

**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:**

**Inspector Hugh O'Toole, Professional Standards Branch**

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**SUBJECT: REPORT ON SIU INVESTIGATION – 22 JANUARY 2021**

**OBJET: RAPPORT SUR L'ENQUÊTE DE L'UES – 22 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 22, 2021, police were called to a grocery store on Bank Street for an unwanted person to be removed. On scene, the officers were advised by staff that the unwanted woman was refusing to abide by the store policy as it relates to COVID-19 restrictions and was refusing to leave when asked. Officers approached the woman and asked her to leave. Despite communication and de-escalation attempts, the woman refused to leave, causing a disturbance in the store. The woman was arrested for

trespassing. During the arrest, the woman resisted and refused to be handcuffed. She was grounded in a controlled manner to facilitate handcuffing and taken into custody.

Once in custody, the woman complained of a sore leg. Paramedics were called and she was transported to The Ottawa Hospital where she was diagnosed with a tibial plateau fracture.

The SIU was contacted and invoked its mandate.

## **INVESTIGATION**

### **SIU Investigation**

On May 19, 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 OPS was not criminally responsible for the injuries suffered by the woman. They determine that the force used by the officers did not exceed what was reasonably necessary in the circumstances to affect the arrest. The grounding was a tactic reasonably available to the officers after failed efforts to subdue the woman. This maneuver was the cause of the fracture to her left knee, but it does not appear on the evidence that the takedown was anything more than an effort to place the woman on the ground to facilitate handcuffing.

### **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 police officers.

In his closing letter, the SIU Director identifies a concern with the OPS continuing the investigation by gathering witness statements and obtaining a copy of the surveillance video even though the woman complained of a broken leg. It is not uncommon for a person to complain of injuries, and this does not cause officers to discontinue their investigation in every case where there is a medical complaint. In this case, based on a review of the evidence and video available, there was no reason for officers to believe there was a serious injury that would cause them to hold off their investigation pending SIU notification. The woman was transported to hospital and officers continued their investigation by gathering statements and obtaining the surveillance video. Once the injury was confirmed as serious, The SIU was contacted and the investigation by the

OPS was immediately discontinued. All evidence gathered was then turned over to the SIU.

The response of the OPS was consistent with legislation and policy and no conduct issues were identified related to any of the involved officers. The arrest and the removal of the woman off the property is consistent with the authority given to a police officer under the Trespass to Property Act.

After a careful review of the information in this case, it was determined that there were no conduct, service or policy issues identified.

**Conduct Findings** – No misconduct identified

**Service Findings** – No service issues identified

**Policy Findings** - No policy issues identified

## **CONCLUSION**

PSU has completed its Section 11 investigation into this incident and no further action is required.