

Report to / Rapport au:

**OTTAWA POLICE SERVICE BOARD
LA COMMISSION DE SERVICE DE POLICE D'OTTAWA**

23 September 2024 / 23 septembre 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 THE SPECIAL INVESTIGATIONS UNIT 24-OFI-129

**OBJET: RAPPORT SUR L'UNITÉ DES ENQUÊTES SPÉCIALES – ENQUÊTE
24-OFI-129**

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

On March 22nd, 2024, shortly before 1:30 pm, the Complainant was driving a silver Audi on Kirkwood Avenue. The vehicle had extremely tinted windows, obscuring the view into the vehicle, which is an Ontario Highway Traffic Act (HTA) infraction.

Ottawa Police Constables, herein known as Respondent Official (RO) and Witness Officials (WO 1, 2, and 3) attempted to stop the vehicle for the HTA infraction. The SO

pulled alongside the Audi's passenger side and activated the cruiser's emergency lights. The Complainant then maneuvered the motor vehicle to avoid the officers and drove West on Carling Avenue before turning sharply onto Saigon Court, a dead-end street, blocked by large boulders at the North end.

The Complainant continued to drive the motor vehicle, ramming through the boulders causing the Audi to go airborne and continuing North on Tweedsmuir Avenue, followed by the RO from a distance. At the time, there were numerous pedestrians out, some of which were pointing out the Audi to police as they passed them. The Complainant then abandoned the Audi on Tweedsmuir Avenue, exiting briefly, before returning to the vehicle and retrieving a loaded handgun from the driver's door area. The Complainant ran West on Avondale Avenue while holding the handgun. The RO and WO1 pursued the Complainant on foot. Shortly after the foot pursuit began, the Complainant turned towards the RO while still holding the firearm. The RO gave multiple verbal commands to the Complainant to drop the gun or be shot, but the Complainant did not comply. Fearing for their life and the lives of those around them, the RO discharged four (4) rounds from their OPS issued firearm. The Complainant was struck and surrendered. OPS officers immediately called for medical assistance and began rendering first aid to the Complainant.

The Complainant was transported to the local hospital and survived the injuries. The Complainant was later charged with seventeen (17) Criminal Code offences.

OPS contacted the SIU and notified them. The SIU invoked its mandate and opened an investigation.

INVESTIGATIONS

SIU Investigation:

On July 18, 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.

During their investigation, the SIU interviewed twelve (12) civilian witnesses who were in the area when the incident took place. The SIU also collected twenty-two (22) video recordings primarily from the Avondale Avenue area which captured the foot pursuit. None of these recordings show the shooting, but one showed the Complainant in the process of running and holding the firearm, and turning back towards the SO.

In his report, the SIU Director stated: “The SO was engaged in the execution of his lawful duties throughout the series of events leading to the shooting. By the time he arrived at Avondale Avenue, he had witnessed the Complainant driving dangerously to travel past a dead-end road and had cause to take her into custody on that basis.”

The Director noted: “The Complainant, while armed with a loaded firearm, was turning, or had turned, in the officer’s direction with it. The officer could only have surmised that his life was in danger at that moment and that defensive force was necessary to preserve himself. The evidence also establishes that the force used by the officer, namely, gunfire, was reasonable. The Complainant, having repeatedly refused to drop the weapon and now moving to face the SO, gave the officer every reason to fear that she was about to shoot him. In the circumstances, what was required in the moment was the Complainant’s immediate incapacitation. And the only weapon with the necessary stopping power was the SO’s gun.”

The Director concluded with, “On this record, I am satisfied the SO was justified in his conduct. For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed.”

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.

PSU’s investigation confirmed what the SIU concluded, in that, the officers were in the lawful execution of their duty. Furthermore, the RO’s use of force was appropriate given the serious bodily harm or death he and his partner were facing.

After further review of the incident, no serious issues were identified in relation to service delivery or corporate policy as well as the conduct of the attending officers.

Conduct Findings – No conduct issues identified.

Service Findings – No service issues identified.

Policy Findings – No policy issues identified.

CONCLUSION

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