

Report to / Rapport au:

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

29 January 2018 / 29 janvier 2018

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

This report outlines a call for service that resulted in the Special Investigations Unit (SIU) being called and 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

On April 12, 2016 while on general patrol in the City of Ottawa, an officer attempted to conduct a traffic stop after observing a suspect driving erratically and running a red light before exiting the vehicle and attempting to blend into the crowd. While on foot, the suspect acted in an erratic fashion causing the officer to believe that he was having a

mental breakdown or was impaired and that the vehicle was possibly stolen. The suspect then re-entered the subject vehicle and left the scene. The officer requested assistance and a second officer responded. The two officers pursued the subject vehicle, which continued at approximately 60 km/h and drove through red lights at signalled intersections. The pursuit of the subject vehicle continued for 25 to 30 seconds, covering a total distance of 700 to 800 meters. It reached speeds of 78 to 122 km/h before being terminated by a Patrol Sergeant.

The driver of the subject vehicle continued to flee at a high rate of speed for over 1.47 km after the pursuit was terminated. As he entered an intersection against a red light, he struck another vehicle. There were no attempts by the driver of the subject vehicle to stop or avoid the collision. As the result of this collision, both drivers of the vehicles died of their injuries and a passenger sustained severe injuries.

The Special Investigations Unit was contacted and invoked its mandate.

INVESTIGATION

Special Investigations Unit Investigation

On April 21, 2017 the Ottawa Police Service received a letter from Mr. Tony Loparco, Director of the Special Investigations Unit concerning the outcome of their investigation. In his letter, Mr. Loparco stated the file has been closed and no further action is contemplated. He was satisfied that there are no reasonable grounds to believe that either of the subject officers committed a criminal offence in relation to the motor vehicle collision.

In his letter, Mr. Loparco highlighted concerns related to policy, procedures, training and the circumstances related to the initial interaction between the police and the subject. The Professional Standards Section has reviewed Mr. Loparco's letter carefully and the Section 11 investigation addresses the issues raised. The SIU investigation relied on the initial radio communication, which indicates that they were stopping the driver's vehicle for "provincial" reasons, as opposed to a criminal investigation; thus violating, Ottawa Police Service policy 8.08 concerning Suspect Apprehension Pursuits.

It should be noted that during the SIU investigation, neither officers submitted to an interview, nor did they consent to the release of their notes/reports. The SIU was privy to only one source of information to support this conclusion; that being the radio communication. Further investigation by the PSS investigator revealed that there were significant criminal reasons, such as impaired driving and possession of stolen property. This information was supported in the form of the officer's notes, report and compelled

PSS interview. The officer's observation of the driver's impairment was further supported by toxicology.

As established through the course of the PSS investigation, the officers were investigating an obviously impaired driver, as well as the ownership status of the involved vehicle. Both officers were operating fully marked OPS cruisers, while making use of the emergency lighting and sirens during the short-lived pursuit. Due to the brief time and short distance of the pursuit, there were no opportunities to deploy alternative measures for apprehension. The pursuit was terminated immediately when it became apparent that the requirement for the pursuit did not outweigh the risk to public safety.

In addition, Mr. Loparco comments on the training that these two officers received and in particular, that both officers were long overdue for training as set out in Ottawa Police Service policy 8.08 concerning Suspect Apprehension Pursuits. Both officers were fully instructed on the Ontario Regulation and OPS policy related to suspect apprehension pursuits at the time they were hired. The officers had previously completed refresher training however, their status at the time of the pursuit was expired. Since this pursuit, both officers have completed the required online refresher training.

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 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 was appropriate or contributed to the vehicle deaths and/or injuries of the victims.

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 that may have contributed to the vehicle deaths and/or injuries of the victims.

Conduct Findings – Both subject officers failed to adhere to the Ottawa Police Service's Suspect Apprehension Pursuit Policy in that their respective online course training was not current at the time of the pursuit.

Service Findings – No service issue identified

Policy Findings - No policy issue identified

CONCLUSION

The Professional Standard's Section has completed their Section 11 investigation and no further action will be taken in this matter.