

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

Contact Person / Personne ressource:

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SUBJECT: REPORT ON SIU INVESTIGATION

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES

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, SIU findings and recommendations are provided. The Professional Standards Section completed an investigation into the policy, services and conduct of the involved members of the Ottawa Police Service (OPS).

DISCUSSION

BACKGROUND

On Thursday January 31, 2019 at 7:53 a.m., patrol officers were dispatched to the Elmvale Mall in relation to a man reported to be approaching the mall holding a knife inside his coat. The first arriving officer immediately located the man, directed him to

drop the weapon, and attempted to engage him in conversation. The man appeared angry and did not comply. The officer attempted to de-escalate the situation with negative results. The man then started to retreat back toward the entrance of the mall.

Due to the man's non-compliance, tone, apparent anger, and the fact he was armed with what appeared to be a weapon capable of inflicting serious bodily harm or death; the officer drew his firearm and directed the male to stop.

The second officer arrived on scene and observed the male holding an object perceived to be an axe, yelling at the first officer. The male swung the object at the first officer and the second officer deployed a Tazer in an attempt to stop the assault by the male. The second officer made two attempts to subdue the male with the Tazer which was unfortunately ineffective due to the thickness of the man's clothing.

The man began to move quickly toward the first officer, swinging the object, which the officer perceived as a weapon. The officer attempted to quickly move back and away from the weapon. Both officers feared for the life and safety of the first officer due to the proximity of the man and his swinging actions. Both officers fired their pistols, striking the man. The first officer suffered a minor injury as the man had grazed the officer's head. The man was given immediate medical assistance and was rushed to hospital under police escort where he was pronounced dead as a result of his injuries.

The SIU was notified and invoked its mandate.

INVESTIGATION

Special Investigations Unit Investigation

On February 7, 2020 the Ottawa Police Service received a letter from the Director of the Special Investigations Unit concerning the outcome of its investigation. In his letter, Mr. Martino stated the file has been closed and no further action is contemplated. He was satisfied that there were no grounds in the evidence to proceed with criminal charges against the two Subject Officers.

Professional Standards Investigation

Pursuant to Section 11(1) of Ontario Regulation 267/10 of the Police Services Act, and Section 13(1)(a) of Ontario Regulation 926 of the Police Services Act, the Professional Standards Section initiated an investigation into this incident to determine if the policies of, or services provided by the OPS were adhered to at the time of this incident, and to determine if the conduct of the involved police officers was appropriate.

After a careful review of the evidence in this case, it has been determined that there is no evidence of any misconduct on the part of the involved officers.

Conduct Findings – No conduct issues identified.

Service Findings – No service issues identified

Policy Findings - No policy issues identified

CONSULTATION

N/A

FINANCIAL IMPLICATIONS

N/A

SUPPORTING DOCUMENTATION

N/A

CONCLUSION

The SIU determined that criminal charges were not warranted in this case and there were no grounds to charge the two Ottawa Police Service officers involved.

The OPS Professional Standard's Section has completed its Section 11 investigation as well as the required review of this firearm discharge incident required in Section 13 of Ontario Regulation 926. The death of this individual was a tragedy and our sympathies continue to be extended to his family and the Indigenous Community as a whole.

Oversight is a necessary and important component of policing. It helps to ensure public confidence, trust and transparency. Our Service fully cooperated with, and respects the decision of the SIU.

As per practice, an internal review was conducted by our Professional Standards Section. The OPS will continue its work with the Community Equity Council (CEC), seek further inputs from the leadership of the Ottawa Aboriginal Coalition as well as the community to further identify opportunities to learn from this tragic incident.

We also continue to work with the OPS Board, the OPA and the SOA to provide our members with the training, tools and support for them to be safe and for them to keep the city safe.