

Report to / Rapport au:

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

27 April 2020 / 27 avril 2020

Submitted by / Soumis par:

Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa

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SUBJECT: RESPONSE TO INQUIRY: TACTICAL DYNAMIC ENTRY

**OBJET: RÉPONSE À UNE DEMANDE DE RENSEIGNEMENTS :
INTERVENTION TACTIQUE DYNAMIQUE**

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

Tactical dynamic entry - Requested follow-up information on a judge's ruling whereby an Ontario Superior Court judge said the Ottawa Police Tactical Unit's use of dynamic entry while executing a search warrant at a home in November of 2016 was described as serious misconduct and a casual disregard of search warrant laws. The OPS was asked to provide a response to the following:

Is dynamic entry a common practice in executing search warrants by the OPS?

What is the decision-making process to determine whether a dynamic entry is required?

Will there be a change in procedures going forward based on the judge's comments?

Inquiry Response:

This matter continues to be before the courts and, as such, we are unable to provide detailed comments until the case is concluded. However, this inquiry was written to answer the specific questions above. After every tactical operation, including those employing dynamic entry, there is a debrief whereby lessons learned are incorporated into future practices. Furthermore, the OPS is in constant communication with policing partners and experts through various working groups and training programs to ensure that leading practices are incorporated into OPS operations, such as dynamic entry. The OPS regularly reviews policies, procedures and training related to tactical operations (inclusive of dynamic entry), which are governed under the Provincial Adequacy Standards.

Is dynamic entry a common practice in executing search warrants by the OPS?

Dynamic entries are determined on a case by case basis and are not utilized in the execution of all search warrants. They are completed occasionally and only when an Patrol Inspector (Incident Commander) deems that there is a risk to the public/police or that evidence may be destroyed. The dynamic entry will be considered as a method of entry. Public and officer safety are paramount and are fundamental considerations when executing all search warrants. Every warrant is reviewed with the objective of using the least possible amount of force.

What is the decision-making process to determine whether a dynamic entry is required?

The investigative unit prepares an operational plan where a search warrant will be executed. This includes a risk assessment section.

The operational plan is reviewed by the Tactical commander who will consider the type of entry which is the least invasive, taking into consideration officer safety, public safety and the risk of destruction of evidence.

If the Tactical supervisor determines that a less assertive type of entry is not recommended (due to risk to officers, the public or the imminent destruction of evidence, he/she may recommend a dynamic entry which consists of a breach of the door to the residence and dynamic entry and the safely securing of all occupants prior to the search of the residence. Distraction devices may be considered depending on the level of threat.

On the day of the scheduled search warrant, a formal briefing is held where the Tactical supervisor reviews the plan with the officers and requests approval by the Patrol Inspector (Incident Commander). At this time, the Patrol Inspector may question the Tactical supervisor on his/her rationale for the type of entry, if a distraction device will be used, risk to the public, or any other pertinent questions. Once the plan is reviewed and approved by the Patrol Inspector, officers are dispatched to the address to complete their task. The final approval of any operation involving a dynamic entry remains with the Patrol Inspector. All Patrol Inspectors have completed and have been accredited as Incident Commanders.

The Patrol Inspector is in constant communication with the officers prior to the search warrant and may cancel the mission at any time should the situation change.

Will there be a change in procedures going forward based on the judge's comments?

The dynamic entry is a tactic used by Canadian police services where a lawful rapid entry is required. As per the Ontario Police Standards manual, the Tactical Unit has and maintains a manual of standard operational procedures (SOPs) that includes the various types of entries. These SOPs are reviewed annually and, if required, updated.

Furthermore, as mandated by the Ministry of the Solicitor General, every member of the tactical team must complete training for forced entry techniques on average one day per month in addition to all other mandated training (totaling approximately 52 days per calendar year).

The dynamic entry is a crucial component of tactical functions and will continue to be utilized when deemed necessary to protect the safety of the public, officers and to prevent the destruction of disposable evidence. The dynamic entry will continue to be closely scrutinized and will only be considered when all other types of entries have been contemplated.