



NIAGARA REGIONAL POLICE SERVICE

Police Services Board Report

PUBLIC AGENDA

Subject: Annual Report – Suspect Apprehension Pursuits – January 1 to December 31, 2021

Report To: Chair and Members, Niagara Police Services Board

Report Date: 2022-04-20

Recommendation

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

Key Facts

- The purpose of this report is to provide the Board with information on Suspect Apprehension Pursuits (SAP) pursuant to Board By-law 338-2013.
- On October 24, 2013, Police Services Board By-law 338-2013 was enacted in response to the *Provincial Adequacy Standards Regulations LE-045*.
- This By-law contains provisions requiring the Chief of Police to report specific information to ensure compliance with the legislative guidelines.

Financial Considerations

There are no costs associated to the recommendation in this report.

Analysis

This By-law details specific requirements that are to be reported as follows:

The Chief shall make a written report to the Board on or before August 30 of each year. The report shall include:

- a) a summary of the written procedures regarding Suspect Apprehension Pursuits;
- b) confirmation of compliance with the procedures regarding Suspect Apprehension Pursuits; and,
- c) the total number of Suspect Apprehension Pursuits and a summary of each.

The following is a detailed response to each of the above noted requirements:

a) A summary of the written procedures regarding Suspect Apprehension Pursuits (SAP):

Niagara Regional Police Service General Order 042.12 titled "Suspect Apprehension Pursuits" establishes written procedures on the management and control of SAP. The procedures are in compliance with Ontario Regulation 266/10 of the Police Services Act. These procedures include:

- The circumstances in which an officer may pursue or continue to pursue a fleeing motor vehicle that fails to stop. Factors to consider in assessing whether to initiate, continue, or discontinue pursuits, and the need for continual reassessment.
- The process of notifications that must take place through Dispatchers, Communications Supervisors, Patrol Supervisors, and the Duty Officer when a SAP is both initiated and terminated.
- Police pursuit management, including the responsibility of all persons involved or monitoring the pursuit, for its safe conduct. Pursuits may be discontinued by any of these individuals if there is a risk to public safety.
- Termination methods, including alternatives to SAP, strategic following, termination for public safety considerations, and tactics for safely stopping fleeing vehicles.
- Pursuit restrictions such as the prohibition of using firearms for the sole purpose of attempting to stop a fleeing motor vehicle; use of unmarked vehicles; pursuits of known individuals for non-criminal offences; and the requirement for training approved by the Ontario Police College.
- All sworn members and communicators will receive training accredited by the Solicitor General with respect to SAP.
- The Training Unit will prepare Fail to Stop Analysis Reports for review by the Chief of Police and the Board prior to release to the community.
- Reporting of pursuits using the Ministry's Fail to Stop Report, duty of the involved officer to complete such report, as well as Supervisory review, and analysis of reports, by a qualified instructor in the Niagara Regional Police Service Training Unit.
- Notifications through the Chain of Command to the Chief of Police in the event of a pursuit that results in serious injury or death. As well as the requirement to make notification to the Special Investigations Unit.

b) Confirmation of compliance with the procedures regarding Suspect Apprehension Pursuits; and

SAP are high risk, low frequency events that require knowledge, skills, and abilities by all involved members; patrol officers, supervisors, and communications personnel. The rules that govern all SAP are found in the Police Services Act, Ontario Regulation 266/10.

A Fail to Stop Report is a document that formally documents a SAP. These events occur when a police officer initiates a traffic stop by using their emergency equipment to signal the operator of a motor vehicle to stop, for either a Criminal or Highway Traffic Act offence, and/or for purposes of an investigation in relation to either, and the operator of that vehicle fails to stop at the officer's direction.

The jeopardy for the involved officer, and the Niagara Regional Police Service, changes depending on the decisions made by the officer. If the officer chooses to follow the vehicle after recognizing the operator is not stopping, then the event is classified as a SAP. The outcome of the event does not matter for classification purposes, but the jeopardy of the involved officer and the Service rises or falls dependant on the decision whether to pursue, and any subsequent decisions made during the pursuit, and until or upon its termination.

With consideration for driving convictions of police officers responding to calls for service (R vs Porto) and pursuits (R vs Cheeseman), the Service has taken steps to enhance public and officer safety with the implementation of the Speed Safety Program and revision of the Suspect Apprehension Pursuits General Order 042.12. This revision replaced General Order 042.11 and went into effect Wednesday, November 24, 2021. The new General Order ensures that the Service is following current best practices in Police Vehicle Operations, in line with other police services in the Province.

The Covid-19 Pandemic forced the Service to alter the SAP practical (in-car) training delivered in 2020/2021. Due to training restrictions, the Service was not able to fully observe the Ministry of the Solicitor General recommendation to provide refresher training every two years. To compensate, adjustments to training delivery included in-class training, coupled with training videos produced in collaboration with the Video Unit, emphasizing community safety and the need for continuous assessment of pursuit risk factors, as well as an introduction to the Speed Safety Program. During the 2021/2022 In-Service-Training session, additional training included updates to General Order 042.12 and practical pursuit prevention/termination techniques.

The Niagara Regional Police Service is in compliance with the written procedures regarding SAP.

In 2021, the Niagara Regional Police Service Training Unit's SAP analyst reviewed all Fail to Stop reports to ensure compliance with Ontario Regulation 266/10 of the Police Services Act and General Order 042.12.

c) The total number of Suspect Apprehension Pursuits and a summary of each.

The Niagara Regional Police Service Training Unit submits an annual report to the Regional Municipality of Niagara Police Services Board, summarizing the Fail to Stop reports prepared during the calendar year. This report has been created with the reports

that have been received and compiled to this date. For the reporting year of January 1, 2021, to December 31, 2021, there were seventeen SAP events, summarized as follows:

Analysis

First Quarter

SAP Report One: January 5, 2021

- A police officer in full uniform operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Impaired Operation);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 0.8 km before being terminated for public safety reasons;
- Suspect vehicle same as described in SAP Report Two;
- There were no injuries or damages associated to this event;
- This event met the established SAP guidelines.

SAP Report Two: January 5, 2021

- A police officer in full uniform operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Impaired Operation);
- The driver of the vehicle failed to stop, and a pursuit was initiated (this is the same vehicle from the incident described above, but in a different District)
- The pursuit involved three different agencies the Ontario Provincial Police, the Niagara Regional Police Service, and the Niagara Parks Police;
- A Stop Stick device was deployed as a pursuit ending tactic;
- The 13.3 km pursuit before the suspect vehicle was involved in a collision;
- Unknown damages and costs associated to this event;
- One injured person and one fatality;
- This event met the established SAP guidelines.

SAP Report Three: January 9, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Stolen Vehicle);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer initiated a pursuit using police lights and siren while strategically following;
- The pursuit lasted for 2 km before being terminated for public safety reasons;
- Police located the suspect vehicle unoccupied shortly after the pursuit;
- A perimeter was set up in the immediate area and K9 was called to assist;
- K9 was not successful in locating a suspect(s);
- No charges were laid as no suspect was identified;
- There were no injuries or damages associated to this event;
- This pursuit met the established SAP guidelines.

SAP Report Four: February 5, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Impaired Operation);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 1 km before it was terminated for public safety reasons;
- The suspect was found in another part of the Region shortly after the pursuit and was immediately arrested and charged accordingly;
- There were no injuries or damages associated to this event;
- This pursuit met the established SAP guidelines.

SAP Report Five: February 19, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Stolen Vehicle);
- GPS tracking allowed police to follow the suspect without engaging in a pursuit and allowing police to strategically follow;
- At red-light two marked police vehicles pulled up beside the suspect vehicle to identify the driver;
- The suspect then fled at a high rate of speed colliding with a marked police vehicle;
- No charges were laid as no suspect was identified;
- Unknown injuries if any
- Unknown damages associated to this event;
- This event met the established SAP guidelines.

SAP Report Six: March 18, 2021

- A police officer in full uniform operating a fully marked police vehicle attempted to stop a motor vehicle for an Investigative reason (Stolen Vehicle);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 0.5 km before being terminated for public safety reasons;
- No charges were laid as no suspect was identified;
- There were no injuries or damages associated to this event;
- This event met the established SAP guidelines.

SAP Report Seven: March 22, 2021

- A police Detective in an unmarked police vehicle attempted to stop a motor vehicle for an Investigative reason (Stolen Vehicle);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 0.3 km before being terminated for public safety reasons;
- No charges were laid as no suspect was identified;
- There were no injuries or damages associated to this event;
- This event met the established SAP guidelines.

SAP Report Eight: March 27, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code investigation (Assault);
- The driver of the vehicle failed to stop;
- The officer initiated a pursuit using lights and siren while strategically following;
- The pursuit lasted for 1 km before the pursuit was terminated for public safety reasons;
- No charges were laid as no suspect was identified;
- There were no injuries or damages associated to this event;
- This event met the established SAP guidelines.

Second Quarter

SAP Report Nine: May 4, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted a traffic stop for a Criminal Code offence (Dangerous Operation);
- The driver of the subject vehicle failed to stop;
- Subsequently the officer initiated a pursuit using police lights and siren;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 1.7 km before the suspect willingly stopped the vehicle;
- The suspect was immediately arrested and charged accordingly;
- There were no injuries or damages associated to this event;
- This event met the established SAP guidelines.

SAP Report Ten: June 6, 2021

- A police officer in full uniform and operating a fully marked police vehicle conducted a traffic stop for a Criminal Code offence (Dangerous Operation);
- The driver of the subject vehicle stopped and spoke with police briefly before refusing to provide identification and sped off;
- Subsequently the officer initiated a pursuit using police lights and siren;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 1 km before the suspect willingly stopped the vehicle;
- The suspect was immediately arrested and charged accordingly;
- There were no injuries or damages associated to this event;
- This event met the established SAP guidelines.

SAP Report Eleven: June 18, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Impaired Operation);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 1.5 km before the pursuit was terminated for public safety reasons;
- Further investigation resulted in the driver being identified, and his/her licence being reported for review;
- There were no injuries or damages associated to this event;

- This pursuit met the established SAP guidelines.

Third Quarter

SAP Report Twelve: August 2, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Impaired Operation);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 0.8 km before being terminated for public safety reasons;
- No charges were laid as no suspect was identified;
- There were no injuries or damages associated to this event;
- This event met the established SAP guidelines.

SAP Report Thirteen: August 4, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted a traffic stop for a Criminal Code offence (Dangerous Operation);
- The driver of the subject vehicle failed to stop;
- Subsequently the officer initiated a pursuit using police lights and siren;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 0.5 km before the suspect was involved in a collision allowing the officer to use the pinning technique to bring the event to a successful conclusion;
- The suspect was immediately arrested and charged accordingly;
- There were no injuries associated to this event;
- Damages to the suspect's vehicle is estimated at \$20,000, damage sustained to other property \$20,000, and damage sustained to Service vehicles is \$5,000;
- This event met the established SAP guidelines.

SAP Report Fourteen: August 4, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Fail to Comply);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 1 km before the pursuit was terminated for public safety reasons;
- Further investigation resulted in the driver being identified, arrested, and charged accordingly with Criminal Code offences;
- There were no injuries or damages associated to this event;
- This pursuit met the established SAP guidelines.

SAP Report Fifteen: August 5, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted to stop a motor vehicle for a Highway Traffic Act offence (Speeding);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used strategic following as a pursuit tactic;

- The pursuit lasted for 0.4 km before the pursuit was terminated for public safety reasons;
- No charges were laid as no suspect was identified;
- There were no injuries or damages associated to this event;
- This pursuit met the established SAP guidelines.

Fourth Quarter

SAP Report Sixteen: November 20, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Warrant);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 0.7 km before the pursuit was terminated for public safety reasons;
- Further investigation resulted in the driver being identified, arrested, and charged accordingly with Criminal Code and Highway Traffic Act offences;
- There were no injuries or damages associated to this event;
- This pursuit met the established SAP guidelines.

SAP Report Seventeen: December 11, 2021

- A police officer in full uniform and operating a fully marked police vehicle attempted to stop a motor vehicle for a Criminal Code offence (Fail to Comply);
- The driver of the vehicle failed to stop, and a pursuit was initiated;
- The pursuing officer used strategic following as a pursuit tactic;
- The pursuit lasted for 1 km before the suspect made a wrong turn down a dead-end street allowing police to bring the pursuit to a successful conclusion;
- The driver was immediately arrested and charged accordingly;
- There were no injuries or damages associated to this event;
- This pursuit met the established SAP guidelines.

All 17 SAP events in 2021 met the standard as defined in the General Order and Ontario Regulation 266/10.

The implementation of the Speed Safety Program and a new approach to how members operate police vehicles while responding to calls for service and SAP events is crucial. The revised General Order ensures that the Service is keeping up with best practices.

The Niagara Regional Police Service Training Unit continues to provide SAP training in compliance with General Order 042.12, reports relevant findings and when appropriate, makes recommendations to Senior Command and the Regional Municipality of Niagara Police Services Board as it relates to training issues.

The Niagara Regional Police Service Training Unit will also continue to analyze and monitor any relevant trends and changes as they relate to SAP.

Alternatives Reviewed

Not applicable.

Relationship to Police Service/Board Strategic Priorities

To comply with Board By-law 338-2013.

Relevant Policy Considerations

- Police Services Board By-law 338-2013.
- *Police Services Act* of Ontario Regulation 266/10.
- Provincial Adequacy Standard LE-045.
- NRPS General Order 042.12

Other Pertinent Reports

7.17.2021.05.20 – Annual Report - Suspect Apprehension Pursuits - January 1 to December 31, 2020.

This report was prepared by Kris Hamilton, Constable, Training Unit in consultation with Paul Koscinski, Staff Sergeant, Training Unit, Matt Whiteley, Sergeant, Training Unit, and Todd Waselovich, Inspector, Labour Relations & Career Development. Reviewed by David Meade, Superintendent, Executive Services and recommended by Bill Fordy, Deputy Chief, Support Services.



Submitted by:

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Chief of Police

Appendices

Not applicable.