many of the incidents examined in this study allowed citizens armed with edged weapons to come dangerously close to themselves before using their firearm. In the case studies examined in the previous chapter, both officers discharged their firearm only when the suspects came within less than ten feet of their position. It is clear that more research should be conducted on these highly dangerous situations and that police should revise their training protocols accordingly to deal with edged weapon-armed individuals.

Mental Health Crisis Intervention Teams

Currently all new Ontario police officers will have received some training on how to deal with mentally ill individuals (Mental Health Commission of Canada, 2008). However, Ontario officers receive less training in this area than some of their counterparts in other provinces in the country. The Ontario Police College which trains police officers in Ontario currently provides cadets with seven hours of training related to dealing with mentally ill individuals (Mental Health Commission of Canada, 2008). This is far less than the 20 hours of training provided by the Edmonton Police Service and the Atlantic Academy (Mental Health Commission of Canada, 2008). Greater emphasis should be placed on providing mental illness training for all police officers as well as creating and maintaining mental health crisis teams which pairs a police officer with a mental health professional (i.e. mental health nurse, psychiatrist, psychologist) to deal with cases where it is clear mental illness or a crisis is involved. The finding of this thesis is that nearly 20% of all police shootings in Ontario involved an individual showing signs of mental illness or suicidal ideation. This raises concerns on how well-trained and capable police are to deal with such individuals. Studies have found that officers trained

to deal with mental health crisis interventions are less apt to use physical force and more willing to speak to the person in crisis (Compton et al., 2008; Mental Health Commission of Canada, 2008; Morabito et al., 2012). This type of training would give frontline officers the tools to handle situations which require more flexibility than a standard police-citizen interaction. The Ontario Police College as well individual police services should review the amount of training they provide to officers on dealing with mentally ill individuals.

Some of the community outcry after the deaths of the subjects examined in the previous chapter (case #1 and case #2) was centered on the fact that police failed to use de-escalation techniques to defuse a situation involving people who were suffering from mental illness and suicidal tendencies (Rush, 2012). Miller and Braswell's (1983) research found that "crisis intervention calls represent the most frequent requests for police services" (p.27). De-escalation training provides officers with the skills necessary to effectively manage those in crisis and reduce the potential of force being used to gain compliance (Oliva et al., 2010). These skills include effective communication, active listening, as well as avoiding loud or threatening gestures that could further aggravate the situation. Police officers dealing with citizens who are exhibiting signs of mental illness or suicidal tendencies should be trained not only to de-escalate and contain the situation, but also to slow the pace of their interaction with these types of individuals. More control can be taken in cases such as these by slowing down the situation, precluding of course that the individuals do not pose an immediate threat to anyone's safety.

A number of partnerships between mental health professionals and police have begun in Canada. The Vancouver Police Department's Car 87 partners a police officer with a nurse or psychiatric nurse to help assessment and intervention in calls involving mental illness (VPD, 2013). The Ottawa Police Service has instituted a Mental Health Unit comprising of officers along with social workers, nurses, and psychiatrists to respond to mental health calls. There are many other cities in Canada that have instituted similar units or have trained officers to deal with the mentally ill (Toronto, Montreal, and Calgary). A Coroner's Inquest held in Montreal after the death of an innocent bystander as well as a suspect suffering from mental illness also recommended that Quebec make greater use of mental health crisis intervention teams (Bureau du Coroner, 2012). These initiatives illustrate how community policing, in this case the

partnership between healthcare professionals and police, can play an important role in reducing deadly force incidents.

These efforts must continue as well as be expanded to reduce the occurrence of those suffering from mental illness and suicidal tendencies from being killed by police. Trust in police as well as their legitimacy in the eyes of the community would be strengthened by reducing shooting deaths of those suffering from mental illnesses and suicidal ideation.

Non-lethal Weapons

After the 2010 amendment of the Equipment and Use of Force Regulation (R.R.O. 1990, Reg. 926) under the *Police Services Act*, there was stricter regulation of the use of conducted-energy weapons such as Tasers in Ontario. The amendment of Police Service Guideline 3 has had an impact on Taser availability to frontline officers. Currently, only members of each police service's tactical team, perimeter control and containment teams as well as police supervisors can be equipped with conducted-energy weapons. This has prevented all frontline officers to have this effective piece of equipment. The director of the SIU has questioned whether the policy to restrict Taser deployment to a select group of officers is good policy (Mills, 2012). Equipping and training all frontline officers on the proper use of conducted-energy weapons could help reduce the frequency of police shooting incidents. Quebec's Office of the Coroner recommended that officers be equipped with conducted-energy weapons in order to provide police with an alternative to deadly force in situations where there are large numbers of bystanders and where circumstances permit it (Bureau du Coroner, 2012).

Greater use of conducted-energy weapons by a wider array of police officers in Ontario is one of the main recommendations of this thesis. This would provide officers with an additional option on the use-of-force continuum. Non-lethal weapons such as Tasers will never fully replace an officer's firearm. There will be many instances where deadly force will be the only option available yet this is a good step to mitigate that potentiality. There is the risk that deploying Tasers to all frontline officers will result in greater use, and potentially abuse, of this tool. However, misconduct involving conducted-energy weapons can be limited with proper training and careful oversight. It is

still unclear how the widespread availability of Tasers would alter officers' use-of-force in citizen interactions.

There are a number of reasons as to why non-lethal weapons may have been used in so few instances prior to a deadly force incident. It highlights the need to provide officers with additional non-lethal weapons such as the Taser as well as more training in their use. This additional training would be important as some officers may be reluctant to use a Taser given the number of high profile deaths linked to their use in recent years. Also, it may be that officers simply did not have enough time or opportunity to use a non-lethal option. The events leading up to a police shooting can occur explosively and with little time for the police to respond in any other way besides using deadly force. When an individual is threatening officers or rapidly approaching with a lethal weapon police have very little time to respond and using a non-lethal weapon, though ideal, is at times simply not an option. The widespread allocation of weapons such as Tasers to all officers may not alter the fact that in a rapidly deteriorating situation with a threatening individual an officer's sidearm is the only possible option. It is important to remember the data examined did not include incidents where non-lethal weapons were used effectively without the need to resort to lethal force which presumably occurs on a more regular basis. It is concerning that most officers are not using non-lethal weapons prior to using deadly force.

More research and development should be conducted towards creating a hybrid lethal/non-lethal weapon option for police officers. A number of researchers (Meyer, 1991; Parent, 1996) have suggested the development of a weapon that combines a firearm with a conducted-energy component to allow officers flexibility in use of force options when confronting a resisting suspect. There have been some innovations in the area, most notably the Extended Range Electronic Projectiles produced in 2007 by the same company that makes Tasers (Kunz et al., 2011). This cartridge fits inside a standard 12-gauge shotgun carried by police and produces the same incapacitating shock as a standard conducted-energy weapon with the added advantage of having a range of approximately 100 feet (Kunz et al., 2011). This provides police with the capability to deploy a lethal or non-lethal cartridge depending on the situation. It is only a matter of time before investments in research and development produce a weapon capable of being lethal or non-lethal depending on the situation.

Officer Deployment Model

Calls for service should be attended to by a single officer. This recommendation stems from the fact that most police shootings occur when there are multiple officers at the scene. The majority of police shooting incidents involved two or more officers (85%; n=99). Researchers (Terrill & Mastrofski, 2002; White, 2002) have found that there is a higher risk of force being used, which includes deadly force, if there is more than a single officer at the scene. This follows the danger perception theory where police are more likely to use deadly force when they believe that their partner is under imminent threat. This raises questions as to the utility of the two-officer response unit and if these pairings raise the level of force used during interactions with citizens. This may be due to officers believing there is a heightened danger to their partner even if this may not be the case. However, it is important that officers are provided with the proper support, especially in potentially dangerous situations. This being the case, additional officers should always be sent in highly dangerous situations.

More female officers should be paired with male officers when more than a single officer is needed at a call for service. Only four (3%) police shootings out of 55 involved a female officer even though women comprise close to 20% of all police officers in Ontario (StatsCan, 2013). Police in Ontario should explore the use of male-female partner groups responding to calls for service and examining whether this strategy contributes to a decrease in use of force incidents. Further research into this area is important, especially given that few female officers in this study were involved in police shooting incidents. A recent study examining use-of-force reports found that female officers not only use less force than their male counterparts, but that greater female officer involvement in citizen interactions reduced the level of force used when interacting with citizens (Schuck & Rabe-Hemp, 2007). In our society, gender roles tend to view women as being sensitive and more communicative than men that may influence how female officers related to those they interact with and may influence their decision to use force including deadly force (Schuck & Rabe-Hemp, 2007).

The summary of recommendations for police is as follows:

- More training in real-life conditions (i.e. outdoors, low light)
- More edged weapons training

- Increased mental illness and de-escalation training for all officers
- Increase in the deployment of mental health crisis intervention teams
- Deployment of Tasers to all frontline officers
- Single-officer responses to calls where feasible
- Use of male-female police response to lessen amount of force used

These recommendations aim to improve the way in which the police operate on a daily basis. This begins with the training of police officers. A properly trained officer can mitigate the need to use deadly force. This is especially so when dealing with the mentally ill or suicidal individuals. Greater use of mental health crisis intervention teams can reduce the need to use deadly force on individuals who clearly need psychological or medical assistance. The deployment of Tasers to all frontline officers would give them an added use-of-force option that is currently unavailable to the vast majority of officers. The use of single-officer responses to calls for service, within the realm of safety, can lower the amount of force used in interactions with citizens. Finally, early findings suggest using male-female partners are a viable way of reducing the level of force used in citizen interactions with police and should be implemented on a test basis to determine if this is indeed the case.

Civilian Oversight: Implications

This study's examination of police shootings involved extensive use of the Special Investigation Unit's publicly-available data. There are a number of recommendations that can be implemented in order to improve the agency's public legitimacy. An effective civilian police oversight agency can bolster public accountability and have a significant impact on the events it investigates such as police shootings. One of the major components of reducing police shootings is to have greater accountability and oversight of our policing agencies.

Strategic Public Disclosure

The SIU must show greater transparency as to police shooting victims' ethnicity and mental health status when releasing the summary of their findings to the public.

Legislation governing the classification of the SIU's summaries of investigation should be amended in order to release investigative summaries with more information than is currently provided and allow researchers access to this information. At the conclusion of every SIU investigation since 2004 a press release is made available to the public to provide them with the results of the investigation. Currently, the SIU rarely discloses whether or not the victim of a police shooting suffered from a mental illness. It is important to disclose victims' mental health status to avoid the perception of neglecting such information even though a victim's mental illness may not have significantly altered the chain of events leading to their death (i.e. charging towards an officer with a knife). These recommendations have been echoed by other reports investigating the SIU and its methods of releasing information to victims' families as well as the general public (BCCLA, 2012).

Another important omission in the SIU's summaries of investigation concerns victims' ethnicity. None of the summaries of investigation examined included this information. The disclosure of ethnicity would allow researchers to properly investigate its role, if any, in police shootings in Ontario. This information could prove controversial if the majority of victims of police shooting incidents were in fact minorities. This is precisely why the SIU must release this type of detailed information in order to bolster its legitimacy in the eyes of victims' families as well as the general public.

There have been a number of reports that have also questioned the SIU's level of public disclosure. Most recently, a report by the British Columbia Civil Liberties Association (2012) noted that the lack of transparency on the part of the SIU is damaging the public's confidence it can conduct investigations properly and in an unbiased manner. The Ombudsman of Ontario (2008) also published a report recommending that the SIU increase its transparency by removing barriers that prevent informing the public about its investigations. The Ombudsman also recommended that the SIU begin to release investigation reports fully to the public (Ombudsman of Ontario, 2008).

It would be beneficial for the SIU to allow researchers access to complete investigative reports. This would enhance the SIU's commitment to public transparency as well as provide researchers with the ability to conduct far more detailed studies into

all aspects of the use-of-force in Ontario. Researchers would also be able to investigate issues not relating directly to the use-of-force, such as the occurrence of motor vehicle accidents involving police and civilians. The presence of independent academics conducting research using SIU data would further strengthen its commitment to transparency and public legitimacy.

Civilian Investigators

A key recommendation of this study is that the SIU should eventually transition to using only civilian investigators who have not worked as police officers. A number of studies (BCCLA, 2012; Ombudsman of Ontario, 2008) have recommended the transition to a fully-civilian workforce for the SIU. It will take time for the former police officers to train civilian investigators in how to conduct complex investigations involving shootings, vehicular accidents, as well as sexual assaults. However, the need for this transition is imperative if the SIU is to improve its legitimacy in the eyes of the public.

The SIU's investigators are currently civilians, however many of its investigators come from a policing background. A recent report by the British Columbia Civil Liberties Association (2012) found that seven of 12 full-time investigators came from civilian professions; however, 24 of 30 part-time investigators were former police officers, 9 of 10 forensic investigators were also former police officers and all of the supervisors were also former police officers. It is not surprising that with such a large contingent of former officers as investigators there would be questions raised as to the impartiality of the investigative process. The BCCLA (2012) report also stated that many of the SIU's investigators did not hide their police backgrounds during investigations and often wore police rings and other police-related mementos while at work. The Ontario Ombudsman (2008) also criticized the perceived pro-police image exhibited by the SIU's investigators and, while no evidence of wrongdoing was found, it is difficult for the public to perceive the SIU as a totally independent agency when it employs mostly former police officers.

SIU Clearance Rate

In the nine-year period examined for this study (2004-2012) only two incidents out of 132 led the SIU to press charges against officers. Of the two cases, the most

serious (involving a second-degree murder charge) was dismissed by the courts while the other (involving charges of assault with a weapon and careless use of a firearm) is still before the courts. It is important to note that during this time frame the SIU did charge officers involved in other serious incidents such as vehicular accidents, assault, and sexual assault. It is clear that the vast majority of police shootings in Ontario during the examined period were fully justifiable and that officers correctly followed police procedure during those encounters. However, it remains surprising that there have been so few charges laid. Is the SIU's considerable budget (over 7 million dollars in 2010-2011) justified when it lays so few charges? Civilian police oversight is expensive and if the SIU clears the vast majority of the officers involved in police shooting incidents it leads to questions as to its utility. While charges cannot be pressed simply for the sake of it, it is important for the SIU's legitimacy that it convinces Ontarians that it will not shy away from charging officers who have participated in wrongful shootings. The lack of charges pressed against officers is more troubling when the families of victims remain insistent that there has been wrongdoing in their loved one's death.

It is also important to consider the whether the victims bear any responsibility for their actions. High-visibility police shootings tend to draw condemnation from the press and the public yet it must be remembered that in almost all these instances the victim acted in a highly threatening manner towards police officers and other members of the public. Society has empowered police officers to use deadly force to protect not only themselves but the larger public. Section 25 of the Canadian Criminal Code clearly enshrines officers' right to use deadly force in the course of their duties should they believe it is necessary to save their lives or those of others.

There are very few people in society who have worked as a police officer and this leads many in the public to have trouble understanding the realities of a police officer's work. The investigators at the SIU also have a difficult job to do, they must decide if an officer's decision to use deadly force was an appropriate one. The SIU must balance the need to determine whether the decision to use deadly force was appropriate while handling the concerns of bereaved families. It is difficult to satisfy all those impacted by fatal police shootings, especially the families of the deceased. When the SIU concludes that the police were well within their right to use deadly force, this can leave families of the deceased angry and disappointed. The SIU's findings will always be

questioned or criticized by those who cannot imagine their loved ones threatening others to the point where police must use deadly force.

It is difficult to judge the effectiveness of the SIU since the agency does not allow independent researchers access to its final case reports. Further research must be conducted to delve into the issue of the SIU's effectiveness. Studies should be undertaken to assess the frequency in which other civilian police oversight units lay charges on police.

The Auditor Model

The SIU should act as an auditor agency rather than solely an oversight agency that investigates individual complaints against police. The SIU should strengthen its relationship with Ontario's Police College which trains all of the provinces' prospective officers. The SIU has the ability to significantly improve the tactics and strategy of policing in Ontario. The SIU amasses a large amount of valuable data on the way the police operate through its investigations of serious incidents in the province. Walker (2003) articulated a new vision of police oversight called the auditor model. This model "focuses on the police organization, seeking to change policies and procedures in ways that will prevent future misconduct" (Walker, 2003, p.25). The advantage of such a system is that it would give the oversight agency the ability to correct any fundamental problems causing the misconduct rather than simply charging officers for their wrongful actions. This would give the SIU a larger role in influencing police training as well as tactics and strategies used by officers. For example, if the SIU realizes that a large number of police shootings involve the mentally ill it could propose concrete steps to improve training to minimize the risk of such an incident reoccurring. This would also help sidestep police bureaucracy which may be less responsive in modifying police procedures in the face of emerging threats. The investigations the SIU conducts after police shooting incidents gives it a unique perspective of these events in Ontario and is well-positioned to play a larger role shaping policing in the province.

The SIU could also provide the Ontario Police College's instructors with the most up-to-date incidents it has investigated along with their evaluations as to strengths and weaknesses of the police response. Fostering these connections with the newest

generation of police officers would help reduce the tensions that have traditionally been at the forefront of the SIU's relationship with many policing agencies and their officers in the province.

There are practical considerations that may hinder the SIU's transition to an auditor-type oversight agency. The main impediment would be the financial ramifications of an agency having such responsibility. If the SIU's recommendations were mandatory the costs of implementation could be prohibitive. Another possible deterrent to the auditor model would be the partnership between the police and the civilian police oversight agency would be perceived negatively by the public.

Expand Jurisdiction

The SIU's oversight should be expanded to include First Nations police services. Currently, the SIU does not have jurisdiction over First Nations Police or communities unless there is an incident involving provincial police officers. There are protocols in place to deal with these scenarios yet more must be done to engage First Nations communities and allow the SIU to have oversight over First Nations Police. This would allow for one standard province-wide response to police shooting incidents and would bring First Nations police services to the same standards as every other police service in Ontario.

The need for such oversight is illustrated through the March 2013 police shooting incident in Kuujjuaq, Quebec. One First Nations Police officer was killed and another seriously injured in a standoff in this First Nations community (Seguin, 2013). If such an incident occurred in Ontario the SIU would not automatically have jurisdiction over such an incident. First Nations communities can request the SIU's assistance should the need arise. In the future, a legislative framework to give the SIU jurisdiction over such incidents would enhance the legitimacy of First Nations Police.

The summary of recommendations for the SIU is as follows:

- Improve the manner in which it discloses information regarding its investigations of police shootings to the public
- Institute a transition plan to a fully-civilian workforce

- Examine the SIU's low charging rate in the aftermath of police shootings and determine the factors which influence this
- Adopt an auditor model of oversight
- Expand the SIU's jurisdiction to include all police shootings within Ontario

These recommendations are put forth to improve the SIU's effectiveness, and legitimacy. Improving the manner in which civilian police oversight is undertaken in Ontario can have a measurable impact on the way police operate. This would help reduce the number of police shootings while distributing the lessons learned from past police shooting incidents to all police services in the province. Increased police accountability can lead to a decrease in police misconduct in the future.

Limitations

This thesis had a number of limitations which must be taken into account when considering the findings, implications and recommendations. Firstly, data was collected primarily from a single source, that being the SIU summaries of investigation. Future research should attempt to increase triangulation by including police and coroner reports to corroborate the SIU's findings, though police reports would also present questions of possible bias. Another issue is that only nine years of data were publicly available for use. More conclusions could be made from having access to the SIU's data since its inception in 1990.

There were a number of limitations regarding the publically-available SIU data. There was inconsistent reporting of officer gender, victims' age, the number of officers present as well as hit ratio data. There was no information regarding the ethnicity of victims as well as inconsistent reporting of the presence of mental illness in the victims. The lack of a comparison group also diminishes the conclusions that can be made from this data. A similar dataset from Quebec, the second most populous province after Ontario, would allow for comparisons to be made and increase the validity of any conclusions.

There were a number of limitations attributable to the coding of the data. Separate variables for different conceptions of mental illness (i.e. history of suicide,

history of depression, observed signs of depression or suicide) resulted in a fragmented record of the presence of mental illness in the dataset. The simplification of the various mental illness variables and coding the presence of mental illness into a single variable would greatly simplify future analysis. There is also error inherent to the variable coded for lighting conditions as the amount of light available is affected by the particular season the incident occurs.

Future Research

There is a clear need for more research into the dynamics of police shootings. The findings of this study are similar to those found by Parent (2004, 2011) in the province of British Columbia. There is a need to compare these findings to those in other provinces, most notably Quebec, which has the second largest population in Canada after Ontario. Given their geographical proximity and demographic similarity this would provide the best comparison for Ontario. This issue is no less urgent in Quebec which has seen an increase in the visibility of police shootings within the last few years. More studies should be directed towards the use of deadly force by police in First Nations communities as there is a lack of knowledge within this area. The findings of this study should be replicated in other Canadian provinces to ensure that the dynamics are similar.

It is necessary to explore in greater detail the interactions between police and the mentally ill and how these differ from interactions with healthy individuals. One significant finding of this thesis is the presence of mental illness in the victims of police shootings. Does this finding apply to other provinces as well? Which mental health disorders are most likely linked to those involved in police shootings? Are there differences between the two? This is an area that has the potential to significantly alter police policies and tactics when dealing with those suspected of being mentally ill. Research on which type of de-escalation techniques are most effective should be conducted. There is a gap in knowledge concerning de-escalation training which must be addressed as there are growing calls for police to reduce their use of deadly force unless absolutely necessary.

Future research also needs to be done on the training police currently receive in using force, particularly deadly force. There has been little research conducted in Canada on the extent of firearm training and whether police use live-fire training to improve their officers' ability to react under pressure. More research must also be done on the dynamics of police shootings involving edged weapons as this is the most common threat faced by officers in the field in Ontario. By analyzing the dynamics of these edged weapon incidents better training options can be developed. This would also assist in developing Taser tactics and determine which situations are best for the deployment of this non-lethal option.

Interviews with serving police officers should be incorporated in future research to gain first-hand insight into the way in which police deal with threatening situations. Speaking to officers that have had to discharge their firearms in the course of their duties would prove invaluable to help guide future training. It would also be important to interview officers who could have used deadly force yet refrained from doing so. Interviews with current SIU personnel would also provide greater insight into the way the agency works.

The role of opportunity theory and police shootings should also be further explored. While there are tens of thousands of interactions between police officers and the public each year, only an extremely small percentage result in the use of deadly force. To push training forward, it will be essential to understand how the actions of both the police and the subject result in shooting incidents. Using elements of rational choice and routine activities theory to understand police shootings could help shed light on this phenomenon.

The role of female police officers on the use of force warrants further investigation. The tentative findings of this study suggest that female officers are less likely to be involved in police shootings than their male counterparts. This may be due to limitations in the sample size available for this study yet the subject deserves further attention. If pairing a male officer with a female officer successfully decreases use of force incidents it would greatly improve community relations as well as police legitimacy.

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Appendix A.

Example of Special Investigations Unit Summary of Investigation

SIU Closes Investigation into Toronto Firearm Injury

Case Number: 11-TFI-190

The Director of the Special Investigations Unit (SIU), Ian Scott, has concluded that there are no reasonable grounds to charge a Toronto Police Service (TPS) officer with a criminal offence in regards to the firearm injury sustained by 23-year-old Ankur Patel on September 19, 2011.

The SIU assigned eleven investigators and three forensic investigators to look into the circumstances surrounding this incident. The only subject officer designated declined the SIU's request to be interviewed as is his legal right. Nine officers were designated as witness officers – eight of whom were interviewed, while the ninth officer's notebook entries were reviewed. Fifteen civilian witnesses were identified and interviewed. The incident area was examined and exhibits relevant to the incident such as projectiles and the subject officer's duty belt, clothing and firearm were seized and forensically examined. Pertinent documents, audio recordings of TPS radio transmissions and video recordings were obtained.

The SIU investigation found that the following events took place on September 19:

- During the afternoon, the uniformed subject officer was engaged in paid duty work for construction workers involved in road repairs near the intersection of Yonge Street and Shuter Street.
- Shortly before 2 p.m., Mr. Patel approached the officer from the south side of Shuter Street with a steak knife in each hand.
- The officer drew and pointed his police-issued Glock pistol, began backing up and ordered Mr. Patel to stop and drop his knives. The complainant did not comply with the officer's request. He continued to rapidly close the distance between himself and the officer.
- At a distance of approximately four feet, the officer discharged his firearm twice. One projectile missed Mr. Patel and entered the left front tire of a backhoe tractor on the south side of Shuter Street. The other entered the front of Mr. Patel's abdomen. It was surgically removed after the complainant was taken to St. Michael's Hospital. He is expected to recover.

Director Scott said:

In my view, there are no reasonable grounds to believe that the subject officer committed a criminal offence in relation to the firearm injury sustained by Mr. Patel. There is a strong consistency among the contents

of the civilian witness statements and closed circuit video surveillance imagery of the incident.

The subject officer was justified in discharging his firearm at Mr. Patel under ss. 34(2) of the Criminal Code. That subsection justifies anyone who is unlawfully assaulted and causes grievous bodily harm in repelling the assault if he believes on reasonable grounds that he is facing imminent death or grievous bodily harm and cannot otherwise escape from that danger. Here, the subject officer was attacked by a stranger for no apparent reason who represented an imminent threat to that officer. Mr. Patel did not comply with the subject officer's commands to stop and drop his knives. On the contrary, he continued to approach the subject officer who was attempting to retreat, leaving him no option but to discharge his firearm.

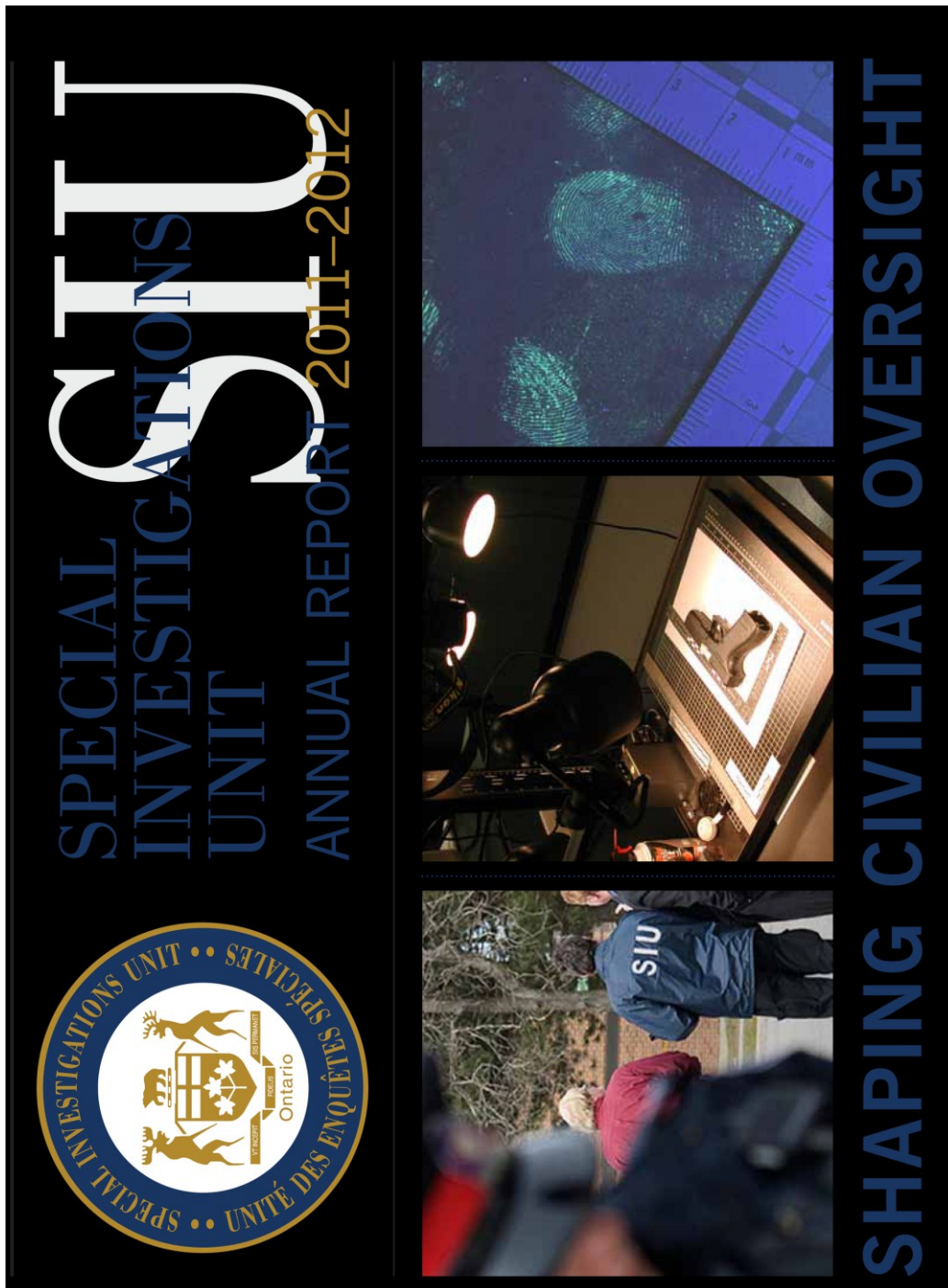
The SIU is an arm's length agency that investigates reports involving police where there has been death, serious injury or allegations of sexual assault. Under the Police Services Act, the Director of the SIU must consider whether an officer has committed a criminal offence in connection with the incident under investigation depending on the evidence, lay a criminal charge against the officer if appropriate or close the file without any charges being laid report the results of any investigations to the Attorney General.

Retrieved from: http://www.siu.on.ca/en/news_template.php?nrid=989

Appendix B.

Special Investigations Unit Annual Report 2011-2012

Ontario, Special Investigations Unit. (2012). © Queen's Printer; used with permission.



SPECIAL INVESTIGATIONS UNIT ANNUAL REPORT 2011–2012 / SHAPING CIVILIAN OVERSIGHT / CONTENTS ►

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DIRECTOR'S MESSAGE

The **Special Investigations Unit** experienced several milestones during the 2011-12 year which have shaped and will continue to influence civilian oversight of police.

The most significant of these is the Ontario Court of Appeal decision in *Schaeffer v. Wood*, more fully discussed on page 6, in which the court ruled that police officers involved in SIU investigations are prohibited from having a lawyer vet their notes or assist them in the preparation of their notes. Other developments of note included recommendations by retired judge, The Honourable Mr. Patrick LeSage, Q.C., which prompted the government to amend the regulation to the *Police Services Act* governing SIU investigations. The regulation now prohibits one lawyer from representing both witness and subject officers and prohibits a police officer from communicating directly or indirectly with any other officer during an SIU incident. Further, the province's Ombudsman, Mr. André Marin, released his second report involving the SIU titled *Oversight Undermined*. This report focuses on the relationship between the SIU and the government, and may be found on both the SIU and the Ombudsman's websites. A final highlight was the record number of occurrences reported to the SIU in the last fiscal year. As the chart found on page 16 indicates, the Unit investigated 304 occurrences, more than any other year in its history. The Unit laid eleven criminal charges last year. The category of most significant growth was sexual assault allegations which increased from 44 in 2010-11 to 55 in 2011-12.

We continue to strengthen our outreach and communications. We issued news releases in all fatality and firearm investigations as well as other high profile

cases. All news releases may be found on the SIU website at www.siu.on.ca. In cases where a charge is laid, a news release is issued allowing the public to follow the matter through the criminal justice process. Our outreach program arranges speakers for police agencies, community groups, schools and colleges across the province. The outreach program undertook 64 presentations and meetings over this fiscal period.

Internally, the Unit has initiated development of a computerized Investigative Support System (ISS) which we anticipate will go online in January 2013. When it becomes operational, much of our investigative information will be recorded by means of the ISS. There were also some organizational changes as we wished a happy retirement to Paul Cormier as the outgoing Executive Officer in October 2011 and welcomed William Curtis as the new Executive Officer for the Unit in November 2011.

In closing, I would like to thank all staff for their unstinting support and hard work in making the SIU a model of civilian oversight for the country.

A handwritten signature in dark ink, appearing to read 'Ian Scott'.

IAN SCOTT
Director, Special Investigations Unit

A LOOK AT CIVILIAN OVERSIGHT

The SIU and Canadian Oversight Organizations

The SIU remains at the forefront of civilian oversight in the country and continues to play a role in pan-Canadian oversight organizations. During this fiscal year the Unit was involved in the **Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)** annual conference and the new **Heads of Civilian Oversight Professional Development Symposium**.

CANADIAN ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

CACOLE held its annual conference in Canmore, Alberta in May 2011, and the Director spoke on a panel titled “The Intersection of Administrative Tribunals and Criminal Investigations”. At the general meeting, Director Scott was elected to the position of vice-president of the CACOLE board, and became active in planning for the 2012 conference to be held from May 28–30 in Toronto.

HEADS OF CIVILIAN OVERSIGHT

Mr. Stan Lowe, Commissioner of the British Columbia Office of the Public Complaint Commissioner, hosted an inaugural Heads of Civilian Oversight Professional Development Symposium on February 6–7, 2012 in Victoria, B.C. This gathering was an opportunity for the heads of oversight throughout the country to explore current issues. In addition to giving a presentation on the recent Ontario Court of Appeal decision in *Schaeffer v. Wood*, Director Scott spoke jointly with the Director of the Alberta Serious Incident Response Team on the topic of “The Criminal Investigation of Police Officers: Aids/Obstacles and Case Studies”. It is hoped that this valuable meeting of oversight leaders will become an annual event for sharing best practices and ideas.