

Report to / Rapport au:

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

23 January 2023 / 23 janvier 2023

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 22-OCI-144

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 22-OCI-144

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 May 31, 2022, at approximately 6:30 p.m., members of the OPS arrested the Complainant for an Intimate Partner Violence-related incident and conveyed him to the OPS' Central cellblock. The Complainant was intoxicated and verbally aggressive with the transporting officers. The Complainant denied suffering from diabetes even though an insulin kit was brought to cells with him during his arrest. At 10:30 p.m., the Complainant asked to take his insulin. He was taken out of his cell and given his insulin

kit for him to self-administer the medication. Once completed, the complainant was brought back to his cell. On June 1, 2022, at 2:29 a.m. the cellblock Special Constable who was conducting cell checks observed the complainant on the floor of his cell with laboured breathing. The Special Constable pressed the hallway panic button to alert others, and then entered the cell followed by other Special Constables and the Cellblock Sergeant (the Subject Officer) to attend to the Complainant.

Narcan and first aid was administered to the Complainant who was breathing but not conscious. An ambulance was called, and the Complainant was transported to the hospital. The Complainant was intubated and ultimately diagnosed and treated for altered consciousness and hypoglycemia brought about by an insulin overdose.

On June 1, 2022, at 5:01 p.m., the OPS contacted the SIU and notified them. The SIU invoked its mandate and opened an investigation.

SIU Investigation

On September 28, 2022, the OPS received a letter from the Director of the SIU concerning the outcome of its investigation. In his letter, Director Joseph 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 subject official who was involved in this incident.

Specifically, the Director concluded: "I am satisfied that the Subject Officer comported himself with due care and regard for the Complainant's well-being during his time in custody. As soon as he was alerted to a problem in the cell, he acted promptly to ensure emergency medical care – he authorized the administration by Special Constables of Narcan and CPR, and quickly called for paramedics. Though it seems the Complainant took an overdose of insulin, I am unable to attribute this act – whether intentional or not – to any neglect on the part of the sergeant - police policy prohibited members of the Service from administering drugs to prisoners. Moreover, while he had presented as inebriated when he arrived at the station, it was now about five hours later and the Complainant did not appear without control of his faculties."

The Director felt that the timing of the physical checks on the complainant were inconsistent with policy, but that this had no bearing on the incident: "Intoxicated prisoners are to be physically checked every 15 minutes to ensure their well-being pursuant to police policy. However, the cell check sheet indicates that the Complainant was only checked about every 30 minutes. In the circumstances of this case, however, it would be unreasonable to visit these indiscretions on the Subject Officer. Special Constables at the station were directly responsible for ensuring the checks were

performed, and the Subject Officer had no reason to believe they were not following policy. Moreover, as the last of these checks prior to the Complainant's medical distress at about 2:30 a.m. was recorded as having occurred at 2:16 a.m., it would not appear that lapses in the Complainant's supervision had any material bearing on his prognosis."

The Director did make note of the time that it took for the OPS to contact the SIU, cautioning that late notifications may jeopardize the integrity of an SIU investigation and undermine public confidence in policing and policing oversight.

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 Subject Officer who was the supervisor responsible for the cellblock at the time of the incident. The Complainant was properly lodged and given his medication to self-administer when requested, continuously monitored by camera, and physically checked in person at regular intervals.

The Subject Officer acted immediately when the Special Constable observed the complainant lying on the floor in medical distress during a physical cell check. As per training and policy, the Subject Officer called 911 and requested paramedics before attending the cell and assisting with administering first aid to the Complainant.

With respect to the Director's observations on the timing of the cell checks performed by Special Constables, checks are required every 15 minutes for persons in custody under the influence of alcohol or drugs. By the time the Complainant was permitted to administer his insulin at 10:30 p.m., he no longer exhibited signs of intoxication.

Notwithstanding these observations, physical checks continued at short intervals until he was found unresponsive at 2:29 a.m., 13 minutes after his previous cell check.

Special Constables must perform a number of duties including prisoner intake, assisting with medications and facilitating lawyer calls. Intake takes priority which can sometimes delay the timing of a physical cell check however the Cellblock Sergeant also maintains a continuous camera visual of all persons in custody.

With respect to the Director's observations about notification to the SIU, it was not made forthwith pending confirmation of the Complainant's medical prognosis by a treating physician. His medical episode was believed to be a seizure which is not unusual in the cellblock. There was a time lapse before the OPS was made aware that the

Complainant's condition had deteriorated while in hospital, and notification was made to the SIU once the seriousness of his condition became known. The Director's observation will be duly considered in future situations where SIU involvement is contemplated but a medical prognosis has not yet been confirmed.

The investigation also noted that the audio feature on several cellblock cameras were not operational during this incident. The PSU addressed this issue with Cellblock management and are satisfied the situation has been rectified and the camera audio is now fully functional. The camera system is currently undergoing a review that will result in a system upgrade or replacement due to age.

The PSU review concluded that the Subject Officer involved in this incident responded in a proper manner.

No serious issues were identified in relation to service delivery or corporate policy, and any deficiencies noted above have been addressed.

Conduct Findings – No conduct issues identified.

Service Findings – No service issues identified

Policy Findings - No policy issues identified

CONCLUSION

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