

Report to / Rapport au:

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

27 November 2023 / 27 novembre 2023

Submitted by / Soumis par:

Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa

Contact Person / Personne ressource:

**Inspector Hugh O'Toole, Professional Standards Branch / Direction générale des
normes professionnelles
OTooleH@ottawapolice.ca**

SUBJECT: REPORT ON SIU INVESTIGATION 23-OVI-211

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 23-OVI-211

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 board report summarizes an investigation by the Professional Standards Unit (PSU) into an incident that occurred on June 3rd, 2023, for which the Special Investigations Unit (SIU) invoked their mandate. This investigation is required by legislation once the SIU have completed their involvement, and assesses the incident against our policies, services, and the conduct of our officers.

A brief synopsis of the incident and findings of the SIU are provided below, as well as the conclusions of the PSU review.

DISCUSSION

On June 3rd, 2023, at 10:36 p.m. the Subject Official (SO), while on patrol in an unmarked police truck, was traveling east on Baseline Road and attempting to turn south onto Clyde

Avenue, when he collided with the Complainant, who was attempting to cross the street at this intersection.

As indicated in the SIU investigation, the Complainant was unlawfully riding a skateboard on the sidewalk of Clyde Ave at Baseline Rd when the collision occurred. The Complainant impacted the unmarked vehicle's front right corner, damaging the hood area before being sent tumbling several meters.

The SO promptly attended to the Complainant's well-being and requested an ambulance for assistance. The Complainant expressed remorse for colliding with the police vehicle and explained that he was trying to quickly cross the street to catch an approaching city bus and did not see the SO approaching the intersection. Notably, the Complainant was wearing headphones and listening to music at the time. He reported experiencing discomfort in his left wrist, and upon the ambulance's arrival, he was transported to the hospital for further assessment and treatment.

The patrol supervisor had been notified of the collision and attended the scene quickly. The paramedics who attended the scene determined the Complainant would need to be transported to the Civic Hospital for further evaluation. The patrol supervisor and the SO followed the ambulance to the hospital and notified the Duty Inspector of the incident.

At 11:40 p.m., the OPS were informed that the Complainant had suffered a broken left wrist and would require a cast to recover. The SIU was contacted and invoked its mandate due to the injury suffered by the complainant.

INVESTIGATION

SIU Investigation

On September 29th, 2023, the OPS received a letter from the Director of the SIU concerning the outcome of the investigation. In his letter, Director Martino stated: "the file has been closed and no further action is contemplated". In his view, there were no reasonable grounds in the evidence to proceed with criminal charges against the SO.

The OPS received a copy of the SIU report and reviewed it carefully as part of their assessment. Although the Complainant suffered an injury when he collided with the SO's vehicle, the SIU Director indicated "there was little, if anything, in the evidence to suggest that the SO failed to comport himself with due care and regard for public safety as he approached the collision scene. The SO, travelling at the speed of traffic on Baseline Road, signaled an intention to turn right onto Clyde Avenue, slowed, and entered into the right turn lane. Traffic was light at the time, the roads were dry and the weather clear. He continued to slow and may have even stopped as he approached the pedestrian right-of-way through the right lane onto Clyde Avenue when his vehicle

collided with the Complainant. Why it was the SO did not see the Complainant prior to the collision is not entirely clear". The Director then wrote: "The fact that it was dark, there was a sightline obstruction of sorts at the collision site, and the Complainant was riding a skateboard on a sidewalk, at speed and against city by-laws, perhaps played a role".

The SIU Director concluded: "Be that as it may, I am satisfied on this record that the SO did not transgress the limits of care prescribed by the criminal law in the manner in which he operated his vehicle".

Professional Standards Investigation

Pursuant to Section 34(1) of the Ontario Regulation 268/10 of the *Police Services Act*, PSU initiated an investigation into this incident to review the policies and service provided by the OPS, and to determine if the conduct of the involved police officers was appropriate.

The response of the OPS was consistent with legislation and policy. PSU reviewed the SO's actions under the standards of the PSA and concluded that no misconduct occurred.

After a careful review of all information and evidence for this incident, no policy, service or conduct issues have been identified.

Conduct Findings

No misconduct identified

Service Findings

No service issues identified

Policy Findings

No policy issues identified

CONCLUSION

PSU has completed its Section 34 (formerly Section 11) review into this incident and no further action is required.