

Report to / Rapport au:

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

22 January 2024 / 22 janvier 2024

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 THE SPECIAL INVESTIGATIONS UNIT - INVESTIGATION
23-OCI-279**

**OBJET: RAPPORT SUR L'UNITÉ DES ENQUÊTES SPÉCIALES – ENQUÊTE
23-OCI-279**

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 their 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 21, 2023, at approximately 11:24 am, Ottawa Police officers attended an address on Mohrs Road for a domestic disturbance call. Once at the residence, the officers learnt the male victim was assaulted by his former girlfriend. Officers formulated grounds to arrest the female (herein the Complainant) who was still in the

residence. Officers attended the room where the Complainant was and advised she was being arrested for assaulting the male. As officers were in the door frame, the Complainant attempted to slam the door shut on them. The Subject Official (SO) placed his foot inside the door frame to prevent the door from shutting. In doing so, the door swung back open and hit the Complainant in the face, causing her nose to bleed. The Complainant was placed under arrest and conveyed to the hospital for medical treatment. Later that day, a physician gave the broken nose diagnosis to the officers. On July 21, 2023, at 10:10 pm, OPS contacted the SIU and notified them. The SIU invoked their mandate and opened an investigation.

INVESTIGATION

SIU Investigation

On November 17, 2023, the OPS received a letter from the Director of the SIU concerning the outcome of their investigation. In his letter, Director 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 official who was involved in this incident.

Specifically, the Director concluded: "Pursuant to section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were required or authorized to do by law.

The Complainant was subject to arrest at the time of her injury. Having spoken to the CW and observed his injury, the SO correctly concluded, I am satisfied, that there were grounds to take the Complainant into custody for assault".

The Director added: "I am also satisfied that the force used by the SO was legally justified. The officer was entitled to prevent the door from closing in order to affect the Complainant's arrest, and to do so emphatically. Knowing that she had in the past armed herself with knives while threatening self-harm, the SO was right to prevent that contingency from materializing had the Complainant managed to close and, possibly, lock the door behind her. Once inside the bedroom, there is no evidence of any further force having been brought to bear against the Complainant".

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. The officers were dispatched to a domestic disturbance where the male was

assaulted and had visible injuries to his face. The officers formulated reasonable grounds that a criminal offence was committed and were to lawfully arrest the Complainant. The Subject Official was aware of the Complainant's history of self-harm and did not want to get in a barricaded person situation had the door closed. As the Complainant was attempting to slam the door forcefully, the Subject Official placed his foot in the doorway to prevent the situation from escalating. The door rebounded from the force the complainant used and hit her in the face, causing the injury to her nose. The force used by the officers to arrest the Complainant was proper and justified.

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 Official.

The Professional Standards review concluded that the Subject Official involved in this incident responded in a proper manner.

No serious issues were identified in relation to service delivery or corporate policy, and any deficiencies noted above have been addressed.

Conduct Findings – No conduct issues identified.

Service Findings – No service issues identified.

Policy Findings - No policy issues identified.

CONCLUSION

PSS has completed its Section 34 investigation into this incident and no further action is required.