

**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:**

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**SUBJECT: RESPONSE TO INQUIRY I-20-24 & I-20-25: JUSTIFICATION OF  
DEMONSTRATION DISMANTLING & OPS PROCESSES ON  
PEACEFUL PROTESTS**

**OBJET: RÉPONSE AUX DEMANDES DE RENSEIGNEMENTS I-20-24 ET I-20-  
25 : JUSTIFICATION DU PROCESSUS DU SERVICE DE POLICE  
D'OTTAWA LORS DES MANIFESTATIONS PACIFIQUES ET DE LA  
DISPERSION DES MANIFESTATIONS**

**REPORT RECOMMENDATIONS**

**That the Ottawa Police Services Board receives this report for information.**

**RECOMMANDATIONS DU RAPPORT**

**Que la Commission de services policiers d'Ottawa prenne connaissance du  
présent rapport à titre d'information.**

**INQUIRY**

A video shared from 3AM on 21 November depicts what appears to be a long lineup of police, several deep, attending to a small and peaceful protest. Without knowing the full context, the video is shocking. What are the processes and plans in place when it comes to dismantling a peaceful protest, as it relates to 21 November and in general?

And

At 3:30 a.m. on 21 November, OPS forced sleeping demonstrators at Nicholas and Laurier streets to disperse, arresting 13. As OPS would've been aware of scheduled meetings between Board Members and protestors, what was the rationale behind dispersing the demonstrators mere hours before said meetings were set to occur? In doing so, was there any unjustified use of force?

## **RESPONSE**

The Ottawa Police Service (OPS) respects all people's right to protest and demonstrate within the city of Ottawa. Our role as police is to ensure the safety of both the demonstrators and residents, while supporting the right to express opinion which is entrenched within the Canadian Charter of Rights and Freedoms.

Anyone demonstrating in our city has freedom of expression, which is protected by the Charter of Rights and Freedoms.

The OPS' mission in any demonstration is to balance the Charter right to freedom of expression and protest with the need to assess and address public safety issues. This is something that we have effectively and ethically done through a rigorous process of continuous evaluation and improvement. We do this at hundreds of protests every year. This year alone we did so at the Rally for the Wet'suwet'en, the Black Lives Matter march, Justice for Abdi protests and various encampments.

We take this responsibility of enabling protests, freedom of expression and the full expression of the Charter of Rights and Freedoms, extremely seriously as the police of jurisdiction in the nation's capital.

The team that managed the response to the demonstration at Nicholas and Laurier intersection that started on Thursday afternoon was able to do without any use of force and without any injuries to the community, demonstrators or Service members as well as our other many community partners, other city agencies, other national capital region agencies, other emergency services, and other police agencies. There were no injuries involved in the entire operation. We achieved this because of a relentless focus on everyone's safety.

While there were charges laid, the OPS team worked with the Crown to stay the charges of mischief against the 12 individuals who were arrested as a result of their unlawful and dangerous occupation of the downtown intersection.

## **EVENTS**

The OPS only became aware of the demonstration at the intersection -- and had no early notification of the protest or the ability to develop contacts with the organizers -- on late Thursday afternoon. It is a fact that Nicholas and Laurier is one of the most

important, one of the largest and one of the most complex intersections in the city. It's vital for first responders like police, paramedics and firefighters to be able to move between the different parts of the downtown core using that transition point. It provides the public direct access to a number of important healthcare facilities in and around the downtown core. It is a major transit route for people travelling to and from Ontario and Quebec and for people entering into and exiting from the downtown core. It is a major transportation route for trucks. Closing that intersection affected roads and highways through the central area of the city, in fact around the city and the surrounding regions, including the province of Quebec.

We received no advance notice of this event and learned of it only as calls came into our operations centre from the area that a demonstration had materialized and was creating traffic safety and broader public safety issues.

The public safety issues were immediately clear. We saw contact between pedestrians, vehicles and demonstrators leading to increased risk and confrontations.

We also immediately saw major impacts on traffic throughout the downtown core and across the city.

Our officers who first came onto the scene worked to ensure the demonstrators and other road users were safe. We coordinated with our partners at the city, the Ontario Provincial Police, Ministry of Transportation of Ontario and the National Capital Region to manage the disruptions for hours and days. These members and partner agencies should be thanked publicly for their efforts to support us over those very difficult hours and days.

The OPS is responsible for public safety and the public safety equation was at a high level from the moment demonstrators entered the intersection. We immediately understood the risks, which were increasing with every passing hour and every passing day and only getting worse.

We organized a major response with OPS officers which included our Police Liaison Team designated for the security of the demonstrators and to find a way to safely conclude the event.

We had continuous dialogue with the demonstrators over the course of the entire period of this event, where we made it clear all along the way that they were in a dangerous spot and there were other areas for them to demonstrate. We attempted to help them facilitate a meaningful demonstration in other more safe areas and under safe conditions. We offered to assist them in relocating to a safer areas.

It was clear to us that the leadership at that site was either not capable or not willing to materially negotiate and coordinate to address the public safety issues with us.

We watched on social media as there were ongoing calls for more people to come to the site, to bring more encampment materials to the site and to extend the duration of the demonstration.

We saw an extension of the number of people arriving over the hours and days. Despite the negotiations, there was a growing list of demands, many of those demands having little if anything to do with policing or oversight of policing; although all related to the material concerns of those demonstrating and we can appreciate those demands and understand why they were being made – just understand that the majority of them were well beyond the policing context that included public health, public education, and other very important factors.

As we always do in these situations, we tried to find solutions. Our officers maintained constant liaison, communication, and provided a wide array of safety and support services for the demonstrators over the entire period. We gave repeated warnings around the dangers that existed and the illegal actions of those inhabiting the intersection and setting up encampments and other materials that were contributing to the safety concerns.

Information came in late on Friday that meetings were being arranged between demonstrators, the Board and other levels of government and other civil society representatives. These may have been important advancements in terms of the demonstrators concerns but they were not done within the command structure that had been set up by the OPS to assess and address the public safety issues. These activities also did not materially decrease the risk associated to the ongoing demonstration. In some cases it created a further lack of clarity and more confusion and less ability for us to reach a more successful and timely safety outcome.

This is an area that we are going to need to look at carefully in the future for all such demonstrations. Previous experience and inquiries have shown that the roles and responsibilities and mutual expectations of police, oversight bodies and other government bodies need to be clearly articulated and defined in advance of, and constantly throughout these types of events.

At the end of the day, the decision to bring an end to the demonstration was made for public safety and for the greater public interest. It resulted in the greatest safety for everyone, including the demonstrators.

Removal and Court Process

When it came time to remove the demonstrators from the intersection and clear the site of the encampment, it included a careful and well-thought out plan.

We chose the early hours of Saturday to lessen any impact on the entire city and to the improved safety of demonstrators.

Multiple warnings were given to the demonstrators to disperse. Paramedics were on scene to ensure anyone who needed medical care could get it immediately and all interactions were recorded.

The arrest process was a slow and methodical process that took place over the course of a full hour and meant to ensure anyone who wishes to leave the area is able to do so. Most people chose to leave. Officers slowly approached, warned the demonstrators repeatedly, and paused for several minutes providing ample time between the warnings to provide people with ample time to collect their belongings and to leave. Most demonstrators did do that – they collected their belongings and they left. The entire process took one hour.

We set up a process to make sure anyone who did remain and needed to be arrested would be released as quickly as possible. Thirteen people were arrested. The only delays in releasing people were for those who initially refused to identify themselves. In total, 13 people were arrested; a young offender was released under the Youth Criminal Justice Act with a warning. This youth will not face any criminal charges; the other 12 were charged with mischief and were released with conditions.

The OPS respects the Crown's decision to stay the charges of mischief against the twelve individuals who were arrested as a result of their unlawful and dangerous occupation of the intersection of Nicholas Street and Laurier Avenue over the course of November 19 to 21, 2020.

We took multiple steps and sought advice on how to ensure that belongings of the demonstrators were secured and maintained and stored in the best way possible. And we did our best to be sensitive to cultural issues associated to the materials at the site. For example, officers maintained guard over a ceremonial flame that had been lit at the protest site until we could seek advice from the Indigenous community on how best to deal with it.

That said, we know this is an area where we need to focus more on in the future; that there were some items that we needed be better aware of, that we needed to be better taking security of them, and return them to their owners. Steps are being taken now to ensure this is part of future protest plans and that we do better in this area, particularly as it relates to our Indigenous community.

The OPS facilitated a meaningful demonstration for 36 hours in one of the highest risk area in the city, and managed a safe outcome at the end of the day to a very long, complicated and drawn out set of circumstances. We did so while doing our best to respect and uphold the rights of the demonstrators, ultimately we used no force, there were no injuries to the community or any of the participants directly involved in the demonstration.

Throughout this, there was a relentless focus on the safety of the demonstrators, the public and the involved OPS members and partner agencies.

We understand that some in our community don't share that view. We will continue to listen to those views of others and to try to understand how we can do better going forward.