

**Report to / Rapport au:**

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

**25 January 2021 / 25 janvier 2021**

**Submitted by / Soumis par:**

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

**Contact Person / Personne ressource:**

**Inspector Hugh O'Toole, Professional Standards Branch**

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**SUBJECT: REPORT ON SIU INVESTIGATION – SIU19-OCI-235**

**OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES – SIU19-OCI-235**

**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. The Professional Standards Unit (PSU) completed an investigation into the policy, services and conduct of the involved members of the Ottawa Police Service (OPS).

**DISCUSSION**

On September 23, 2019, at approximately 11:50 a.m., a male subject attended the Ottawa Police Service at 474 Elgin Street, and advised he wanted to confess to a murder. Officers from the homicide unit interviewed the male subject and determined that he did not appear to be related to any homicide. The subject then demanded to be arrested for breaching release conditions, only providing vague information about the alleged homicide to which he was confessing. He continually insisted on being brought to jail. Officers were not able to determine that any offence had occurred and eventually

required the subject to leave. The male refused to leave. Multiple officers made numerous attempts to persuade the subject to leave the interview room. He continually refused. An officer attempted to physically escort the subject from the room at which point the subject fell to the ground becoming verbally and physically aggressive. The officers then disengaged, leaving the subject in the interview room.

Uniformed officers were engaged to assist the investigators. When the officers again entered the room, the subject began yelling at them. All communication and de-escalation attempts were fruitless. Officers attempted to physically remove the subject, which resulted in a prolonged and violent struggle, as officers attempted to arrest him for trespassing and secure him in handcuffs. During this struggle, one of the officers administered one single punch to the subject's face. The subject became immediately compliant and was placed into handcuffs and removed to the cellblock.

Once in cellblock, the subject continued his odd behaviour and began to make threats related to a domestic matter and was subsequently interviewed by investigators from the Partner Assault Unit. During this interview, he began to complain of pain in his face. He was brought to hospital at that time and was diagnosed with a fracture to his orbital bone.

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

The subject was subsequently charged with breach of recognizance and partner assault offences and held for a show cause hearing.

## **INVESTIGATION**

### SIU Investigation

On July 3, 2020, the OPS received a letter from the Director of the SIU concerning the outcome of its investigation. In his letter, Mr. Martino stated the file has been closed and no further action was contemplated. He was satisfied that there were no grounds in the evidence to proceed with criminal charges against the Subject Officer.

The SIU determined that the use of force was lawful and reasonable in the circumstances for the following reasons;

- 1) The punch by the Subject Officer was delivered to subdue the male whose dogged and protracted resistance against a handful of officers to that point had prevented them from being able to secure him in handcuffs;
- 2) Once the blow was delivered, the officers were able to secure his arms in handcuffs and complete the process of arresting him;

- 3) The level of force used fell within the scope permitted by law under the circumstances, specifically Section 25 of the Criminal Code.

#### Professional Standards Investigation

Pursuant to Section 11(1) of Ontario Regulation 267/10 of the Police Services Act, PSU initiated an investigation into this incident to review the policies and service 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.

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 11 investigation into this incident and no further action is required.