

Report to / Rapport au:

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

28 June 2021 / 28 juin 2021

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

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 August 7, 2020 at approximately 8:35 p.m., patrol officers responded to the Orleans area for a 911 caller who was approached by a male requesting help for a female heard screaming in a wooded area. The caller believed the two may be under the influence of controlled substances. The male who approached the caller was covered in dirt, and

then ran away after the caller called 911. Officers were dispatched to check on the wellbeing of the involved persons given that the reason for the screaming was unknown and it appeared the woman may need emergency assistance.

Officers arrived and entered the wooded area in search of the involved individuals. The man and woman were located together. Officers noted the two were intoxicated and covered in insect bites. The woman was confined to a wheelchair and had fallen out of the chair. It was apparent to the officers the two were intoxicated and unable to care for themselves. Officers began to assist them and lead both individuals out of the wooded area. The man was intoxicated and became aggressive with the officers. His behaviour appeared to be due to his level of intoxication.

Officers determined there was a need to take him into custody for his own safety under the authority of the *Liquor Licence Act* as he was now presenting as a danger to others in addition to being unable to care for himself. The man became physically resistant to the officers' lawful attempts to arrest him. Due to this assaultive behaviour the man was taken to the ground resulting in an injury to his face.

Once handcuffs were applied, the man calmed down and stopped his aggressive and resisting actions he was placed in the rear of a police cruiser then transported to a shelter in accordance with OPS policy concerning duty of care for intoxicated persons. However, the involved officers did not provide medical care to the male for a visible injury to his face. The female was cooperative and transported home to her residence by police.

On October 30, 2020, the Professional Standards Unit (PSU) received a complaint from the injured man, identifying serious injuries suffered during his arrest.

The SIU was contacted at that time and invoked its mandate on the same date.

INVESTIGATION

SIU Investigation

On April 8, 2021, 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 OPS received and reviewed a copy of the SIU investigative report. The SIU determined that the use of force was lawful and reasonable in the circumstances, and

that the officer legitimately used force in self defence as set out in section 34 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 was determined that a proper medical assessment was not conducted at the time of the arrest and the attending supervisor had not appropriately documented the incident in accordance with policy. These issues are being addressed through internal performance and disciplinary measures for the Supervisor. A *Police Services Act* Part V misconduct investigation has been initiated. The Subject Officer is no longer employed by the OPS.

OPS Training (Use of Force) – To review training curriculum for Grounding techniques, with emphasis on mitigation/avoidance of facial/upper body injury.

Conduct Findings – Policy breaches identified to be dealt with through internal measures.

Service Findings – An appropriate level of care was not provided to the injured male in this incident. This review has identified that the service issue is a result of both the individual conduct of members and OPS use of force training and is being addressed as a conduct matter and as a service matter.

Policy Findings - No policy issues identified

CONCLUSION

PSS has completed its Section 11 investigation into this incident. The identified misconduct is being addressed through a *Police Services Act* conduct investigation.