

Report to / Rapport au:

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

31 October 2022 / 31 octobre 2022

Submitted by / Soumis par:

Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa

Contact Person / Personne ressource:

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SUBJECT: REPORT ON SIU INVESTIGATION 21-OCI-331

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 21-OCI-331

REPORT RECOMMENDATIONS

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

RECOMMANDATIONS DU RAPPORT

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

BACKGROUND

This document outlines a police interaction that resulted in the Special Investigations Unit (SIU) invoking its mandate. The background of the incident, along with SIU findings and recommendations are provided. As required by legislation, the Professional Standards Unit (PSU) subsequently completed an investigation into the policy, services and conduct of the Ottawa Police Service (OPS) in relation to this incident.

DISCUSSION

On March 30, 2020, at 11:54 p.m., the complainant called 911 from a storage facility on Bank Street in Ottawa and explained that she did not have an emergency. She called 911 to have officers attend and give her access to her storage unit because security for the unit was denying her access. The police call taker advised the complainant that police could not grant her access, but that police would attend her location. Three

officers attended and explained to the complainant that they could not force the unit's security to provide her access, and that she would have to return during business hours.

On March 31, 2020, at 12:24 a.m., the complainant called 911 again and advised dispatch that the OPS officers were abusive and did not assist her in obtaining her belongings from the storage facility. Furthermore, she left her backpack behind after exiting the secure gate and needed to retrieve it. She was advised multiple times by the call taker not to call 911 unless it was an emergency.

Two of the initial three responding OPS officers returned and spoke with the complainant who became irate. The complainant called 911 while the officers were on scene with her. The complainant was placed under arrest for public mischief and placed in the back of a police vehicle. One of the officers retrieved her backpack, and the complainant was released unconditionally after becoming cooperative with police.

Two days later on April 2, 2020, and unknown to OPS at the time, the complainant attended the Ottawa Hospital and was diagnosed with a fractured nose and a concussion.

On October 1, 2021 the complainant contacted the SIU directly to complain that her injuries were sustained during her arrest on March 31, 2020. The SIU invoked their mandate and opened an investigation.

INVESTIGATION

SIU Investigation

On January 28, 2022, the OPS received a letter from the Director of the SIU concerning the outcome of their investigation. In his letter, Director Martino stated the file has been closed and no further action contemplated. He was satisfied that there were no grounds in the evidence to proceed with criminal charges against any officer who was involved in the call.

Specifically, the Director concluded: "I am satisfied that the officer had a lawful basis for proceeding with the Complainant's arrest for public mischief. She had been warned on several occasions to refrain from calling the emergency 911 line for what, I am satisfied, was essentially a civil grievance. In the circumstances, the officer was entitled to take her into custody when the Complainant failed to heed those warnings.

With respect to the force used, the Director concluded he was "satisfied that it was no more than was reasonably necessary to affect the Complainant's arrest. In fact, on the weight of the evidence, the officer appears to have used minimal force, namely, the amount necessary to place and hold the Complainant against his cruiser as she offered

a degree of resistance, and to affix her in handcuffs. No blows of any nature were struck.”

Of note, the Director observed that “the Complainant’s evidence was at odds with previous descriptions of the events she had offered. These frailties in the Complainant’s evidence satisfy me that her account is insufficiently reliable to warrant being put to the test by a trier-of-fact”.

Professional Standards Unit Investigation

Pursuant to Section 34(1) of Ontario Regulation 268/10 of the Police Services Act (PSA), PSU initiated an investigation into this incident to review the policies and services provided by the OPS, and to determine if the conduct of the involved police officers was appropriate.

After a careful review of the information in this case, it has been determined that there is no evidence of misconduct on the part of the involved officers. The complainant called 911 for what appeared to be a civil matter and wanted police to assist her in retrieving her belongings. Officers were dispatched to her location and warned her about calling 911 for non-emergency situations. The complainant ignored the officers’ warnings and called 911 again while she was speaking to the officers. The complainant was arrested with minimal force used and placed in the backseat of a police vehicle. Once her backpack was retrieved and she became cooperative, the officers released her unconditionally.

The PSU review found that the officers involved in this incident responded in a proper manner while dealing with the complainant.

No issues were identified in relation to service delivery or corporate policy.

Conduct Findings – No conduct issues identified.

Service Findings – No service issues identified

Policy Findings - No policy issues identified

CONCLUSION

PSU has completed its Section 34 investigation into this incident and no further action is required.