

Report to / Rapport au:

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

27 September 2021 / 27 septembre 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 – 17 OCTOBER 2020

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES – 17 OCTOBRE 2020

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 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 October 17, 2020, police were called to a possible impaired driver at the intersection of Prince of Wales and Barnsdale Drive in the City of Ottawa. An officer located a vehicle stopped on a curb of the roundabout and observed a man exiting the driver's door of the vehicle. The man fled and the officer pursued him on foot. The officer caught up to the man and attempted to arrest him for impaired driving. The man physically resisted. A controlled grounding was applied and was taken to the ground, but he

continued to resist arrest. The officer was unable to apply handcuffs or gain control as the man was holding his hands together under him and would not release them despite communication and soft empty-hand techniques. A second officer arrived to assist and delivered two knee strikes to the side of the man's torso, to prompt him to release his hands and allow the officers to gain compliance and complete the arrest. This technique was effective and the man released his hands. Officers were able to gain control and apply handcuffs.

Once in custody, the man complained of sore ribs. He was transported to hospital and diagnosed with broken ribs. The SIU was contacted and invoked their mandate.

INVESTIGATION

SIU Investigation

On May 4, 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 necessary and lawful.

Professional Standards Investigation

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

The response of the OPS was consistent with legislation and policy and no conduct issues were identified. The escalation in use of force from communication, to empty-hand techniques, to the hard empty-hand technique of knee strikes is consistent with policy, legislation, and the provincial use of force model. An administrative issue was identified in relation to the submission of the statistical use of force report that was required. This issue was addressed by the chain of command and the report has now been submitted.

Conduct Findings – Subject Official failed to submit use of force report – Issue has been remedied and addressed by chain of command through performance measures.

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.