

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

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SUBJECT: REPORT ON SIU INVESTIGATION – 21 JANUARY 2021

OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES – 21 JANVIER 2021

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 January 21, 2021 members of the Bayshore Neighbourhood Resource Team (NRT) attended a residence in the area of Lincoln Heights to investigate an apartment takeover. The officers were also aware the individual was wanted by the OPS for partner-related offences. At the residence, police spoke to the lawful tenant who confirmed the man was present in the apartment.

Officers spoke to the man and advised him he was under arrest. The man then locked himself in a bedroom before officers were able to take him into custody. Officers were aware the man had made suicidal comments related to the partner assault investigation and therefore forced the bedroom door to effect the arrest and ensure his safety. The officers entered the room and observed a knife within arm's reach of the man and a Pitbull dog by his side.

Officers again advised the man he was under arrest and attempted to take him into custody, but the man resisted and pulled away. A struggle ensued and as the officers attempted to conduct a controlled grounding, one of the officers fell on top of him as a result of the close quarters of the bedroom. Once arrested, the man complained of a sore back.

The man was transported to hospital and diagnosed with fractured ribs on his left side. The SIU was contacted and invoked its mandate.

INVESTIGATION

SIU Investigation

On May 21, 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.

In his letter, Mr. Martino raised a concern of late notification to the SIU of the incident which would constitute a contravention of section 16 of the Special Investigations Unit Act, 2019.

The OPS received and reviewed a copy of the SIU investigative report. The SIU determined that the Subject Officer was not criminally responsible for the injuries suffered by the man.

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 determine if the conduct of the involved police officers was appropriate. This review included a review of the late notification concern raised by the SIU Director.

The SIU Director indicated it appeared the OPS was aware of the injury at 5:48 p.m. but did not report the incident to the SIU until 10:11 p.m. The PSU review revealed that this delay was due to supervisors at the hospital awaiting formal confirmation of the injuries

from hospital staff. This confirmation was received at 9:30 p.m. at which point the chain of command was notified, who shortly thereafter notified the SIU. No misconduct is attributed to the delay in reporting, and once OPS was aware of the serious injury, the SIU was notified immediately.

The response of the OPS and the notification to the SIU were consistent with legislation and policy. No conduct issues were identified related to any of the involved officers.

Conduct Findings – No misconduct 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.