

Report to / Rapport au:

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

2 December 2024 / 2 décembre 2024

Submitted by / Soumis par:

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SUBJECT: RESPONSE TO INQUIRY I-24-02 – MISTAKEN IDENTITY

OBJET: RÉPONSE À L'ENQUÊTE I-24-02 – ERREUR SUR LA PERSONNE

REPORT RECOMMENDATIONS

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

RECOMMENDATIONS DU RAPPORT

**Que la Commission de service de police d'Ottawa prenne connaissance du
présent rapport à titre d'information.**

INQUIRY

- Does the OPS currently have a way of tracking how many wrongful apprehensions have been made by the Ottawa Police due to mistaken identity? If so, in the past 5 years, how many have there been? How many of these involved the apprehension of racialized individuals?
- If not, is there a way this can be tracked moving forward, including capturing race data?
What initiatives is the Ottawa Police Service undertaking to minimize these cases of mistaken identity?

RESPONSE

The OPS is committed to being a leader in collecting race-based data and is actively exploring methods to improve our data collection efforts. We recognize the importance of capturing this information to enhance transparency and accountability and to better serve our community. Currently, OPS does not maintain a specific tracking system for apprehensions resulting from mistaken identity. To address this, we will consider collecting race-related data related to mistaken identity and arrests in our race and identity-based data strategy.

Regarding our initiatives to minimize cases of mistaken identity, the OPS follows the established arrest authorities set out in the *Criminal Code of Canada*. To make an arrest, an officer must either witness a person committing an offence or establish reasonable and probable grounds (R&PG) that an offence has occurred. R&PG can be based on various factors, such as witness descriptions or internal communications related to ongoing investigations, which may include descriptions or photographs.

In cases of R&PG, when there are no immediate safety risks or if the arrest is for a minor offence, the officer may confirm the person's identity before making the arrest. However, in cases of R&PG where there is a perceived safety risk, and/or the arrest is for a violent offence, the officer will proceed to arrest the subject, and then confirm their identity.

Identification can become complex when a subject provides false information regarding their identity or refuses to identify themselves. In these instances, an individual may be subject to arrest even in the absence of reasonable cause for the initial arrest. Should this occur, officers may use the following methods to identify a subject:

- Verbal identification from the subject.
- Photo Identification
- OPS police records
- Personal knowledge of subject based on prior dealings.

Once the subject's identity is confirmed, the officer will continue to process the arrest and any relevant charges. Depending on the circumstances, the subject may be served documents and released at the scene or escorted to cell block for processing.

Cases where individuals are mistakenly arrested are extremely rare. However, in those rare instances where it does occur, officers are required to release individuals immediately upon realizing that an error has occurred and to provide the reason for the initial arrest. This information must be documented in a report that details the situation,

the grounds for the arrest, and in situations where an arrest is made mistakenly, the rationale behind the initial request and the actions taken upon realizing the error. All reports are then reviewed by supervisors and if needed follow-ups are conducted.

It is important to note that OPS continuously trains and educates its members on fair and impartial policing, anti-Black racism, anti-racism training, and trauma-informed training. These courses encourage members to think critically and are expected to be applied throughout every step of the investigative process, including during arrests.

If the individual is concerned with the initial arrest or the way they were treated, they have the option to request to speak to a supervisor or make an official complaint through a police oversight body, the Law Enforcement Complaints Agency (LECA). Complaints related to members of the public sent (or made) directly to the Ottawa Police Service will be reported to LECA per the requirements set out in the *Community Safety and Policing Act (CSPA)*. The CSPA notes that if an officer believes that the conduct of the arresting officer may constitute misconduct, they are required to report the misconduct, resulting in a LECA notification and investigation based on requirements set out in the CSPA. If the conclusion reveals that the officer exercised powers outside of their legal authority, a disciplinary process is initiated.