



Ottawa Police Service

Professional Standards Unit

Operational Review

Involved Person: Abdirahman Abdi

PSS file Number: 16-0312

SIU Number: 16-OCD-193

Investigators: Sergeant Grayson Lafoley
Staff Sergeant Dave Merkel

Date of Incident: July 24th, 2016

Report Date: November 5th, 2021

i. Special Investigations Unit Engagement Policy 7.11

On July 24th, 2016, at 11:00 hrs the Special Investigations Unit (SIU) was contacted by the Ottawa Police Service (OPS) and invoked its mandate in relation to the in-custody death of Abdirahman Abdi. The SIU designated multiple officers over the course of their investigation. No issues were reported by the SIU regarding the original reporting of the incident. All members of the OPS cooperated with the SIU criminal investigation as required. No policy issues were identified with respect to the Special Investigations Unit Engagement Policy 7.11.

ii. Call Response Protocol

The Ottawa Police Service call response protocol reflects the need to respond to an event in a manner that reflects the seriousness of the incident, while weighing the interests of the safety of police officers and the general public in travelling to the scene of the event. The circumstances surrounding the incident will determine the priority level, not the type of call. This protocol is used in conjunction with all OPS policies and procedures.

This 911 call was processed as a Priority 3 call based on the information available to the Communications Centre 911 call takers at the time. Priority 3 calls are categorized as “*incidents in where there is a reasonable belief an extended delay in response may place, persons, property or evidence at risk.*” These calls are defined as being either a *Criminal Code* offence in process or apparent risk of injuries. The OPS service standard for these calls is to have officers dispatched within 30 minutes, 90% of the time. The OPS objective for all Priority 3 calls is to ensure an appropriate and timely response.

Constable Weir was dispatched at 9:37 am to the Bridgehead Coffee Shop in response to multiple 911 calls received for Mr. Abdi committing assaults upon women and physical altercations occurring as a result.

Constable Weir was the first patrol officer to arrive on scene at 09:43 am. No policy issues were identified with respect to the OPS Call Response Protocol.

iii. Sexual Assault Policy 5.29

This review has determined the SACA investigation conducted by Detective Anderson was done so in a thorough and professional manner. The evidence demonstrates Mr. Abdi was a person in crisis suffering a severe mental health episode who began randomly physically and sexually assaulting seven women.

Although it has been established Mr. Abdi was suffering from mental health issues at the time of this incident, this does not minimize the severity of his actions. The SACA investigation provided a fulsome and detailed account of the events leading up to and during the incident. Mr. Abdi was never charged with any offences due to his death, but it remains that the initial call for service prompting a police response was precipitated by his criminal conduct.

The SACA investigative team, specifically Detective Anderson, fulfilled all legal, procedural, and ethical responsibilities by performing all necessary preliminary and ongoing investigative steps such as obtaining witness statements and information, contacting the Forensic Identification Section, meeting with the victims of the assaults, and ensuring witnesses and victims were provided with referrals to the Victim Crisis Unit. No policy issues identified with respect to Sexual Assault Policy 5.29. (A more detailed analysis of the SACA investigation is found at Annex B).

iv. Criminal Investigations Management Plan Policy 5.09

To ensure the most appropriate investigative response to a serious criminal occurrence, this policy is intended to ensure that members responsible for and trained in the delivery of criminal investigative services become involved as early as possible. Once the nature and severity of the offences being committed by Mr. Abdi were confirmed to have occurred, the SACA unit immediately became engaged and conducted their investigation in an efficient manner. No policy issues were identified with respect to the Criminal Investigations Management Plan Policy 5.09.

v. Victims of Crime Policy 5.33

Members of the Victim Crisis Unit (VCU) were activated at the time of this incident and provided support to both victims and witness. The SIU are responsible for providing victim services to affected persons and their family members for investigations under their jurisdiction. As such, VCU could not be engaged or offered for Mr. Abdi's family. VCU does however maintain a relationship with the SIU Affected Persons Unit and they work together to coordinate and assist each other in their mandates. They did so in this case.

The assault victims participated in the criminal investigation by Det. Anderson and the criminal proceedings against Constable Montsion, during which they were provided access and referrals to the OPS Victim Crisis Unit and other support services. Victims were also apprised of the status of the case and the final disposition. No policy issues were identified with respect to the Victims of Crime Policy 5.33.

vi. Arrest Policy 6.01

The OPS Arrest Policy states that all members of the OPS will treat all individuals with dignity and professionalism; and provide trusted service with a rights-based respect. As persons detained

or arrested by police officers are deprived of their freedom, both physically and psychologically, s. 10 of the *Charter of Rights and Freedoms* affords protected rights to people who are detained or arrested. It is essential to the administration of justice that these rights are observed. All OPS members shall comply with the *Charter of Rights and Freedoms* and any corresponding legal, constitutional, and common law requirements.

Constable Weir and Constable Montsion arrested Mr. Abdi for having committed multiple sexual assaults on women and resisting arrest. The information available caused them to form reasonable grounds to believe Mr. Abdi had to be arrested immediately to prevent the continuation of his criminal conduct and to protect the public. The officers were lawfully situated, authorized, and compelled to arrest him due to his behavior.

Once Mr. Abdi was secured in handcuffs, officers promptly requested medical assistance and began rendering first aid. When his medical condition suddenly changed, the officers continued rendering first aid and requested paramedics on a heightened priority. They remained with Mr. Abdi and assisted paramedics with performing CPR. Constable Marcuccio accompanied paramedics and remained with Mr. Abdi at the hospital until relieved by Constable Gill, who subsequently remained with Mr. Abdi until relieved by the SIU. No issues were identified with respect to Arrest Policy 6.01.

vii. Use of Force Policy 6.07

In the course of their duties, OPS members may find themselves in situations where they must protect life and property and use force while apprehending offenders.

The Ontario Ministry of the Solicitor General sets standards in relation to the use of force by police, including training and reporting requirements, and the use of approved weapons. The OPS Use of Force policy is in accordance with these standards, including the Provincial Adequacy Standards surrounding training and the *Ontario Use of Force Model (2004)*. The OPS Use of Force policy requires members to constantly assess a situation as it unfolds, and to only use as much force as is necessary, reasonable, and proportional to the situation.

In this incident, Mr. Abdi sexually or physically assaulted seven women. Mr. Abdi was acting in a violent manner and experiencing a severe mental health episode. Once Constable Weir arrived on scene, Mr. Abdi was immediately identified to him as the suspect by a witness and a victim. When Constable Weir tried to arrest Mr. Abdi, he resisted and ran away leading to a foot pursuit. Throughout the incident Mr. Abdi presented as a person who was impervious to pain, extremely strong, and unwilling to comply with officer commands, resulting in a protracted physical confrontation with police.

Both officers were lawfully situated to stop the ongoing threat Mr. Abdi posed, and the use of force techniques used were Ministry approved, recognized under the Ontario Use of Force Model (2004), and taught as part of the OPS' annual provincial use of force requalification training program. No policy issues were identified with respect to Use of Force Policy 6.07.

viii. Prisoner Care and Control Policy 6.05

Once Constable Weir and Constable Montsion were able to secure Mr. Abdi in handcuffs, they provided first aid and requested paramedics to attend. Shortly afterwards, Mr. Abdi sustained a medical emergency and the officers requested paramedics on a higher priority. The officers continued to assist Mr. Abdi until paramedics arrived, and they assisted paramedics with CPR. An officer accompanied Mr. Abdi as he was transported to hospital by paramedics on a high priority and remained with him until relieved by the SIU. No policy issues identified with respect to Prisoner Care and Control Policy 6.05.

ix. Personal Protective Equipment Policy 3.27

During the criminal trial, much attention was given to the gloves Constable Montsion wore during this incident. As a result of questions and concerns raised regarding the gloves worn by Cst Montsion, as part of the Section 11 review an investigation was conducted by Staff Sergeant Merkel of the Professional Standards section into all OPS policies governing the procurement, issuance and use of gloves. Staff Sergeant Merkel's investigation is attached as Annex E to this Review and forms part of the conclusions here.

The Personal Protective Equipment (PPE) policy in place at the time of this incident, specifically as it applied to officer gloves, outlined the following:

- a) Gloves were listed in policy as Personal Protective Equipment (PPE);
- b) Members must participate in any PPE related training required by the employer;
- c) Members must notify supervisors of any perceived PPE deficiencies;
- d) The Health and Safety Section will assist in identifying appropriate PPE for specific applications;
- e) The Quartermaster is responsible to issue PPE to employees;
- f) The Clothing & Equipment Committee(CEC) selects appropriate PPE in consultation with other stakeholders, and tests PPE (PPE – Gloves are to be selected by the OPS Clothing and Equipment Committee).

This review determined Constable Montsion was wearing gloves issued to him by the OPS, specifically his supervisors at the time. Constable Montsion explained that the gloves were purchased for the DART Unit by Staff Sergeant Sandra Sparling and then issued to him by his

immediate supervisor at the time, Acting Sergeant Marco Dinardo. As Constable Montsion did not testify at his trial, this information could not be sufficiently explored during the SIU's investigation or the criminal proceedings. Cst. Montsion's explanation however was consistent with Staff Sergeant Merkel's findings that the gloves were purchased by OPS and issued to members of the DART unit.

Constable Montsion was able to confirm in his compelled interview that the gloves he was wearing at the time were issued to him as part of his equipment. Every member of the DART Unit was issued those same gloves as personal protective equipment to be used during their regular duties. Constable Montsion explained that several DART Unit members had received injuries to their hands while in the course of their duties, and the gloves were purchased to address that situation as personal protective equipment. Constable Montsion confirmed there were no specific instructions provided as to when or how those issued gloves were to be used by himself or members of his unit, other than as everyday equipment.

As the gloves worn by Constable Montsion during this incident were issued to him by the OPS as PPE, there were no policy or conduct issues regarding his use of the gloves. Staff Sergeant Merkel's investigation also determined that the purchasing and issuance of the gloves to all members of the DART Unit was compliant with the procurement and equipment issuance policies and practices in place at the time.

No policy breaches were identified with respect to the Personal Protective Equipment Policy 3.27 that was in place on July 24th, 2016, but Staff Sergeant Merkel made several findings and recommendations. These recommendations were adopted and form part of the OPS' *Employee Dress Code and Uniform and Equipment Requirements* Policy 4.05, last updated on August 26th, 2021. This policy applies to all employees and establishes a dress code that provides a consistent and positive professional appearance to members of the public and colleagues and which conforms to the requirements set out in the *Police Services Act* and the *Occupational Health and Safety Act*.

"Uniform Attire" as defined in the new policy refers to Operational Uniforms or Ceremonial Uniforms and consists of clothing, apparel and related equipment approved by the Uniform Clothing and Equipment Committee (UCEC), including gloves. Only approved clothing apparel and related equipment shall be issued to OPS employees via the Quartermaster (QM) and/or the Professional Development Centre (PDC) to police officers, special constables, auxiliary officers and civilian employees, as identified in the *Dress Code Manual*. All requests for exemption from this new policy and the *Dress Code Manual* must be made in writing and approved by the Chief of Police.

See *Procurement and Equipment Policy and the Use of Gloves at OPS* (Annex E).

x. Racial Profiling Policy 5.39

The OPS is committed to the principle that all persons have the right to live and work in an environment that is free of police action based on racial bias and racial profiling.

Racism often manifests in negative beliefs, assumptions, and actions. However, it is not just perpetuated by individuals. It may be evident in organizational or institutional structures and programs as well as individual thought or behavior patterns. It has a profound impact on social, economic, political, and cultural life.

Racist ideology can be openly manifested in racial slurs, jokes or hate crimes. However, it can be more deeply rooted in attitudes, values, and stereotypical beliefs. In some cases, these beliefs are unconsciously maintained by individuals and have become deeply embedded in systems and institutions that have evolved over time.

Racial Profiling in policing occurs when race, ethnicity, colour, place of origin, religion, or stereotypes about offending or dangerousness associated with any of these characteristics, is used, consciously or unconsciously, to any degree in suspect selection or suspect treatment except when looking for a particular suspect who has committed an offence and who is identified, in part, by their race.

Members of the Ottawa Police Service shall not engage in racial profiling in any of their activities. The test for determining violations of this prohibition will depend on the nature of the police activity in question. When the OPS Racial Profiling policy was applied to this incident, the following was determined:

Exercise of Statutory Powers

“A police officer shall not, in the absence of a reasonable and racially neutral explanation, exercise a statutory power such as the power to detain or arrest an individual under the Criminal Code as a pretext to conduct a criminal investigation of a racialized individual.”

In this instance Ottawa Police communications center received multiple 911 calls regarding a male physically and sexually assaulting multiple persons at the Bridgehead Coffee shop located at 1024 Wellington Ave. The suspect description provided by the 911 callers was as follows:

“No weapons - B/M (black male) – Tall – Med build – 40 yrs – Blue button up shirt – Grey dress pants”

The responding patrol officers were provided this suspect description as they attended the call. As the first officer on scene, Constable Weir was immediately directed to Mr. Abdi by CW10 who was still on an open line with an OPS 911 clerk, and an employee of the Bridgehead Coffee Shop. Mr. Abdi accurately fit the suspect description and was identified to Constable Weir as the suspect.

Constable Weir's decision to arrest Mr. Abdi was formed on reasonable grounds to believe he was the suspect based on objective and reliable information available to him at the time. The information available to him consisted of witnesses positively identifying Mr. Abdi as the suspect, his own observations of a person accurately matching the suspect description, and Mr. Abdi's behavior.

Exercise of Investigative Detention Powers

“A police officer shall not, in the absence of a reasonable and racially neutral explanation, conduct an investigative detention of a racialized individual in the absence of objectively reasonable grounds to suspect that the individual has committed or is committing a crime.”

Constable Weir's decision to arrest Mr. Abdi was based on objectively reasonable and probable grounds to believe he was the individual who had committed the assaults, was about to commit further assaults, and had to be arrested for the safety of all persons and to prevent the commission of further offences. Mr. Abdi also presented as a person in crisis experiencing a severe mental health episode.

Using Race as Part of Suspect Description

“A police officer shall not, in the absence of a reasonable and racially neutral explanation, maintain that a racialized individual matches the description of a known suspect where: there are clearly distinguishing features between the two individuals; or, the officer cannot articulate what other parts of the description he or she was relying on (e.g. height, weight, age, location, or other features).”

Constable Weir had never met Mr. Abdi prior to this incident and relied exclusively on the information available to him at the time in forming his reasonable grounds to believe Mr. Abdi was the suspect responsible for the sexual assaults. The evidence demonstrates Mr. Abdi was the only person in the area matching the suspect description, in both clothing and physical appearance. The witnesses and victims on scene also all identified Mr. Abdi as the suspect. There is nothing to support any notion that racial profiling may have contributed to Constable Weir forming grounds to believe Mr. Abdi was the suspect.

As outlined in the OPS Racial Profiling policy, professional and reliable policing occurs when a criminal investigation is grounded in: “*a reasonable suspicion that the person matches the description of an identified suspect*”, or “*on the basis of behavior, intelligence that would lead a reasonable person to suspect that the individual is involved in a recent or on-going crime*”.

This review has determined there was no other information available which would have directed Constable Weir’s attention toward any other person as being the suspect. No policy issues were identified with respect to Racial Profiling policy 5.39.

xi. Mental Health Incidents Policy 10.07

The OPS is committed to working in partnership with community mental health agencies, persons with mental illnesses or emotional disturbances and their families, to better respond to and care for persons known or suspected of having a mental illness or emotional disturbance. The Mental Health Incidents policy is intended to assist OPS members to deal effectively and compassionately with persons with mental illnesses or emotional disturbances.

Officers are reminded that the behaviour of mentally ill persons may be the result of illness as opposed to criminal intent. As a rule, however, assessment and/or hospitalization under the *Mental Health Act* (MHA) alone will not be considered as an appropriate substitute for criminal charges where criminal charges are warranted.

In all investigations where a police officer has grounds to believe that a crime is being committed, has been committed or is about to be committed and the subject is apparently suffering from a mental disorder (no specific illness needs to be identified) the officer shall:

“consider the offence committed, the known available background of the subject and the appropriate arrest, detention and release authorities.”

Mr. Abdi had committed multiple violent sexual assaults against random women in public.

“where the offence is not of a violent nature and the person is apparently suffering from a mental disorder, consider application of the apprehension provisions of the MHA.”

The sexual assaults committed by Mr. Abdi were of a violent nature and due to the severity of the mental disorder being exhibited, Constable Weir and the responding officers had no reason to believe the assaults would stop or that there would not be more victims if they did not intervene.

“where there are reasonable grounds to believe that a person has committed a violent crime, voluntary/involuntary hospitalization should NOT be considered as a substitute to laying a charge, if a charge is deemed to be warranted.”

The SACA investigation concluded there was sufficient evidence to support multiple criminal charges against Mr. Abdi, and he would have been remanded in custody for both a bail hearing and mental health assessment.

“where appropriate, arrest, charge, incarcerate, oppose bail and recommend that an assessment by a physician be ordered by the court.”

“where charges are felt to be appropriate but there is reasonable belief that the individual will cause self- injury if incarcerated, and hospitalization will not jeopardize the safety of others, transport the accused to a psychiatric facility for assessment rather than incarcerate the accused.”

When the individual is released, the police may continue custody, or if warranted, the individual may be released with criminal charges being pursued later. Where hospitalization is to be lengthy, lay the appropriate charge and request a remand be administered by a Justice of the Peace delivering the accused into the custody of the Regional Detention Centre.

Due to Mr. Abdi’s death, no criminal charges were laid against him and the criminal file was closed.

The evidence has confirmed Mr. Abdi was a person in crisis suffering from a severe mental health episode at the time of this incident. In his decision, Justice Kelly concluded that *“Mr. Abdi had mental health difficulties. His medical history was significant for psychotic illness. He was not taking his prescribed medication at the time of this death. No drugs or alcohol were found in his system.”*¹⁹

The Ottawa Police Service dispatched multiple officers to this incident based on information received from the 911 emergency calls. The nature and substance of the emergency calls was not for a mental health incident, but rather a person actively committing violent assaults against women and other persons.

In response to mental health incidents, as outlined by this policy, an officer shall first:

“consider the offence committed, the known available background of the subject and the appropriate arrest, detention and release authorities.”

¹⁹ *Montsion*, para. 37.

In this instance due to the nature and severity of assaults being committed, Constable Weir was lawfully justified in immediately attempting to arrest and or apprehend Mr. Abdi. Constable Weir as the first officer on scene was responsible to ensure the safety of all persons, including the person suffering the mental health episode. The persons mental state at the time is a secondary consideration when crimes and offences against persons are actively being committed. It's the responding officer's duty and legal obligation to prevent crimes from occurring, protect victims, and protect the public from future harm.

Constable Weir's attempt to immediately take Mr. Abdi into custody by securing him in handcuffs was in accordance with this policy and his legal obligation as a police officer to prevent crimes and protect the public. No policy issues identified with respect to Mental Health Incidents 10.07.

4. Supplemental Reviews

Due to the seriousness of this incident, the tragic outcome, and an overarching desire to prevent future tragedies from occurring, the scope of this operational review went beyond policy, services, and conduct to include:

- A review of OPS mental health responses involving Abdirahman Abdi,
- A review of the sexual assault investigation involving Abdirahman Abdi,
- A review of the OPS Use of Force Training in 2016,
- A review of Warrior Mindset Ethics, and
- A review of procurement and equipment policy and the use of gloves at OPS.

The full reviews are attached at Annexes 1-5, but summarized here including the conclusions:

i. OPS History of Mental Health Incidents Involving Abdirahman Abdi

This review examined the OPS' organizational response to persons dealing with mental illnesses and emotional disturbances, including the function of the Mental Health Unit and training for OPS members.

The Ottawa Police Service has and continues to be an engaged community partner with area hospitals, mental health organizations and support agencies.

All prior mental health incidents involving Mr. Abdi that resulted in a police response were also reviewed. There were four such incidents between January 25th, 2016 and June 24th, 2016, and

they support the conclusion of the trial judge that “*Mr. Abdi had mental health difficulties. His medical history was significant for psychotic illness. He was not taking his prescribed medication at the time of his death. No drugs or alcohol were found in his system.*”²⁰

This review concluded that in the four prior contacts with the OPS, Mr. Abdi never presented as a violent person or exhibited behaviours or thought processes which warranted his apprehension under Section 17 of the *Mental Health Act*. The OPS fulfilled its statutory, legal, and moral obligations as it relates to its duty of care to members of the public, and particularly those suffering from mental health issues. There is no information to support any notion that the OPS was deficient in its response to prior mental health incidents involving Mr. Abdi.

ii. The Sexual Assault Investigation of Abdirahman Abdi

This review looked at the veracity of the Sexual Assault Investigation. The SACA investigation was fulsome, thorough, and compliant with OPS policy and Provincial Adequacy Standards.

The investigation conducted by Detective Tara Anderson of the Sexual Assault and Child Abuse section (SACA) determined there was sufficient evidence to have charged Mr. Abdi with the following offences:

- Victim #1 - Sexual Assault CC 271
- Victim #2 - Sexual Assault CC 271, Mischief CC 430(1)(d)
- Victim #3 - Sexual Assault CC 271, Mischief CC 430(1)(d)
- Victim #4 - Assault CC 266
- Victim #5 - Sexual Assault CC 271
- Victim #6 - Sexual Assault CC 271
- Victim #7 - Assault CC 266
- All victims and witnesses - Criminal Harassment - Threatening Conduct CC 264(2)(d)
- Constable Weir - Resist Arrest CC 129(a)

The SACA investigation determined Mr. Abdi’s mental health issues at the time of this incident did not lessen or mitigate the seriousness of the criminal offences he committed against seven separate victims. Based on the evidence and severity of the incident, the SACA investigation and resulting charges would not have required Crown consent or approval. Any immediate mental health concerns regarding Mr. Abdi’s state of mind would have been addressed through mental health assessments as part of the criminal court process.

The OPS complied with its statutory and procedural obligations to investigate serious criminal offences, specifically the sexual assaults and its obligation to ensure duty of care and supports were

²⁰ *Montsion*, para. 37.

provided to victims and witnesses. The SACA investigative team complied with their statutory obligations in relation to the parallel SIU investigation which began shortly after Mr. Abdi's arrest. The SACA investigative team cooperated with the SIU investigation, ensuring there was no interference and all evidence was secured for both investigations.

iii. OPS Use of Force Training in 2016

This review examined the OPS Use of Force training curriculum from 2016, and how that training factored into this incident. It is not a re-examination of the specific use of force used by the officers to arrest Mr. Abdi. It explains the significance and purpose of the Ontario Use of Force Model (2004), and the process by which an officer assesses, plans, and acts in response to situations that threaten public and officer safety.

The review also confirmed that "punching" was, and still is, a Ministry approved Use of Force technique, and that officers receiving their annual Use of Force requalification training in 2016 were taught that this is an approved distraction technique. According to the *Ontario Police College Basic Constable Training Program – Defensive Tactics Study Guide*, distraction techniques are classified as a "Principal of Physical Control Technique (PPCT)". PPCT defines distraction techniques as "*the use of control techniques that weakens motor action by changing (a subject's) thought process.*"

Constable Montsion received his Use of Force requalification training in 2016. In his interview, he confirmed that "punching" as a distraction technique had been taught to him in all his Use of Force training since he was hired by the OPS.

This review concluded that the OPS Use of Force training in 2016 included motivational video clips during the classroom training portion. These clips were intended to motivate and engage officers for their subsequent practical training exercises. In 2016, the motivational video consisted of a compilation of deadly and violent officer encounters and set to a movie soundtrack in which Al Pacino narrates a speech from the film "Any Given Sunday". The motif of the video is the concept that "we fight to win – we never give up". The creator of the video is unknown, and the OPS officer who included it as a motivational component of the Use of Force training is also unknown.

Applied to current training standards, this video is deemed inappropriate and not permitted for use. All Use of Force training material must now be approved by the OPS Professional Development Centre as relevant and in accordance with Provincial Use of Force training standards.

As part of his interview Constable Montsion was shown the video, asked if he remembered it, and asked if it influenced his decision making during the arrest of Mr. Abdi. Constable Montsion had a vague recollection of the video. He indicated the video had no impact or influence on his actions during his encounter with Mr. Abdi.

There is no established nexus between this video and the force used by the officers during the arrest of Mr. Abdi. Constable Montsion affirmed during his interview that disengaging from Mr. Abdi was not an option based on the circumstances at the time. There is no evidence to believe that this training video, as inappropriate as it was, influenced Constable Montsion to remain engaged with Mr. Abdi in a protracted and violent encounter.

This review also concluded that both Constable Weir and Constable Montsion received and successfully completed de-escalation training as part of their annual Use of Force requalification training for 2016.

Components of this training include the use of tactical (verbal) communications, the concept of creating time and space from a subject, and non-verbal communications such as body language and positioning. This training was introduced in 2014, and the concepts remain part of an officer's annual Use of Force requalification training today. It continues to evolve and is updated annually.

iv. Warrior Mindset Ethics

This review looked at the OPS Ethics Program, and the notion of "Warrior Mindset Ethics" as having any influence upon OPS training. The Ethics Program was established in 2011 for the purpose of incorporating ethics and values into all training at OPS, in line with the OPS Mission Statement of "Honour-Courage- Service". "Warrior Mindset" and the "Ethical Warrior" are concepts or philosophies that gained momentum in 2015 in the United States around the issue of whether police are viewed as "Warriors" or "Guardians". The idea was that officers should always maintain their ethics/ethos when faced with hostile or violent environments or situations.

The conclusion of this review is that there is no direct reference or connection to these terms or concepts in any approved OPS training curriculum. Further, there is no evidence to establish a connection between these terms or concepts with the police response involving Mr. Abdi on July 24th, 2016 and the tragic outcome.

During his interview, Constable Montsion confirmed that the concept of "Warrior Mindset Ethics" had no impact on him or his actions during this incident.

Since inception, the OPS Ethics Program has incorporated the following ethical principles that are still in effect today: Leadership, Honesty, Integrity, Professionalism, Duty, Respect, Compassion,

Fairness, Loyalty, and Responsibility. As the Ethics Program has continued to evolve, it's mandate continues to be one of collaboration and member support. Concepts such as "Duty of Care" as both moral and legal obligations are now incorporated into OPS training to ensure they are understood and embedded into the organization.

The OPS have since created the Respect, Ethics and Values Directorate (REV). Their mandate is to establish the highest ethical standards and professional conduct at OPS, accomplished through interpersonal and group conflict management, supportive leadership, identifying and addressing emerging risks, and delivering effective training. The goal is to prevent mistakes, promote ethical conduct, and support member wellness.

v. Procurement and Equipment Policy and the Use of Gloves at OPS

On March 13, 2017, Chief Bordeleau initiated an inventory of all gloves being used by the Ottawa Police Service. Further, on March 24, 2017, Chief Bordeleau directed the Professional Standards Section to immediately conduct a review of the current OPS glove inventory including acquisition and approval processes.

Referred to as the "Glove Audit", this report was completed on December 27th, 2017, and made a number of findings. The "Glove Audit" forms part of this operational review, as an addendum to the policy analysis. In addition to conducting an inventory, all policy relating to uniform, equipment, and personal protective equipment (PPE) was reviewed. Applicable Ministry Adequacy Standards were also reviewed. Policy was found to be limited in terms of direction on the use and acquisition of gloves for use by front line officers, and Ministry Standards found to be minimally prescriptive.

Consultation was done with several sections of OPS to determine what approval processes were in place specific to these areas. These entities included the Quartermaster, the Clothing and Equipment Committee (CEC), The Professional Development Center (PDC) including Use of Force Section, Emergency Services Unit (ESU), Drug Section, Guns and Gangs (G&G) and the Direct Action Response Team (DART), Front Line Specialized Support including Tactical, Canine, CBRNE and Marine, Dive and Trails (MDT), and the Collision Investigation Unit (CIU). These are all areas that influence or are involved in front line operations.

In policy, gloves are referred to in the context of Personal Protective Equipment (PPE). Consultation was done with the Health, Safety, and Lifestyles Section (HS&L) for insight into legislated requirements, policy implications, and current operational practices and policy surrounding the selection of PPE.

The conclusion of the equipment review was that the OPS carried an inventory of approved patrol duty gloves that are issued to all officers, however, many officers opted to purchase their own gloves. In addition, certain sections of the OPS chose to purchase uniform items including gloves for specific purposes. In many of these instances, the items were approved and purchased through the use of a committee with a specific mandate to make these types of purchases, but in some cases the items were bought without any specific approval process or level of authority required for the purchase.

The recommendations of the equipment review are summarized as follows:

- Update OPS policy to be more specific about uniform items and gloves;
- Update OPS policy to require frontline patrol officers to use only equipment and uniform items approved by the CEC. Alternatively, policy could reflect specific criteria that must be met in order to wear personally purchased gloves;
- Develop formalized equipment approval process to be used by all committees or purchasing members;
- Require equipment and uniform item purchases to be approved by a committee specific to the task headed by a Senior Officer, or by the Senior officer in charge of the unit;
- Update policy to allow specialized items and gloves to be used only when performing an intended function.

The recommendations of the equipment review were adopted and form part of the OPS' *Employee Dress Code and Uniform and Equipment Requirements* Policy 4.05, last updated on August 26th, 2021. This policy applies to all employees and establishes a dress code that provides a consistent and positive professional appearance to members of the public and colleagues and which conforms to the requirements set out in the *Police Services Act* and the *Occupational Health and Safety Act*.

For the purposes of this policy and the accompanying *Dress Code Manual*, "Uniform Attire" refers to Operational Uniforms or Ceremonial Uniforms and consists of clothing, apparel and related equipment approved by the Uniform Clothing and Equipment Committee (UCEC). Only approved clothing apparel and related equipment shall be issued to OPS employees via the Quartermaster (QM) and/or the Professional Development Centre (PDC) to police officers, special constables, auxiliary officers, and approved civilian employees as identified in the *Dress Code Manual*.

All requests for exemption from this policy and the *Dress Code Manual* must be made in writing to the submitting employee's immediate supervisor. All requests shall then be forwarded to the

Staff Sergeant – Ceremonial Sergeant Major (CSM), who will submit to the Chief of Police for final review and approval.

V. CONCLUSION/RECOMMENDATIONS

Upon completion of this operational review, no service, conduct, or policy issues were identified for this incident, except for the following two findings which have subsequently been remediated:

1. Policy updates are required to provide clear standards for all uniform apparel and related equipment, including gloves, with a stringent approval process for any exceptions to those standards, and
2. The OPS Use of Force training in 2016 included unsanctioned video clips intended to engage and motivate officers for practical training exercises. While these video clips did not impact on this incident and the tragic outcome, they have been deemed as inappropriate and are no longer permitted for use.

Finding (1) resulted in the adoption of OPS Policy 4.05 “*Employee Dress Code and Uniform and Equipment Requirements*”, last updated on August 26th, 2021.

Finding (2) resulted in the requirement for all Use of Force training material, including videos and any other anecdotal material, to be approved by the OPS Professional Development Centre as relevant, appropriate, and in accordance with Provincial Use of Force training standards.

Investigators

Supervisor/Manager

Sergeant Grayson Lafoley #1514 Staff Sergeant Dave Merkel #1623	Inspector Hugh O'Toole #955
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