

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-OSA-011

**OBJET: RAPPORT SUR L'UNITÉ DES ENQUÊTES SPÉCIALES – ENQUÊTE
24-OSA-011**

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

In the Summer of 2008, the Respondent Official (RO) met the Complainant while engaged in a call for service at her residence in Ottawa. The RO left his business card for the Complainant to contact him should the issues of the call for service continue. Soon after, both began to text one another on a personal level. In the following weeks and months, the Complainant would contact the RO to drive her home, usually late at night, after bar

closing, as the RO worked in the Byward Market area. The RO drove the Complainant home on multiple occasions, dropping her off at her residence and continuing his regular duties until the end of his shift.

In the fall of 2008, the Complainant stated she was extremely intoxicated and called the RO to drive her home. The RO picked her up in his police cruiser, drove her home and the two engaged in sexual intercourse. The RO left the residence and the two barely spoke afterwards. Soon after, the Complainant left Ottawa and began a life outside the city limits.

In September 2023, the Complainant saw a media video (TMZ) which depicted an on-duty police officer in the United States who engaged in a sexual encounter with a civilian, in his police vehicle. This video and attached article re-traumatized the Complainant and made her suppressed feelings resurface.

On January 9, 2024, the Complainant contacted the Ottawa Police Service (OPS) Professional Standards Unit (PSU) and reported they were the victim of a sexual assault by the Subject Official (SO). In her statement, the Complainant alleged she was too intoxicated and would not have consented to sexual intercourse back in 2008.

On January 10, 2024, PSU contacted the SIU and notified them. The SIU invoked their mandate and opened an investigation.

INVESTIGATIONS

SIU Investigation:

On May 9, 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 reasonable grounds in the evidence to proceed with criminal charges against the Subject Official who was involved in this incident.

The Director concluded with, "For his part, the SO's position is the sexual interaction was consensual and the Complainant was capable of making the decision at the time.

On this record, I am not reasonably satisfied that the complaint of sexual assault is sufficiently cogent or probable to warrant being put to the test by a court. For the foregoing reasons, there is no basis for proceeding with criminal charges against the SO. 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.

During the PSU investigation, the conduct of the RO was deemed to be unprofessional and an internal investigation under Part V of the PSA is currently underway.

The PSU investigation also revealed some gaps in the policies for transporting members of the public in a police cruiser. There are directives stating all officers must log the mileage and advise dispatch when transporting someone in a cruiser, but the policy for transporting persons is not definitive. This matter is being addressed with the policy section.

After further review of the incident, no serious issues were identified in relation to the Service delivery by the OPS.

Conduct Findings – Policy breaches and improper conduct are being addressed through the internal disciplinary measures as per the PSA.

Service Findings – No service issues identified.

Policy Findings – Transporting members of the public in a police vehicle is being reviewed.

CONCLUSION

PSU has completed its Section 34 investigation into this incident. The identified misconduct is being addressed through a PSA conduct investigation and the policy regarding transporting members of the public in a police vehicle is being reviewed.