

**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:**

**Superintendent Robert Drummond, Executive Officer to the Chief of Police  
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**SUBJECT: REPORT ON THE SPECIAL INVESTIGATIONS UNIT 24-OCI-137**

**OBJET: RAPPORT SUR L'UNITÉ DES ENQUÊTES SPÉCIALES – ENQUÊTE  
24-OCI-137**

**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 25<sup>th</sup>, 2024, at 12:08 pm, the Ottawa Police Service (OPS) received a call for service regarding a "Theft in progress" from the cashier of the Liquor Control Board of Ontario (LCBO) store located at 19 Beechwood Avenue, in the city of Ottawa. The caller informed police a male (the Complainant) had just left the premises with alcohol items, without making any attempt to pay for them. The caller provided the last known

direction of travel of the male and his description, including detailed description of his backpack where the liquor bottles were allegedly hidden.

At about 12:11 pm two OPS officers were dispatched and responded to the incident. These officers were eventually assisted by a third officer. The officers are referred to herein as the Subject Official (SO), Witness Official 1 (WO1) and Witness Official 2 (WO2).

While WO1 attended the area of the last known direction of travel of the Complainant, the SO contacted the caller at the LCBO store and updated relevant information over the police radio to assist other responding officers. At 12:20 pm, WO1 located the Complainant walking Westbound along St. Patrick Street, over the bridge, matching the description being broadcast. WO1 approached the Complainant in a police cruiser from the Eastbound lanes, activated her emergency equipment and advised the Complainant to stop walking and he was under arrest for theft. The Complainant continued walking to which WO1 physically attempted to take control of him. The Complainant started to actively resist the officer's arrest.

The SO and WO2 arrived on scene at WO1's location and assisted in taking control of the Complainant. At this time the Complainant managed to grab the bridge railing nearby and refused to comply with commands to get his hands in handcuffs. At 12:22 pm, after a brief struggle, the Complainant was grounded, and placed under arrest. Upon arrest, the Complainant was taken to OPS Central Cell Block facility located at 474 Elgin Street where he was processed and held, pending a show cause hearing. While at the cell block, the Complainant advised WO1 he had sustained injuries as a result of the arrest, specifically to his knees, wrists, and eyebrows without offering further information to officers. The Complainant added he had ingested some drugs and alcohol prior to his arrest. The footage at cells captured nothing that would explain the cause of the Complainants' injuries.

At 3:07 pm the Complainant was transported to Court House Cellblock located at 161 Elgin Street, Ottawa for a bail hearing. While at court and awaiting his bail hearing, the Complainant complained of abdominal pain. An ambulance was called, and he was transported to the Montfort Hospital. Upon medical examination, OPS learnt the Complainant had suffered three broken ribs and a lacerated spleen. He was then transported to the Civic Hospital for further examination and care. During the examination the Complainant mentioned he was previously involved in a motorcycle accident but refused to provide further details or answer follow-up questions by the medical professionals.

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

## **INVESTIGATIONS**

### **SIU Investigation:**

On July 24, 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: "I am satisfied that the Complainant was subject to arrest at the time of the events in question. He matched the description of a male said to have just stolen a quantity of alcohol from a nearby LCBO. I am also satisfied that the evidence falls short of reasonably establishing that the Complainant was subjected to unlawful force during his arrest. It is alleged that the Complainant was kneeed by a male officer – the SO – and then roughly thrown to the ground though he offered no significant resistance."

The Director added, "The source of the more incriminating evidence had consumed substances prior to the incident, which would have impacted their ability to accurately perceive and recall the events in question. It is also contested by the evidence of WO #1 and WO #2. In their version of what transpired, the Complainant struggled against the officers' efforts to bring his arms behind the back so they could be handcuffed, and he was taken to the ground in a controlled fashion in order to facilitate that process. Though neither mentioned a knee strike of any kind, a single blow of this nature would not necessarily appear excessive in light of the Complainant's resistance."

The Director concluded with, "On this record, as there is no reason to believe that the more incriminating account what occurred is any likelier to be closer to the truth than that proffered by the officers, and some reason to doubt its reliability, I am not persuaded that his evidence is sufficiently cogent to warrant being put to the test by a court. In the result, while I accept that the Complainant was injured in the course of his arrest, the likely result of a knee strike delivered by the SO, there are no reasonable grounds to believe that the injury was attributable to unlawful conduct on the part of the officer. As such, 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.

On March 25, 2024, OPS officers were working patrol duties, operating fully marked police cruisers, wearing identifiable police uniforms. They received a call for service about the theft of alcohol bottles from a local LCBO. The caller gave an accurate description of the Complainant who allegedly took several bottles of alcohol, placed them in a backpack, and walked out the door without attempting to pay for them. WO1 located the Complainant, advised of the arrested, and attempted to place him in handcuffs. The Complainant resisted the arrest and other officers arrived to assist. After the Complainant was subdued and taken into custody, he was brought to cells and asked if he had any injuries. The Complainant advised of some soreness to his knees and eyebrows but did not mention his ribs or pain to his core area.

The Complainant was given his rights to speak with counsel and was later transported to the Court cell block to appear for a “Show-Cause” bail hearing. The Complainant advised he was in pain and an ambulance was promptly called. He was transported to a hospital and diagnosed with an injury to his ribs and spleen. The SIU was notified immediately after.

During the PSU investigations, it was noted that all the involved officers followed the policies, procedures, and their training when tending to the call for service and using force to affect an arrest.

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 Complainant’s resistance at the time of the arrest.

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.