

**Report to / Rapport au:**

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

**24 October 2016 / 24 octobre 2016**

**Submitted by / Soumis par:**

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

**Contact Person / Personne ressource:**

**Superintendent P. Johnston / Surintendant**

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**SUBJECT: REPORT ON SIU INVESTIGATIONS**

**OBJET: RAPPORT SUR LES ENQUÊTES DE LA U.E.S.**

**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 documents outline calls for service that resulted in the Special Investigations Unit (SIU) being contacted and invoking their mandate. The background of the incidents, SIU findings, and recommendations are provided. The Professional Standards Section completed an investigation into policy, services and conduct of the involved members of the Ottawa Police Service (OPS).

**SUPPORTING DOCUMENTATION**

Document A: SIU investigative File # 15-OCI-250 Custody Injury

Document B: SIU investigative File #15-OCI-307- Custody Injury

Document C: SIU investigative File# 16-OCI-010 Custody Injury

## **Document A - SIU Investigative File # 15-OCI-250 Custody Injury**

### **BACKGROUND**

On October 27, 2015 a constable noticed the subject walking on the side of a very dark roadway hitch hiking. The officer stopped to speak to him. The subject was highly intoxicated and was confused about where he was. The constable attempted to assist in getting the male a ride. The subject became agitated and angry. Another officer arrived on scene. The subject quickly escalated into screaming and giving officers the finger, then clenched his fists and tried to swing at the officers. He was grounded and placed under arrest. He continued to fight as officers struggled to place him in the cruiser.

EMS attended but could not determine the seriousness of his bleeding nose, subsequently, he was taken to the hospital where it was determined that his nose was broken.

The Special Investigations Unit (SIU) was contacted and invoked their mandate.

### **INVESTIGATION**

#### **Special Investigation Unit Investigation**

The Director of the Special Investigations Unit advised the following:

*"Pursuant to section 25(1) of the Criminal Code, police officers are restricted in their use of force to that which is reasonably necessary in the execution of their lawful duties. I am satisfied that the nature and degree of force used by the officers, including the pepper spray discharge and notwithstanding the injury that was inflicted to (the subject), fell within the range of what was reasonably necessary in the circumstances to arrest (the subject). It is clear that (the subject) physically resisted his arrest on the ground and that no further blows were struck by the officers after he was handcuffed. As for the pepper spray, the constable deployed it only after (the subject) had spat blood on him and it proved effective in deterring (the subject) from spitting again until the officers could place a mask around his mouth. Though some may question the necessity of using pepper spray in the circumstances, considered in context and bearing in mind the leeway the law accords police officers in their use of force, I am prepared to accept that spraying (the subject) was among the options open to the officer to quickly thwart (the subject) from spitting again. In the final analysis, there are no reasonable grounds, in my view, to believe that (the subject) was subject to excessive force in the course of his lawful arrest for public intoxication. Accordingly, there are no grounds for proceeding with charges in this case and the file is closed".*

**Professional Standards Section Investigation**

Pursuant to Section 11(1) of the Ontario Regulation 267/10 of the *Police Services Act*, an investigation was conducted by the Professional Standards Section to determine if 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 police officers were 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 misconduct identified

Service Findings- No service issue identified

Policy Findings- No policy issues identified.

**CONCLUSION**

No further action to be taken on this matter.

**Document B: SIU Investigation File # 15-OCI-307- Custody Injury****BACKGROUND**

On Friday December 18, 2015 officers were conducting a joint project with loss prevention officers at the L.C.B.O. on Rideau St. At approximately 3:00 pm (the subject) was observed concealing a bottle of vodka and leaving the store. He ran from the store and as officers followed him he ran onto the very busy roadway and was almost struck. The constable caught up to the man and pulled him to the ground where he resisted being handcuffed. The man was taken to the cellblock where he reported a sore shoulder and back. He was taken to the hospital where it was determined that he had a broken clavicle.

The Special Investigations Unit was contacted and invoked their mandate.

**INVESTIGATION****Special Investigations Unit Investigation**

The Director of the Special Investigations Unit stated the following:

*"It is evident on this record that there are no grounds to proceed with charges against one or more the (constables). The officers were clearly in the lawful execution of their duty when they sought to arrest (the subject) for theft. Thereafter, when (the subject) fled in an effort to avoid apprehension, the officers were entitled to pursue him and use reasonable force to secure his arrest. The act of pulling (the subject) down, I am satisfied, fell within the range of reasonable necessary force in the circumstances even though it likely caused (the subject)'s injury. Confronted with an individual determined to make good his escape, recklessly rushing into live lanes of traffic in the process, the officers were within their rights in forcing (the subject) to the ground at the earliest opportunity.*

**PROFESSIONAL STANDARDS INVESTIGATION**

Pursuant to Section 11(1) of the Ontario Regulation 267/10 of the *Police Services Act*, an investigation was conducted by the Professional Standards Section to determine if 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 police officer was appropriate or contributed to the victim's injuries.

The investigation has determined that there is no evidence of any misconduct on the part of the involved officers that may have contributed to the injuries of the individual.

Conduct Findings- No misconduct identified

Service Findings- No service issue identified

Policy Findings- No policy issues identified.

**CONCLUSION**

No further action to be taken on this matter.

**Document C: SIU Investigation File # 16-OCI-010- Custody Injury****BACKGROUND**

On January 11, 2016 at approximately 11:00 am the OPP contacted the Ottawa Police to advise that a man from Eganville, Ontario, uploaded a video on Facebook of him stealing a Ford F150 and that he was "suicidal and homicidal". In the video he indicated that he was armed with a knife and hammers, and that if the police try and pursue him, he would intentionally cause a fatal motor vehicle accident. The post was brought to the attention of the OPP by his sister, who was obviously concerned about her brother. The OPP and the Ottawa Police Service coordinated their efforts in order to try and locate the man. It was determined that he was on the highway heading towards Ottawa.

The stolen F150 was found abandoned on the 417 near Galetta Side Road after 11:30 a.m., but the man was still missing. Officers located the man at a bookstore on Pinecrest.

A constable called out the man's name and when the man noticed him, he pulled a knife from his pocket and ran into the washroom near an area busy with parents and young children. The constable pursued the man and located him in the doorway of the washroom. During this interaction, the man, would periodically bring out his right hand from view and show that he had a knife with a blade approximately 4-5 inches long.

The constable drew his firearm, and issued the commands to drop the knife. The man told him that he was homicidal and stated "You're going to kill me". The constable made attempts to de-escalate the situation by speaking to the man, however, after several failed attempts to de-escalate the situation the man went into the bathroom stall and stopped responding. He emerged and threw the knife and he fell onto the floor where it was determined that he had stabbed himself multiple times in the stomach and chest.

Another constable who was also on scene put pressure on the wound until tactical officers brought bandages from their trauma bag. The man was transported to the Civic hospital. He had 20 stab wounds to his chest and abdomen area, and 2 punctured lungs. He was in critical condition and underwent surgery. The man survived.

The Special Investigation Unit was contacted and invoked their mandate.

**INVESTIGATION****Special Investigations Unit Investigation**

The Acting Director of the Special Investigations Unit stated the following:

*"There is absolutely no basis to impugn the actions of the subject officer or for that matter the actions of any of the police officers who interacted with (the subject). The (first Constable) demonstrated impressive composure and restraint during his initial contact with the subject. The (second constable) took control of a dynamic and potentially dangerous situation, and handled it in a commendable fashion. He began by trying to calm the man down, and when it appeared that (the subject) might resort to self-harm, he called for non-lethal use-of-force equipment. (None of the OPS officers) present, did anything to exacerbate the situation or push (the subject) towards self-harm.*

*(The subject) decided to stab himself multiple times. He caused severe injury to himself, and in fact punctured both of his lungs. (The second officer) did absolutely nothing to causally contribute to (the subject's) injuries. Consequently, no charges will issue.*

### **Professional Standards Investigation**

Pursuant to Section 11(1) of Ontario Regulation 267/10 of the *Police Services Act*, the Professional Standards Section initiated an investigation into this incident.

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

Conduct Findings- No misconduct identified

Service Findings- No service issue identified

Policy Findings- No policy issues identified

### **CONCLUSION**

After reviewing the facts of this case, it has been determined that there is no evidence of any misconduct on the part of the involved officers, and in fact the constables involved should be commended.

The officers' quick and professional actions resulted in not only the safety and security of the staff and customers of the store, but also in the preservation of the life of (the subject) who was obviously in a dangerous state of mind. The de-escalation of a very volatile situation was handled professionally and courageously. None of the actions of the officers or the response by the Ottawa Police contributed to (the subject) injuring himself.

It is therefore recommended that no further investigative action be taken with respect to this incident