

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-OFD-164

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 22-OFD-164

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 June 27, 2022, at approximately 10:25 p.m., the OPS was dispatched to a Priority 1 call in the 1200 block of Anoka Street, following reports of multiple females screaming, and a female being actively stabbed by a male outside a residence. Three uniformed officers (Subject Officers #1, #2, #3) quickly arrived and confirmed an active killer situation. They were immediately confronted with a situation where a male (Complainant #1) was attacking a female (Complainant #2) with a knife to such extent that grievous

bodily harm or death was likely to result if they did not immediately intervene. The officers ordered Complainant #1 to “drop the knife” but their commands were ignored, and he continued with the attack. The officers discharged a volley of shots from their firearms, striking and killing Complainant #1 and striking Complainant #2 in the calf. Two more female victims were subsequently found deceased in front of a nearby home on Anoka Street, having been stabbed by Complainant #1 before police arrival.

The OPS promptly notified the SIU which invoked its mandate and opened an investigation.

SIU Investigation

On October 25, 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 officers who were involved in this incident.

In his report, the Director weighed the reasonableness of the officers’ conduct against the nature of the circumstances. He concluded that “the subject officers were lawfully placed throughout their dealings with Complainant #1. A police officer’s foremost duty is the protection and preservation of life. Hearing of, and then seeing, the Complainant #1’s knife attack on Complainant #2, the officers were duty bound to attend at the scene to do what they could to protect Complainant #2 and take Complainant #1 into custody. Confronted with an individual armed with a knife being used to inflict serious injury on Complainant #2, I am satisfied that the subject officers discharged their weapons reasonably, believing it was necessary to protect themselves and, more emphatically, Complainant #2, from the threat posed by Complainant #1.”

The Director also commented on the amount of force used in this incident. He stated: “I am also satisfied that the subject officers’ use of their guns constituted reasonable force in light of the exigencies of the situation. By the time Subject Officer #3 first fired, Complainant #1 had been directed to drop the knife, which he did not do. Instead, he continued his assault on Complainant #2 with the knife in the middle of the roadway. Had Subject Officer #3 not fired when he did, he risked additional harm coming to Complainant #2, including death. Fortunately, the officer’s volley of shots was successful in knocking Complainant #1 on his back and separating him a short distance from Complainant #2.

Regarding the police-inflicted injury to Complainant #2, the Director concluded that “one of the rounds striking Complainant #2’s left leg does not, in my view, detract from the

reasonableness of the officer's course. Subject Officer #3 had a difficult choice to make and only a split second in which to make it: shoot Complainant #1 to stop the assault but risk hitting Complainant #2 in the process, or, not shoot and risk Complainant #1 continuing to inflict bodily harm and even death on Complainant #2. It appears the officer made the right decision. In arriving at this conclusion, I note that the use by Subject Officer #3 of his gun was the only realistic course at his disposal given the immediate need to neutralize Complainant #1 from a distance."

The Director ultimately concluded that, "for the foregoing reasons, there are no reasonable grounds to believe that any of the subject officers comported themselves other than within the limits of the criminal law. As such, there is no basis for proceeding with criminal charges in this case. 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 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 Officers. The officers responded to what amounted to an "active killer" situation. Two females were deceased and a third was being stabbed as the officers arrived on scene. The officers gave Complainant #1 verbal commands to "drop the knife" but he did not. To prevent serious injury and likely death, the officers discharged their firearms and stopped the threat posed by Complainant #1 during this tragic event.

Both complainant #1 and #2 were appropriately attended to by paramedics, and Complainant #1 could not be resuscitated.

All the details of the incident were corroborated by police and civilian witnesses, and the forensic evidence collected by the SIU.

The PSU review found that the Subject Officers 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.