

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:

**Superintendent Robert Drummond, Executive Officer to the Chief of Police
*Drummondr@ottawapolice.ca***

SUBJECT: REPORT ON SIU INVESTIGATION 21-OVI-339

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 21-OVI-339

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 October 9, 2021, at 7:53 p.m., the OPS received a 911 call regarding a male who was actively engaged in partner violence, assault, and robbery at a gas station located in the east end of Ottawa. The Subject Officer was one of several officers responding to the call and was travelling north on the Aviation Parkway with his emergency lights activated. As he approached the intersection of La Cite Private, a civilian vehicle travelling south on Aviation Parkway made a left turn in front of his police vehicle in an

attempt to travel east on La Cite Private. The Subject Officer struck the civilian vehicle, which was driven by Complainant #1 and in which Complainant #2 was travelling as a passenger. Immediately following the collision, the Subject Officer exited his vehicle and called for medical assistance, a supervisor, and Ottawa Fire Services. The two complainants were transported to hospital with serious but non-life-threatening injuries, consisting of internal injuries and fractures. The Subject Officer sustained a minor injury and was later treated and released from hospital.

The OPS contacted the SIU that evening, and it invoked its mandate.

SIU Investigation

On February 2, 2022, the OPS received a letter from the Director of the SIU concerning the outcome of their investigation. In his letter, Director Joseph Martino stated the file had been closed and no further action was contemplated. He was satisfied that there were no grounds in the evidence to proceed with criminal charges against the Subject Officer who was involved in the collision.

Specifically, the Director concluded: "The offence that arises for consideration is dangerous driving causing bodily harm contrary to section 320.13(2) of the Criminal Code. The offence is premised, in part, on conduct that amounts to a marked departure from the level of care that a reasonable person would have exercised in the circumstances. In this case, the issue is whether there was any want of care in the manner in which the Subject Officer operated his cruiser, sufficiently egregious to attract criminal sanction, that caused or contributed to the collision. In my view, there was not."

With respect to the Subject Officer's actions, the Director concluded that they "comported himself with due care and regard for public safety as they responded in their cruiser to a priority call for service. While the officer drove north on Aviation Parkway at speeds in excess of the 60 km/h speed limit, at times close to 100 km/h as they approached Privé La Cité, I am satisfied that they did so reasonably. They were responding to a call involving a threat of personal violence and time was of the essence. The officer also had their emergency lights activated as they approached the intersection so that motorists in the vicinity had some notice of their presence and the speeds at which the officer was travelling. Lastly, it is important to note that the Subject Officer had the right of way and was reasonably entitled to expect that motorists in Complainant #1's position would not enter the intersection until it was safe to do so, particularly as the officer had the emergency lights flashing."

Lastly, the Director reflected on the circumstances and concluded: "It remains unclear why Complainant #1 entered the intersection when they did. The evidence suggests

they might have misjudged the speed at which the cruiser was travelling toward them, or simply did not see the vehicle because of a sightline obstruction or inattention on their part. Be that as it may, the Subject Officer cannot be faulted for any of these indiscretions. For the foregoing reasons, I am satisfied that the Subject Officer did not transgress the limits of care prescribed by the criminal law as they travelled north on Aviation Parkway toward the site of the collision. Accordingly, there is no basis for proceeding with criminal charges in this case, and the file is closed”.

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 of the OPS and to determine if the conduct of the Subject Officer 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. They were responding to a high priority call. Police intervention was of the highest importance when the 911 call came in. Two people feared for their safety and needed assistance when the Subject Officer was responding to the 911 call. While the officer drove north on Aviation Parkway, the emergency lights were activated on their vehicle as speed was in excess of the speed limit due to the urgency of the call. When the police vehicle approached La Cite Private, the officer did not expect a civilian vehicle to cross to the east as the officer had the right of way. Once the collision took place, the officer recognized the gravity of the situation and proceeded to notify the Communication Centre, as per training and policy, and also called for medical assistance, a supervisor, and Ottawa Fire Services in the event that an extrication was required. The officer continued to monitor Complainant #1 and #2 and relayed their status to the Communication Centre until paramedics and other officers arrived.

The PSU review found that the officer involved in this incident responded in a proper manner.

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.