

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

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SUBJECT: REPORT ON SIU INVESTIGATION – SIU20-OVI-044

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES – SIU20-OVI-044

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 February 25, 2020, at approximately 8:35 p.m., patrol officers responded to a 911 call in the Carlington area for a family dispute. An adult male with mental illness was reported to be threatening family members with a knife.

When the first officer arrived, the subject approached the officer brandishing a large butcher knife and holding it in a threatening manner toward the officer. The officer

repositioned his cruiser down the street, but the subject followed and started striking the passenger side of the car while shouting at the officer. The officer again moved his cruiser away, at which point a backup officers arrived.

The officer updated the others about the armed subject who was continuing to approach the officers. The first officer then requested, multiple times, that the subject drop the knife. The subject responded by quickly approaching the cruiser again and trying to stab the officer through the open window. The officer was able to raise the cruiser window, at which point the subject turned toward the backup officers who had arrived.

The backup officer drew his firearm and ordered the subject to drop his knife. The subject responded by yelling at the officer to shoot him and that he was going to kill the officer. The officer took the opportunity to create distance by re-entering his cruiser and backing away from the subject who continued to advance on him with the knife.

Complete disengagement was not an option for the officers at this time as the subject had been reported to be threatening members of the public with a knife and was demonstrating that he was a serious public safety threat at the time. The officer decided to use his cruiser to stop the subject and end the threat from the subject. The officer drove his cruiser at the subject, knocking him into a snowbank and disarming him. Officers were then able to safely take the subject into custody.

Paramedics were immediately called and the subject was transported to hospital. He was diagnosed with a fractured rib and a stomach injury.

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

INVESTIGATION

SIU Investigation

On July 16, 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.

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.

This situation required immediate action by the police in order to end a lethal threat facing the officers from an armed person who appeared to be suffering from mental illness. The officer's use of the cruiser as an alternate use of force option was reasonable and proportional to the threat facing him, given that disengaging and further de-escalation attempts were not viable options. The officer struck the subject at low speed, but with enough force to disarm him, rather than resorting to more lethal but justified options in this case. PSU's review found that the officers involved in this incident reacted in a coordinated, controlled, and strategic manner which resulted in an armed and dangerous mentally ill subject being safely taken into custody.

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.