

Report to / Rapport au:

OTTAWA POLICE SERVICE BOARD

LA COMMISSION DE SERVICE DE POLICE D'OTTAWA

24 June 2024 / 24 juin 2024

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 SPECIAL INVESTIGATIONS UNIT - INVESTIGATION 23-
OVD-111**

**OBJET: RAPPORT SUR L'UNITÉ DES ENQUÊTE SPÉCIALES – ENQUÊTE 23-
OVD-111**

REPORT RECOMMENDATIONS

That the Ottawa Police Service Board receive this report for information.

RECOMMANDATIONS DU RAPPORT

Que la Commission de service de police 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

At 7:30 p.m., April 15, 2023, the OPS Neighborhood Resource Team (NRT) were conducting surveillance. An officer driving an unmarked police vehicle observed a drug transaction with a driver of a Honda Civic. He followed the Honda and radioed the location. Witness Official (WO) #1 and WO #2, and the Subject Official (SO), arrived to assist in separate fully marked police cruisers. At the intersection of Carling Avenue and Merivale Road, the marked cruisers tried to box-in the Honda. WO #1 exited his cruiser and approached the Honda, but it drove around him. He pursued the Honda but discontinued the pursuit. The Honda was last seen turning north onto Kirkwood Avenue. The SO broadcast that he was going north on Kirkwood Avenue to catch up to the Honda. Citizens flagged down the SO to report that a Honda had struck a civilian. A husband (Complainant) and wife had been crossing the street when the Honda struck the husband. The husband was reportedly pronounced vital signs absent at the scene. He was taken to the Intensive Care Unit at the Ottawa Civic Hospital (OCH). Several days later, he succumbed to his injuries.

On April 15, 2023, OPS contacted the SIU and notified them. The SIU invoked their mandate and opened an investigation.

INVESTIGATIONS

SIU Investigation:

On January 26, 2024, 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.

In his report, the SIU Director stated: "The SO, WO #1 and WO #2 were within their rights in initiating a pursuit of CW #5's Civic. They had reason to believe that CW #5 had just engaged in an illicit drug transaction. I am also satisfied that the SO, WO #1 and WO #2 comported themselves with due care and regard for public safety throughout their engagement with the Civic. The officers activated their emergency equipment while accelerating after the Civic westbound on Carling Avenue. Their top speed – in the neighbourhood of 80 km/h – was moderate in the circumstances and did not unduly imperil traffic around them. Once it became clear that CW #5 was not going to stop, the SO, rightfully in my view, called an end to the pursuit. Thereafter, he and the other officers continued in the direction of the Civic north on Kirkwood Avenue but were not close to the vehicle in distance or time when the collision occurred".

The Director concluded that “On the aforementioned-record, it is apparent that neither the SO nor WO #1 or WO #2, transgressed the limits of care in the course of a brief pursuit that was discontinued prior to the collision that tragically took the life of the Complainant. 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), 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.

Ottawa police officers were conducting surveillance and identified a person who was actively engaged in drug related criminal offences. The male was operating a Honda Civic at the time. The surveillance officers used the police radio to alert uniformed officers who were in the area waiting to assist. Once the lawful grounds to arrest were formulated, they were given to the uniformed officers, Witness Official #1 (WO1) and Witness Official #2 (WO2). WO1 and WO2 conducted a traffic stop by placing their marked police cruisers in front and to the rear of the Honda Civic to avoid the driver escaping. WO1 approached the stopped Honda Civic and recognized the lone driver from previous dealings with him. WO1 demanded the driver turn off his vehicle and advised he was arresting him for drug related offences. The driver of the Honda Civic maneuvered his vehicle between the two police vehicles and left at a high rate of speed. The Civic traveled West on Carling Ave. WO1, WO2 alerted other officers the male drove away and they began to pursue. The Respondent Official (RO) was close by as well and joined the pursuit. All vehicles had their lights and sirens on while driving West on Carling.

The Honda turned North on Kirkwood Ave and out of the officers' vision. As WO1 and WO2 approached Kirkwood, they realized public safety was at risk and the pursuit was called off. The officers knew the identity of the driver and recognized the dangerous way the Civic was being operated, thus called off the pursuit. The RO also acknowledged, turned off his lights and sirens, but continued driving in the direction where the Honda was last seen (North on Kirkwood). As the RO approached Richmond Road, he was flagged down by pedestrians stating someone was hit by a Honda Civic and they are injured. The RO called dispatch and asked for an ambulance then proceeded to tend to the Complainant and provide aid.

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 Witness Officials #1 and #2.

The Professional Standards review identified issues relating to the compliance with OPS Suspect Apprehension Pursuit (SAP) policy on the part of the Respondent Official (RO). It should be indicated that the RO's actions did not contribute to the cause of the collision with the Complainant and the SIU's investigation was thorough and cleared them of any wrongdoing. The PSU investigator noted the RO's SAP training was overdue (every two years) and he did not come to a stop after the pursuit was terminated. SAP policy indicates that an officer must take his SAP requalification every two years which the RO was in contravention of. The policy also states that once a pursuit is terminated, all officers must come to a stop in a safe area and record their mileage. The RO failed to do so as well. Both matters were addressed under the disciplinary process afforded by the PSA and the officer has accepted the discipline.

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 – Breach of SAP policy was identified and addressed accordingly.

CONCLUSION

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