

Report to / Rapport au:

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

26 February 2024 / 26 février 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-OCD-243**

**OBJET: RAPPORT SUR L'UNITÉ DES ENQUÊTES SPÉCIALES – ENQUÊTE
23-OCD-243**

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) about this incident.

DISCUSSION

On Sunday, June 25, 2023, the Ottawa Police Communications Centre received multiple calls about a male dangerously wielding a knife and lunging at vehicles in the downtown core of Ottawa. Officers were dispatched and arrived in the area of St Patrick Street and Sussex Drive shortly after the calls came in at 2:08 pm. Tactical communication failed with officers repeatedly directing the Complainant to drop the

knife. The Complainant ignored the officers' commands. The officers were faced with a highly volatile and dangerous situation where they were unable to withdraw or relocate to a safer area due to the proximity of civilian witnesses. One officer deployed his conducted energy weapon (CEW) but the deployment was unsuccessful in changing the complainant's behaviour. The Complainant was advancing on officers while wielding a knife. Two officers engaged the Complainant with gunfire and stopped his advancement. The officers called for "shots fired" and Emergency Medical Services (EMS) for assistance. They rendered first aid and CPR until EMS arrived and took over. All efforts to revive the Complainant were unsuccessful and he was pronounced deceased at the scene.

On June 25, 2023, OPS contacted the SIU and notified them. The SIU invoked its mandate and opened an investigation.

INVESTIGATION

SIU Investigation

On October 23, 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 two subject officials (SO #1 and SO #2) who were involved in the incident.

In his report, Director Martino noted the following, "In my view, the gunshots fired by SO #2 and SO #1 fell within the limits of justification prescribed by the provision. The subject officials were lawfully placed and in the exercise of their duties throughout the series of events leading to the Complainant's shooting. Having been called to the scene of a male wielding a knife at passersby in and around the intersection of Sussex Drive and St. Patrick Street, the officers were within their rights in attending at the scene to take the Complainant into custody for the offence of 'weapons dangerous', contrary to section 88 of the Criminal Code, and ensure public safety."

The Director added: "I am also satisfied that the gunfire by SO #2 and SO #1 constituted reasonable force in the circumstances. Events unfolded very quickly and there was no real opportunity to consider alternative courses. Even still, SO #2, the first officer on scene, attempted to de-escalate the situation. He appears to have realized that the Complainant was in mental health crisis and tried to calm him by asking his name and explaining he was there to help. Regrettably, given his state of mind, the Complainant was unreceptive. Withdrawal from the scene was not a viable option. Though their presence might have contributed to the Complainant's agitation, there

were bystanders in the area whose safety would have been placed at risk had the officers pulled away. The Complainant was repeatedly asked to stop and drop the knife. As he moved northward towards the officers on St. Patrick Street, WO #2 fired his CEW. Had its probes found their mark, it might have resulted in the Complainant's momentary incapacitation, affording the officers a window to safely disarm him."

The Director concluded, "Unfortunately, the use of the CEW did not stop the Complainant's advance, and the officers were left with little recourse but to use their firearms to protect themselves and each other. A physical engagement would have placed their lives at risk of grievous bodily harm or death from the knife, as would a resort to other weapons at their disposal – OC spray or a baton – without the immediate stopping power of a firearm."

The SIU closed their investigation and advised OPS that no further action would be contemplated.

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 the SIU conducted its investigation and closed it with no further actions, the Professional Standards Unit (PSU) conducted a review under Section 34(1). The officers attended the area of St Patrick Street and Sussex Drive lawfully in response to a call for service. Officers were faced with a male (the Complainant) who may have been living with a mental health disorder and was wielding a knife with a 20 cm blade. The officers attempted to de-escalate the situation by speaking to him, but their attempts were unsuccessful. One officer deployed a CEW, but that too failed as the prong(s) missed the Complainant. The Complainant was advancing at the officers, and they could not disengage and relocate. Such action would result in placing civilians at risk and jeopardize the safety of other pedestrians.

The complainant neared several meters from the Subject Officials and they were left with no other choice but to use their firearms to change the Complainant's behaviour. As per their training and the Use of Force model, OPS officers exhausted all other modes of interactions and de-escalations, until their lives and the lives of others were at risk. Once the Complainant went down after the gunshots, the officers called for medical assistance and tended to him by performing CPR and first aid. Once medical assistance arrived,

they took over but were unable to revive the Complainant. He was pronounced deceased at the scene.

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 Officials.

The Professional Standards review concluded that the Subject Officials involved in this incident responded properly. Furthermore, no issues were identified about the Service delivery or Corporate Policies during the review.

Conduct Findings – No conduct issues were identified.

Service Findings – No service issues were identified.

Policy Findings - No policy issues were identified.

CONCLUSION

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