

Report to / Rapport au:

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

27 January 2025 / 27 janvier 2025

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-OCI-280

**OBJET: RAPPORT SUR L'UNITÉ DES ENQUÊTES SPÉCIALES – ENQUÊTE
24-OCI-280**

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 July 1, 2024, at 1:06 pm, a female called police advising that a male (the Complainant) had broken into her home and was intercepted by two males (her partner and a neighbor). One of the males escorted him out of the residence and threw him down a few steps. The Complainant got to his feet and attempted to flee the area when

members of the Ottawa Police arrived. The Subject Official (SO) observed the Complainant attempting to climb a fence and ordered him to stop. When the Complainant did not stop, the SO took control of him, used force to place him on the ground and placed him under arrest. The Complainant was bleeding and sustained a bump on his head. The officers called paramedics to attend and assess his injury. The Complainant was transported to the General Hospital and was diagnosed with a broken clavicle.

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

INVESTIGATIONS

SIU Investigation:

On October 23, 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. The SIU investigative report was also disclosed to the Chief.

The SIU collected evidence, including interviews with the SO, police and non-police witnesses, and video footage. The SIU report indicated that video footage shows the Complainant attempting to climb a set of stairs and falling “face first” onto the wooden porch. Furthermore, the SIU investigation revealed the home owner had a physical confrontation with the Complainant and he was “dragged” out of the home. Police officers only caught up with the male after the confrontation and his fall from the porch, at which time he was attempting to climb a fence.

In his report, the SIU Director stated: “The officers caught up to the Complainant attempting to scale the rear backyard fence of that home onto another property. The SO directed him to come down, and then forced him down and onto the ground. With WO #1’s assistance, the officer proceeded to handcuff the Complainant without incident.”

The SIU investigation revealed the officers were acting lawfully and within their rights to move in and arrest the Complainant. The Complainant had just broken into a home and was trespassing onto the neighboring property. The director noted that the force used by the SO was necessary, proportionate and legally justified.

The Director concluded with, “It remains unclear when precisely the Complainant suffered his injury. The evidence indicates he took several tumbles before his arrest,

which could explain the broken bone as well as the takedown performed by the SO. Be that as it may, as there are no reasonable grounds to believe that the officer comported himself unlawfully in his dealing with the Complainant, there is no basis to proceeding with criminal charges. The file is closed.”

Professional Standards Unit Investigation:

Pursuant to Section 8 of Ontario Regulation 90/24, Section 81 of the Community Safety and Police Act (CSPA), 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 July 1, 2024, the involved OPS officers were working patrol duties, operating fully marked police cruisers, wearing identifiable police uniforms. They received a call for service in the North River Road area of Ottawa. The caller advised dispatch that a male (the Complainant) had broken into their home and was intercepted by her partner and a neighbor. Furthermore, the Complainant was thrown out of the home and he was running away. When police arrived, the Subject Official (SO) and the Witness Official (WO) were directed by eyewitnesses to the area where the Complainant was last seen. The SO found the Complainant attempting to scale a fence but was unable to do so. The SO took physical control of the Complainant, grounded him, and placed him under arrest for the Break and Enter he just committed. The SO and WO noticed a bump on the Complainant’s head and some facial cuts. They called paramedics and the Complainant was conveyed to the Ottawa Hospital where he was diagnosed with a broken clavicle. The SIU was notified immediately after.

During their preliminary investigation, the officer learned of the altercation that took place between the Complainant and the two males prior to his arrest. This was documented and relayed to the SIU.

During the PSU investigations, it was noted the SO 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 refusal to cooperate at the time of the arrest. PSU agrees with the SIU that the broken clavicle could have been caused by the interaction with the two males, the fall on the steps, or the grounding by the officers. In any event, the force used by the SO was determined to be sufficient and not excessive in the circumstances.

After further review of the incident, no 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 81 investigation into this incident and no further action is required.