

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

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SUBJECT: REPORT ON SIU INVESTIGATION 21-OCI-197

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES 21-OCI-197

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 June 20, 2021 at around 6 p.m., the Ottawa Police Service (OPS) received several 911 calls in relation to a domestic-type incident at 453 Cooper Street. Among those callers was an individual (the Complainant) who sounded anxious and scared and indicated his ex-girlfriend was sending people over to kill him with a firearm. The Complainant pleaded with the 911 operator to send police officers fast. The

Complainant proceeded to a third-floor apartment where he began to harass an uninvolved family who occupied the unit and ended his communications with dispatch. A civilian witness confined to a wheelchair exited the unit to see what was going on, at which time the Complainant entered the apartment and locked the door behind him. The Complainant was now alone inside the apartment with another occupant, a twelve-year old girl.

Fearing for her safety, the girl jumped from the third-floor balcony to get away from the Complainant and subsequently fractured her foot. While police were attempting to breach the door to the apartment, the Complainant also jumped from the third-floor balcony and subsequently suffered an injury to his spine. Upon entry police found the apartment empty and both the girl and the Complainant on the ground below. The Complainant resisted arrest, prompting Subject Officer #2 to deliver three hand strikes to his left side which prompted the Complainant to release his left arm from underneath his torso and permit handcuffing. Both the girl and the Complainant were treated by paramedics at the scene and transported to hospital.

The SIU was contacted at that time and invoked its mandate.

INVESTIGATION

SIU Investigation

On October 15, 2021 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 two Subject Officers who were involved in the call. The SIU concluded there were no reasonable grounds to believe that any of the involved officers transgressed the limits of care or used excessive force in their dealings with the subject.

Specifically, the SIU concluded that the two Subject Officers “were lawfully placed and conducted themselves with due care and regard for the Complainant’s well-being. The officers had been dispatched to the scene following calls about a disturbance at the address and subsequently came to learn that a 12-year-old girl was potentially being held hostage by the Complainant. In the circumstances, they had cause to forcibly enter the apartment based on the exigencies of the moment to do what they could to protect the girl. Accordingly, the officers cannot be blamed for their lawful and reasonable efforts to enter the apartment, even though their efforts appear to have been the catalyst for the Complainant’s decision to jump”.

Though not the focus of the SIU investigation, the Director also observed that the level of force used by Subject Officer #2 to effect the arrest of the Complainant appears to have been legally justified and reasonably necessary to overcome the Complainant's resistance.

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.

After a careful review of the information in this case, it has been determined that there is no evidence of misconduct on the part of the involved officers. The rapidly evolving situation required immediate action by the police to ensure the safety of a young girl in a potential hostage situation and the threat posed by an individual who unlawfully entered her home and appeared to be suffering from a mental health episode. The officer's decision to breach the door and the level of force used to arrest the Complainant was reasonable and proportional to the situation they were faced with, and de-escalation was not a viable option due to the dynamic nature in which the incident unfolded.

The Professional Standards review found that the officers involved in this incident responded in a controlled and strategic manner which resulted in the arrest of a volatile individual who presented an immediate safety threat to a young person.

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

Conduct Findings – No conduct issues identified.

Service Findings – No service issues identified

Policy Findings - No policy issues identified

CONCLUSION

PSS has completed its Section 34 investigation into this incident and no further action is required.