

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

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SUBJECT: REPORT ON SIU INVESTIGATION 22-OPF-172

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 22-OPF-172

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 July 4, 2022, at approximately 12:37 p.m., the OPS received a 911 call regarding an Intimate Partner Violence incident in an apartment located in the 100 block of Claremont Drive in Ottawa. Once uniformed police officers arrived, a female reluctantly exited the apartment and the Complainant refused to exit and barricaded himself inside. As per OPS policy and procedures, Crisis Negotiators Unit (CNU) and Tactical Unit (TU) attended and began efforts to negotiate with the Complainant who had freshly cut his

own neck and threatened to cut his throat should anyone enter the apartment. He was observed holding a razor blade to his neck and later a knife, and he also claimed to be in possession of a gun.

Due to the urgency of the situation and unsuccessful negotiations by CNU, CNU and TU officers devised a plan to prevent further self-harm by the Complainant. TU officers breached the door and entered the apartment. Upon entry, the Complainant refused to comply with the officer's commands and fled to the second floor of the apartment. The Subject Officer directed the Complainant to come down the stairs, to which he refused and threw an object at the officer. The Subject Officer responded by twice discharging an Anti-Riot Weapon Enfield (ARWEN) device that he was carrying. One projectile struck the Complainant in the thigh, and the second missed.

Unaffected by the ARWEN round, the Complainant ran further into the apartment with officers giving chase. The Complainant proceeded to cut the left side of his neck, after which he was taken to the floor by the Subject Officer. The officers attempted to control the Complainant's bleeding and he was treated by Tactical Paramedics at the scene. The Complainant was taken into custody and conveyed to the hospital where he received sutures to close the self-inflicted wound to his neck. The Complainant was later charged criminally and held for a bail hearing after his release from the hospital.

On July 4, 2022, OPS contacted the SIU which subsequently invoked its mandate and opened an investigation.

SIU Investigation

On November 1, 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 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 Officer who was involved in this incident. The Director also released an investigative report that was sent along with the letter.

In his report, the Director explained the officers' lawful authority to act: "In violation of a court order, the Complainant was in the company of his partner. He was subject to arrest on that basis. By the time the tactical officers forced their way into his unit, the officers also had information about the Complainant's deteriorating mental health and risk of self-inflicted injury. That would have also given them authority to apprehend the Complainant in order to take him to hospital under section 17 of the Mental Health Act."

The Director also commented on the amount of force used in this incident, "With respect to the force used by the Subject Officer, namely, the discharge of his ARWEN

twice at the Complainant, I am satisfied that it constituted legally justified force in aid of his arrest. The Complainant had been seen to be in possession of a razor and/or knife; he had also mentioned a gun. It only made sense that the officers would seek to neutralize the potential threat the Complainant presented to himself and the officers by attempting to temporarily neutralize him from a distance so that he could be safely arrested. The use of the ARWEN had a reasonable prospect of accomplishing that without inflicting serious injury. That the ARWEN did not fully achieve its objective does not detract from the reasonableness of its use in the circumstances.”

Lastly, the Director concluded that, “In the result, there are no reasonable grounds to believe that the Subject Officer comported himself other than within the limits of the criminal law. As such, there is no basis for proceeding with 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 Officer. The OPS patrol officers attended an Intimate Partner Violence call. They were able to convince the female to exit the apartment, but her estranged partner (Complainant) remained inside and barricaded himself. The Complainant’s mental health was deteriorating, and he threatened to harm himself and cut his own throat should anyone enter the apartment. OPS officers followed their policies and procedures by calling CNU and TU officers to attend because they have expertise in dealing with persons in crisis. A plan was made and executed to save the Complainant from further self-harm. The use of ARWEN rounds was necessary to subdue the Complainant and proved to be a viable option to save him and the officers in attendance. All the details of the incident were corroborated by police and civilian witnesses and forensic evidence collected by the SIU.

The PSU review found that the Subject 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.