

**Report to / Rapport au:**

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

**27 February 2023 / 27 février 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-OVI-181**

**OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 22-OVI-181**

**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 the afternoon of July 4, 2022, the Subject Officer was operating a marked police vehicle eastbound on Fallowfield Road in Ottawa, approaching the intersection at Woodroffe Avenue. The Subject Officer was responding to a motor vehicle collision with potential injuries. The Subject Officer came to a full stop at the red light with emergency lights and siren activated, and slowly advanced through the intersection after perceiving

that it was safe to do so. The Subject Officer went around a vehicle that failed to yield but then struck the Complainant's vehicle in the intersection. The Complainant at the time of the collision was operating his vehicle northbound in the passing lane of Woodroffe Avenue on a green light. He was accompanied by his spouse and infant child in the backseat, who were wearing seatbelts and using an approved infant car seat.

The force of the collision caused both vehicles to rotate in the intersection before coming to rest. With the assistance of an off-duty nurse, the Complainant and his family were extricated from their vehicle and helped to the northeast corner of the intersection where they received medical treatment. The child was taken to hospital as a precaution but did not sustain any injuries. The Complainant subsequently attended hospital and was diagnosed and treated for a fractured collarbone. Both vehicles were towed from the scene.

## **INVESTIGATION**

### **SIU Investigation**

The Special Investigation Unit (SIU) was contacted on July 13, 2022 and invoked its mandate. The delay in reporting the incident to the SIU was attributed to the fact that the OPS, and specifically the patrol supervisor who attended the collision scene, was not aware of the injury to the Complainant. It was not until the registered owner of the involved vehicle contacted the OPS Collisions Investigations Unit (CIU) several days later to inquire about the status of the vehicle that the Complainant's injury became known.

On November 10, 2022, the Director of the SIU concluded there were no reasonable grounds in the evidence to proceed with criminal charges against the Subject Officer and their investigation was completed with no further action.

The threshold for the SIU was whether there was any want of care in the manner in which the Subject Officer operated their police vehicle that caused or contributed to the collision, and which was sufficiently egregious to attract criminal sanction. The SIU investigation included the findings and opinion of their collision reconstructionist.

In his report, the Director indicated he was satisfied that the Subject Officer comported himself with due care and regard for public safety as far as the criminal law goes but noted that he "appears to have fallen short in his duty of care under section 144(20) of the Highway Traffic Act". This section permits an officer to proceed through a red light when certain conditions are met, but only when it is safe to do so. In the opinion of the Director, the fact that a collision occurred suggests that the Subject Officer should have proceed through the intersection more prudently to avoid a collision.

Notwithstanding this observation, the Director noted “a number of extenuating considerations in the circumstances surrounding the Subject Officer’s travel through the intersection that render his indiscretion something less than a marked departure from a reasonable standard of care”.

He went on to explain that the officer had “come to a full stop at the red light, with his emergency lights and siren activated, before slowly entering after traffic had started to come to a stop. He was cautious enough to avoid colliding with one or two southbound vehicles that had failed to yield. And there is no indication that the officer was wanting vis-à-vis section 144(20) in the manner in which he traversed prior intersections enroute to the call for service”.

### **Professional Standards Unit Investigation**

Pursuant to Section 34(1) of Ontario Regulation 268/10 of the Police Services Act, the 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:

The Ontario Highway Traffic Act permits a police vehicle to proceed through a red-light, provided certain conditions are met:

Section 144(1)(a): A vehicle used by a person in the lawful performance of his or her duties as a police officer, on which a siren is continuously sounding and from which intermittent flashes or red lights or red and blue light are visible in all directions

Section 144(18): Every driver approaching a traffic control signal showing a circular red indication and facing the indication shall stop his or her vehicle and shall not proceed until a green indication is shown

Section 144(20): Despite subsection (18), a driver of an emergency vehicle, after stopping the vehicle, may proceed without a green indication being shown if it is safe to do so.

After careful review of the information in this case including the SIU Director’s Report and observations, the OPS Professional Standards Unit have opened a Chief’s Complaint investigation into the conduct of the Subject Officer.

In the ensuing review of service delivery and corporate policy, an issue was identified with respect to the post-collision follow-up by OPS. As required by policy, a patrol supervisor attended the scene and completed a collision report, however the requirement to notify the OPS Collisions Investigation Unit (CIU) was not completed. The supervisor believed they complied with this requirement by requesting a copy of the

report be forwarded to CIU, but they failed to enter the reporting code needed to properly route the report.

The review also determined that a briefing note using the OPS' internal notification system was never issued. This system is intended to facilitate timely awareness of threshold incidents across the organization and ensure that appropriate follow-up actions are taken.

The service delivery concerns identified were deemed to be training issues. To prevent future omissions, they were brought to the attention of the Superintendent of Patrol Services and the responding supervisor's immediate chain of command.

## **CONCLUSION**

The PSU has completed its Section 34 investigation into this incident. The OPS takes driving related conduct and public safety very seriously. As a result of this review, a Chief's Complaint investigation has been initiated into the conduct of the Subject Officer. The OPS also takes public trust and confidence in policing services very seriously. Omissions that prevented a timely follow-up with the Complainant have been identified and addressed as training issues.