



CRIMINAL LAWYERS' ASSOCIATION
189 Queen Street East, Suite 1
Toronto, ON M5A 1S2
Tel: 416-214-9875

www.criminallawyers.ca
ed@criminallawyers.ca

Comments to the Ministry of the Solicitor General on enhancing
information collected in police use of force reports
by the Criminal Lawyers' Association



The Criminal Lawyers' Association provides comments on enhancing information collected in police use of force reports to the Ministry of the Solicitor General.

The Criminal Lawyers' Association – background

With more than 1800 members, the Criminal Lawyers' Association (CLA) is one of the largest specialty legal organizations in Canada and is a voice for criminal justice and civil liberties. Our advice and perspective is sought by all levels of government and the judiciary on issues relating to legislation and the administration of criminal justice. We assist our members in every aspect of the practice of criminal litigation. The CLA develops and hosts continuing education programs for criminal law practitioners and offers the most comprehensive annual criminal defence law conference in Canada.

These comments were prepared by members of the Legislation and Diversity Committees of the CLA.

Comments and Recommendations

Racialized people, and Black people in particular, are at greater risk of being subject to use of force at the hands of police in Ontario. Black people are 4.9 times more likely than white people to be the subject of a use of force incident in Toronto.¹ In Peel, Black people are three times more likely to experience use of force at the hands of the police.² The proper collection of data, beginning with the proper reporting of incidents by police, is integral to increasing public transparency and reducing racial disparities in the use of force by police in Ontario.

- (a) What additional information, if any, could be included in the use of force report to better capture incident context?

Guidance from Ontario's *Data Standards for Identification and Monitoring of Systemic Racism* indicates that non-response report answers (such as "other") decrease the quality of data collected and can impair the ability to effectively detect and analyze systemic issues. The

¹ Between 2016 and 2017, Black people made up [8.8% of Toronto's population](#) but were involved in [38.9% of lower-level use of force incidents](#) (Ontario Human Rights Commission, *From Impact to Action: Final Report into anti-Black racism by the Toronto Police Service*, [Chapter 7 – Use of force: gaps in policies and procedures](#) [OHRC Report]).

² Peel Police's [2024 Use of Force Report](#).



current Use of Force Report includes 10 instances where the reporting officer is invited to check “other” among a list of options, without requiring specifics. A requirement that the reporting officer provide further details when they check “other” would greatly enhance the quality of the data collected.

The inclusion of the following information on Use of Force Reports would enhance the value of the data collected, increasing transparency and accountability:

- “Type of assignment”: include further options for bail/parole/conditional sentence compliance checks;
- “Type of incident”: provide an option for “other federal/provincial statutes” and “drug” and “alcohol” use;
- “Persons present at time force was applied”, specify:
 - the name and badge number of other officers on scene, as well as whether their body worn camera was activated (if known)
 - other professionals on scene (e.g., paramedics, first responders, and social workers)
 - other witnesses and their contact information;
- “What race category best describes the individual”: add a category of “mixed race”, and space for further information;
- “Identify the information/factors that influenced your response”: add a category for CPIC checks and provide space for further information;
- “Officer responses”: each section should have a space for further information;
 - Under “De-escalation techniques” require an explanation as to why they were not used, why attempted techniques failed, and whether specialized personnel (*ie.* a crisis nurse) were considered or available;
- “Type of force used”: include an option to specify how many times the force was applied, if a rifle or shotgun was drawn, as well as the sequence of force options used and their duration;
- “Subject injuries”: require details including the type of injury and its severity (*ie.* minor, moderate, serious). There should be an option to report delayed injuries discovered after the end of the officer’s shift;
- Add a section for pre-force decision-making timeline (*ie* time from arrival to force)



The report should also include information that identifies the gender, experience, and race of the officer who used force. Without such information, it is difficult to assess whether disparities arise from systemic patterns, individual behaviour, or interaction dynamics.

(b) Are there revisions that would improve the use of force report's value and/or analysis for policy, research, or reporting needs?

To avoid underreporting and enhance the quality of data collected on the use of force by police, several amendments to the current wording used in subsection 13(h) of Ontario Regulation 391/23, are recommended.

Section 13 of Ontario Regulation 391/23 lists situations in which members of a police service are required to report use of force, including when a member:

(h) uses force on another person, including through the use of a horse or a dog, that results in an injury requiring the services of a physician, nurse or paramedic and the member is aware that the injury required such services before the member goes off-duty.

The CLA recommends three amendments. First, the language of “requiring the services of a physician, nurse or paramedic” greatly limits the situations in which members are required to complete a use of force report. It excludes situations in which the subject has been injured but chooses not to seek medical attention from a professional including if they receive first aid from non-medical personnel.³ The CLA suggests that use of force reporting be required whenever an injury occurs, regardless of the level of injury, and regardless of whether professional medical attention was sought.

Second, use of force reporting should be required in situations where a technique intended or likely to prevent respiration is used. The current emphasis on injury excludes potentially life-threatening uses of force such as chokeholds.⁴ The definition of use of force should also include lower-level uses of force, such as coercive touches (including wrist or arm locks, or striking the subject with the hands or feet), and situations whether the subject has either a mental health disability, or experienced a mental health crisis, so as to account for any

³ Government of Canada: [Police Use of Force Race-Based Data - Policing Race- and Identity-Based Data Analyses Technical Report, 2025](#) at 25 [Police Use of Force Report].

⁴ OHRC Report, [Chapter 7](#), Chokeholds are permitted in limited situations – where there are no other reasonable alternatives exist to prevent grievous bodily harm or death.



psychological injuries.⁵ To enhance consistency in reporting, the CLA recommends the adoption of definitions for key variables, such as “physical injuries” and “imminent threat.” A schedule of definitions may be appended to the report to assist officers when completing it.⁶

Finally, the requirement that the officer be aware of an injury may lead to failures to report uses of force, particularly if the signs of injury do not present themselves until after the end of officer’s shift.⁷

To support proactive training, a review should be considered for any officer who completes more than three use of force reports in a calendar year, with due regard to assignment and operational context. To strengthen accountability and reduce reporting bias, a use of force report should be completed by all officers on a team who witnessed a use of force by an officer.

The CLA would be pleased to discuss these comments or answer any questions that may arise from them.

⁵ OHRC Report, [Chapter 7](#).

⁶ OHRC Report, [Recommendation 30](#).

⁷ [Police Use of Force Report](#) at 26.