

**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:**

**Inspector Hugh O'Toole, Professional Standards Branch  
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**SUBJECT: REPORT ON SIU INVESTIGATION 22-OCI-029**

**OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 22-OCI-029**

**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**

The attached 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 January 31, 2022, two OPS officers were on general patrol when they observed a vehicle parked in a plaza on Donald Street in Ottawa. Further information revealed that the passenger (later identified as the Complainant) was bound by curfew stemming from a Conditional Sentence Order. At first, the complainant falsely identified himself multiple times to the officers. The officers were diligent in confirming his identity by way of a

photo in police records and a visible tattoo on his arm. Once identified, the officers advised the complainant he was under arrest for breaching his release conditions and asked him to exit the vehicle. The complainant refused and force was used by the officers to extract him from the vehicle. The complainant further resisted the arrest and had to be brought to the ground where he was placed in handcuffs and transported to police cells. The complainant was brought before the cellblock Sergeant and he confirmed that he did not have any injuries, nor did he consume any alcohol or drugs prior to arriving at cells.

While in police custody, the complainant was found unconscious on the floor. Police personnel tended to him, and he was transported to the hospital where medical staff noticed his wrist to be swollen. Once x-rays were taken, he was diagnosed to have had a fractured wrist. The complainant was returned to cells after being cleared medically. The complainant had another medical emergency at cells and was transported back to the hospital.

The SIU was contacted at that time and invoked its mandate.

## **INVESTIGATION**

### **SIU Investigation**

On May 31, 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 the two Subject Officials who were involved in the call.

Specifically, the SIU Director noted that “The complainant refused to submit peacefully to his arrest and the officers used what, in my view, was legally justified force in taking him into custody. He had left the officers little choice but to physically force him from the SUV when he refused to exit voluntarily. The extrication would not appear to have been executed with undue force, as depicted in the video footage, given the Complainant’s concerted efforts to remain in the vehicle.

The Director further concluded “while I accept that the Complainant’s hand was broken in the takedown from the SUV or the brief struggle on the ground, I am not satisfied that his injury is attributable to any unlawful conduct on the part of the officers. Accordingly, there is no basis for proceeding with criminal charges in this case.”

### **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. OPS officers were in the lawful execution of their duties when they interacted with the complainant. The complainant was not cooperative and falsely identified himself on more than one occasion in order to escape arrest and prosecution. Through diligent investigative techniques and observation skills, the officers were able to confirm his identity and form the grounds to arrest him and bring him to cells. The complainant then resisted arrest and had to be taken to the ground to allow for handcuffs to be placed on him. Once at cells, the complainant suffered a medical emergency and was brought to the hospital where he was diagnosed with a fractured wrist. He was brought to cells again where he suffered from a second medical episode and was returned to the hospital.

In his letter to the Chief, the SIU Director made mention of the time it took for the OPS to contact the SIU, which was approximately six hours after the complainant's fracture was made known. The PSU reviewed this delay as part of its investigation and concluded that while notifying the SIU took longer than usual, this was not done to undermine or delay the SIU or its investigation. The delay was attributed to a lack of clarity around the nature and extent of the medical episodes that accompanied the fracture diagnosis, and at the time of the incident, the OPS had a significant number of resources tied up with the illegal protest in February which was declared an illegal occupation just five days later.

The PSU review found that the officers involved in this incident responded in a proper manner. Further, the PSU heeded the observation of the SIU and issued a communication with respect to the importance of contacting them forthwith when someone is injured during a police interaction.

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.