

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

26 September 2022 / 26 Septembre 2022

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 SIU INVESTIGATION 21-OVI-295

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 21-OVI-295

REPORT RECOMMENDATIONS

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

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa prenne connaissance du présent rapport à titre d'information.

BACKGROUND

The attached 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 September 7, 2021, just before 5 p.m., a uniformed Ottawa Police Service (OPS) constable on general patrol duties was operating a marked police vehicle and responding to a call for service involving a missing four-year-old boy. The officer was traveling north on Conroy Road in the City of Ottawa and brought their police vehicle to a stop in the passing lane behind another vehicle stopped for a red light at Hunt Club

Road. The officer activated the emergency lights, passed the stopped vehicle along its driver's side, and then slowly entered the intersection. As the police vehicle cleared the east lanes on Hunt Club Road, the officer began to accelerate through the west lanes.

Simultaneously, a vehicle operated by Complainant #1 and with Complainant #2 as a passenger entered the intersection travelling west along the curb lane of Hunt Club Road. Their vehicle was struck by the police vehicle as it proceeded through the intersection. The force of the impact caused both vehicles to propel a short distance from the impact location and caused significant damage. All parties were taken to hospital, with Complainant #1 sustaining a concussion and Complainant #2 sustaining fractures to their left wrist and spine.

INVESTIGATION

SIU Investigation

The Special Investigation Unit (SIU) was contacted and invoked their mandate later that evening. They approved the OPS Collisions Investigation Unit (CIU) process the scene.

On December 20, 2021, the OPS received a letter from the Director of the SIU concerning the outcome of their investigation. In his letter, Director Martino stated there were no reasonable grounds in the evidence to proceed with criminal charges against the subject officer, and that their investigation was now complete with no further action. The threshold for the SIU was whether there was any want of care in the manner the subject officer operated their police vehicle that caused or contributed to the collision, and which was sufficiently egregious to attract criminal sanction.

The SIU did not feel that the subject officer exercised sufficient precautions to ensure her path was clear as she accelerated through the intersection, but that this was not a case in which the officer was markedly careless. On the evidence, the subject officer activated her emergency equipment and exercised some precautions before proceeding through the intersection. The SIU also concluded that speed played no role in the collision, and there was no indication that it had directly imperiled other motorists or pedestrians along her route.

The SIU concluded that "the subject officer's indiscretions are best characterized as a momentary lapse of attention which fall short of transgressing the limits of care prescribed by the criminal law. Accordingly, there is no basis for proceeding with criminal charges in this case, and the file is closed."

Professional Standards Unit Investigation

Pursuant to Section 34(1) of Ontario Regulation 268/10 of the Police Services Act, the Professional Standards Unit 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.

The Ontario Highway Traffic Act permits a police vehicle to proceed through a red-light, provided certain conditions are met:

Section 144(1)(a): A vehicle used by a person in the lawful performance of his or her duties as a police officer, on which a siren is continuously sounding and from which intermittent flashes or red lights or red and blue light are visible in all directions

Section 144(18): Every driver approaching a traffic control signal showing a circular red indication and facing the indication shall stop his or her vehicle and shall not proceed until a green indication is shown

Section 144(20): Despite subsection (18), a driver of an emergency vehicle, after stopping the vehicle, may proceed without a green indication being shown if it is safe to do so.

After careful review of the information in this case, which included the SIU Director's Report and the investigation completed by the OPS Collision Investigations Unit, the OPS Professional Standards have opened a Chief's Complaint investigation under Part V "Disciplinary Proceedings" into the conduct of the subject officer.

No issues were identified in relation to service delivery or corporate policy.

CONCLUSION

PSS has completed its Section 34 investigation into this incident. The OPS takes driving related conduct and public safety very seriously. As a result of this review, a Chief's Complaint investigation has been initiated into the conduct of the subject officer.