

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:

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

SUBJECT: REPORT ON SIU INVESTIGATION 22-OCI-226

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 22-OCI-226

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 September 2, 2022, officers with the Ottawa Police Service (OPS) were dispatched to an intimate partner violence call in the 200 block of Donald Street in Ottawa. Upon arrival, officers located a female victim who was bloodied and lying unresponsive in the hallway. Through investigation it was quickly determined that the victim had been violently assaulted and choked by the Complainant.

The Subject Officer located the Complainant in the 300 block of McArthur Avenue in Ottawa and attempted to place him under arrest for choking and assault causing bodily harm. The Complainant broke free of the officer and fled on foot. The Subject Officer caught up to the Complainant and grounded him to gain control and effect arrest. The Complainant refused to comply with the orders given by the Subject Officer. Several knee-strikes were delivered by the Subject Officer but were ineffective at gaining compliance. The Subject Officer then deployed a CEW (Taser) but this was also ineffective, and the Complainant attempted to disarm the CEW from the Subject Officer. Once other officers arrived on scene and additional knee and hand strikes were delivered by a Witness Officer, the Subject Officer was able to gain control of the Complainant and complete the arrest.

After his arrest the Complainant complained of having difficulty breathing. He was taken to hospital and subsequently diagnosed with a fractured rib. The SIU were contacted and invoked its mandate.

INVESTIGATION

SIU Investigation

On December 29, 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.

Specifically, the Director concluded: "With respect to the force used by the Subject Officer and the other officers who assisted in the Complainant's arrest ... I am satisfied that it was legally justified. The Subject Officer acted reasonably when he forced the Complainant to the ground. The tactic would bring the Complainant's flight to an end and position the officer to better manage any continuing resistance. The Complainant did struggle with the officer on the ground, refusing to release his left arm so that it too could be handcuffed, preventing the Subject Officer from securing him even after the repeated use of his CEW and multiple knee strikes. It was only with the arrival of additional officers, and several strikes by Witness Officer number three, that the Complainant was sufficiently subdued and taken into custody. On this record, I am unable to reasonably conclude that the nature and extent of the force brought to bear by the police was excessive."

The Director further concluded that, "in the result, while I accept that the Complainant's injury was inflicted in his altercation with the police, whether due to the takedown or the

struggle on the ground, there are no reasonable grounds to believe that it is attributable to unlawful conduct by the arresting officers. As such, there is no basis for proceeding with criminal charges in this case.”

Professional Standards Unit Investigation

Pursuant to Section 34(1) of Ontario Regulation 268/10 of the Police Services Act (PSA), the 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. Police were responding to a serious assault that necessitated the immediate apprehension of the Complainant. The Complainant fled from police and ignored police commands to comply. Once the Subject Officer caught up to the Complainant, the Complainant continued to resist arrest, and a reasonable level of force commensurate to the circumstances was applied to gain compliance and complete the arrest. The PSU review concluded that the officer involved in this incident responded in a proper manner.

No issues were identified in relation to service delivery or corporate policy in relation to this incident.

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.