



Office of the
Chief Coroner
Bureau du
coroner en chef

Verdict of Coroner's Jury Verdict du jury du coroner

The Coroners Act – Province of Ontario
Loi sur les coroners – Province de l'Ontario

We the undersigned / Nous soussignés,

_____ of / de Toronto
 _____ of / de Toronto
 _____ of / de Toronto
 _____ of / de Toronto
 _____ of / de Toronto

the jury serving on the inquest into the death(s) of / membres dûment assermentés du jury à l'enquête sur le décès de :

| | |
|---|--|
| Surname / Nom de famille <u>Loku</u> | Given Names / Prénoms <u>Andrew</u> |
|---|--|

aged 45 held at Toronto, Ontario
à l'âge de _____ tenue à _____, Ontario

from the June 5 to the June 30 20 17
du _____ au _____ 20 17

By Dr. / D^r John Carlisle Coroner for Ontario
Par _____ coroner pour l'Ontario

having been duly sworn/affirmed, have inquired into and determined the following:
avons fait enquête dans l'affaire et avons conclu ce qui suit :

Name of Deceased / Nom du défunt
Andrew Loku

Date and Time of Death / Date et heure du décès
July 5, 2015 at 00:25 (12:25 a.m.)

Place of Death / Lieu du décès
502 Gilbert Avenue, Toronto

Cause of Death / Cause du décès
Gunshot wounds to the left chest

By what means / Circonstances du décès
Homicide

Original signed by: Foreman / Original signé par : Président du jury _____

 Original signed by jurors / Original signé par les jurés _____

The verdict was received on the 30 day of June 20 17
Ce verdict a été reçu le _____ (Day / Jour) _____ (Month / Mois) _____

| | |
|---|---|
| Coroner's Name (Please print) / Nom du coroner (en lettres moulées) <u>Dr. John Carlisle</u> | Date Signed (yyyy/mm/dd) / Date de la signature (aaaa/mm/dd) <u>2017/06/30</u> |
|---|---|

Coroner's Signature / Signature du coroner _____

We, the jury, wish to make the following recommendations: (see page 2)
Nous, membres du jury, formulons les recommandations suivantes : (voir page 2)



Inquest into the death of:
Enquête sur le décès de :

Andrew Loku

JURY RECOMMENDATIONS
RECOMMANDATIONS DU JURY

TO THE TORONTO POLICE SERVICE:

- Using reputable, external educators and other experts, TPS should ensure that the Service develops and implements annual/regular training at division and platoon meetings with a focus on the equitable delivery of policing services. The training should acknowledge the social inequities and challenges faced by racialized communities and consumer survivors who have experienced mental health challenges and equip officers with skills needed to provide appropriate responses and service delivery. Training topics should include, but not be limited to:
 - Bias-free service delivery
 - Social disparity
 - Equitable outcomes for all
 - Stress and fear inoculation techniques
 - Mindfulness techniques
 - De-escalation
 - Crisis communication
 - Negotiation
 - Implicit bias
 - Trauma informed approaches
 - Anti-Black Racism
 - Visible and invisible disabilities
- Measure the effectiveness of the above mentioned training in anti-Black racism and persons in crisis by requiring both a written and oral exam of the participants. Failure in such exams should result in requiring re-attendance at such training.
- Mandate that all officers complete the Implicit Association Test as part of initial and requalification training.
- TPS should continue to emphasize the importance of planning in a crisis situation to identify the lead in communication.
- Expose or continue to expose officers in training to the perspectives and lived experience of racialized communities, the Black community and individuals with mental health issues and/or addictions.
- Review the Intercultural Development Program deployed by the Toronto Police Service and consider the continued use of the Intercultural Development Inventory or other similar tool, as well as in-house intercultural competence facilitators, to further the intercultural competence of Toronto Police Service members.
- Amend the annual Use of Force recertification to include qualification in areas such as mental health and/or addictions, anti-racism, particularly anti-Black racism, implicit and unconscious bias, fear inoculation, de-escalation and crisis communication.
- Continue to emphasize that where the police challenge is issued and the subject does not comply, where possible, alternative methods of communication, de-escalation, disengagement and containment should be attempted. For example, consider making it clear that lethal force will be used if commands aren't obeyed.
- Consider the use of trained de-briefers to be deployed following exceptional critical incidents, having regard to any SIU investigation and the rights of officers, with a view to using the knowledge gained to inform de-escalation training. If resources permit, consider using the de-briefers in situations with positive outcomes as well as negative ones, even if they are less serious incidents, in order to learn from those occurrences.

10. Require Coach officers and Supervisory officers take the 5-day Mobile Crisis Intervention Team training. Make mental health and/or addictions and policing of racialized communities, in particular Toronto's Black community, a key component of Coach Officer training.
11. Ensure that all patrol cars are equipped with less lethal weapons, e.g., CEW, sock or beanbag guns and that all officers are trained in the use of such weapons along with defensive equipment such as shields and helmets.
12. Undertake a structural/cultural review and analysis to ensure that the Service has a clear policy with respect to serving and protecting persons with mental health or addiction issues and/or racialized persons, in particular, Black persons. The Chief's review and analysis should include input from experts in this field together with persons in the communities falling within the above-mentioned descriptors. Following this, the Chief shall clearly state the TPS policy and communicate it in detail to all officers and employees. The Chief shall ensure that all members through continuous training have a clear understanding of the Chief's mandate in this regard. Failure to follow the Chief's mandate should have consequences and sanctions.
13. When making decisions about promotions, supervisors should consider an officer's skill and experience in dealing with Emotionally Disturbed Persons (EDPs), members of the Black community and racialized communities, including their ability to de-escalate and negotiate during crisis situations.
14. Encourage the Toronto Police Service to make use of the Gerstein Crisis Centre police telephone line when interacting with a person in crisis.
15. Consider additional funding and training for 911 operators in order to improve their skills in extracting more pertinent information during an emergency call. Consider beginning the de-escalation process during a 911 call.

TO THE TORONTO POLICE SERVICE BOARD:

16. Maintain its existing committee on mental health in ongoing partnership with members of the mental health community (throughout this document, 'mental health community' means to include the phrase in particular people who have been directly affected by mental health issues), the Toronto Police Service and subject matter experts.
17. Establish a new committee to consider possible or identified disparities in services and outcomes for racialized persons and consider interventions to address any such disparities. The committee should include representatives of the Toronto Police Service, subject matter experts and members of racialized communities, including the Black community. The committee should consider the intersectionality of mental health and race both in terms of member composition and issues to be addressed.
18. Conduct a pilot study of two divisions (preferably 14 and 51 division) where there would be more intensive community involvement, education, and training (keeping in mind resourcing) concerning interactions with people who have racial and/or mental health and/or addiction differences to determine whether this has a positive impact on reducing 'use of force' incidents.

TO THE CANADIAN MENTAL HEALTH ASSOCIATION (CMHA-TORONTO BRANCH):

19. Offer education to the appropriate building superintendents and managers on information sharing policies; in particular, what sort of information ought to be shared with CMHA (Toronto Branch) housing or support workers about CMHA (Toronto Branch) residential clients. In addition, it should deliver in-service training on how to better serve these clients.
20. Together with Across Boundaries study ways of ensuring that clients are able to access the services that they require across multiple agencies so that clients don't 'fall through the cracks'.

TO THE MINISTRY OF HEALTH AND LONG TERM CARE/LHIN's:

21. Fund a province-wide telephone crisis support line staffed by people trained in crisis intervention or peer support to be available to clients in supportive housing and community mental health and addiction programs, 24 hours a day, 7 days per week.
22. Provide additional funding for a sufficient number of nurses to staff Mobile Crisis Intervention Teams (MCIT) in Toronto, 24 hours a day in each police division.
23. Together with the Toronto Police Service, explore all possible avenues to assess whether MCITs could be

available as first responders in crisis situations, specifically including situations where weapons are involved.

24. Fund and create a program to provide appropriate housing support to individuals suffering from noise sensitivity.

TO THE MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICE:

25. Using a research based approach, update provincial standards for de-escalation, crisis communication and bias-free police training.

26. Provide funding to research and establish appropriate benchmarks for measuring effectiveness and outcomes of current police response to persons in crisis.

27. The Ontario Police College should consider additional training for police officers on de-escalation techniques, implicit bias awareness training, crisis intervention, mechanisms for combating stressful encounters and negotiation techniques.

28. Consider requiring annual de-escalation, crisis communication and bias-free policing requalification, separate from any 'use of force' requalification based on developed provincial standards.

29. Establish a provincial standard for the collection of race-based data pertinent to all interactions involving police and persons in crisis, including as a sub-set those interactions resulting in an application of use of force. This standard should be applicable to police services across the province and must include sustained funding for research to establish appropriate benchmarking for, the collection of and analysis of the data by an independent auditor.

30. Establish a provincial standard for the collection of data concerning emotionally disturbed persons pertinent to all interactions involving police and persons in crisis, including as a sub-set those interactions resulting in an application of use of force. This standard should be applicable to police services across the province and must include sustained funding for research to establish appropriate benchmarking for, the collection of and analysis of the data by an independent auditor.

31. Once the data in recommendations 29 and 30 has been analyzed and interpreted, the results should be made public in an accessible format. The data should be collected in a manner consistent with human rights principles and in consultation with affected communities and appropriate experts about the purpose, use, benefits and methods of collecting data.

32. The Police Services Act - Use of Force Report (UFR Form 1 2013/12, or its successor) should be amended to include the collection of race-based data including perceived race.

33. The Use of Force Report (or its successor) should be redesigned to require officers to set out what de-escalation techniques were attempted before force was used.

34. Establish a provincial standard, in conjunction with police services and accredited academic institutions, for measuring the effectiveness of police training. This standard should be applicable to police services across the province and must include sustained funding for research to establish appropriate benchmarking for the collection and analysis of data. The province should ensure that any trends or indicators that are subsequently identified be used to inform the provincial standard on an ongoing basis. Data will be used to inform police training in municipalities that provide training additional to the Ontario Police College.

35. Fund and continue to study the use and deployment of less-lethal use of force options such as, the CEW, sock rounds and the use of defensive equipment such as helmets and shields and to study the expanded use and deployment and related training on less-lethal use of force options to front-line officers as well as specialized teams.

36. Ensure that all front-line or "primary response" officers are trained and equipped with conductive energy weapons (CEWs known as "Tasers").

37. Study and consider implementing de-escalation techniques as used in other jurisdictions, particularly those in the U.K. for example, study and consider equipping officers with less lethal weapons.

38. Create a program to encourage, fund and support the participation of members of the mental health and addictions community, racialized communities and the Black community in training at the Ontario Police College, the Toronto Police College and the divisional level, and to participate in any standing or advisory committees.

39. Rename the Use of Force Model (e.g. Compliance Model) and redesign it to incorporate and emphasize communication, de-escalation, disengagement and containment and that the use of lethal force is a last resort.

Personal information contained on this form is collected under the authority of the *Coroners Act*, R.S.O. 1990, C. C.37, as amended. Questions about this collection should be directed to the Chief Coroner, 25 Morton Shulman Avenue, Toronto ON M3M 0B1, Tel.: 416 314-4000 or Toll Free: 1 877 991-9959.

Les renseignements personnels contenus dans cette formule sont recueillis en vertu de la *Loi sur les coroners*, L.R.O. 1990, chap. C.37, telle que modifiée. Si vous avez des questions sur la collecte de ces renseignements, veuillez les adresser au coroner en chef, 25, avenue Morton Shulman, Toronto ON M3M 0B1, tél. : 416 314-4000 ou, sans frais : 1 877 991-9959.

Not Official Verdict