



OTTAWA POLICE SERVICE  
SERVICE DE POLICE D'OTTAWA

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Executive File Number: 21-192

December 8, 2022

Mr. Stephen Leach  
Independent Police Review Director  
Office of the Independent Police Review Director  
10<sup>th</sup> Floor  
655 Bay Street  
Toronto ON M7A 2T4

Dear Mr. Leach:

**Re: Notification Letter to Ontario Police Services  
“Knock and Announce” Rule (Dynamic Entries)**

Thank you for your letters dated November 18, 2022, regarding recommendations for Ontario police services to review our approach to dynamic entries. We at the Ottawa Police Service (OPS) share your concerns about departures from the “knock and announce” rule and agree that thorough examination is required to ensure that all search warrants are executed with the greatest concern for public safety and trust. Over the past few years, we have examined and studied our approach to dynamic entries, and we continue to consider how best to improve this practice in our service.

In response to your request for replies to your recommendations, I offer the following responses to each point addressed in your letter.

***Recommendation 1: Conduct a review of your policies relating to the execution of search warrants to ensure it complies with established jurisprudence with respect to dynamic entries and the departure from the “knock and announce” rule.***

We accept this recommendation and will review our policies relating to the execution of search warrants to ensure compliance with established jurisprudence.



***Recommendation 2(a):*** Consider developing policies on the execution of search warrants and dynamic entries which identify the parameters set out by the courts and expressly set out that the departure from the “knock and announce” rule only occurs in exigent circumstances.

The OPS recognizes that, except in exigent circumstances, police officers must make an announcement before forcing entry into a dwelling house. We currently operate under a directive that provides guidance on the circumstances in which Duty Inspectors are to consider approving a dynamic entry approach. We intend to formalize this directive in policy to ensure that the departure from the “knock and announce” rule only occurs in exigent circumstances as determined by the Duty Inspector.

***Recommendation 2(b):*** Consider developing policies that set out the requirements before departing from the “knock and announce” rule.

Duty Inspectors at the OPS are all trained in Critical Incident Command. They review and approve operational plans before the execution of search warrants that involve any element of risk. These operational plans include a risk assessment that informs the approach police will take in executing the warrant, including whether a dynamic entry will be considered.

Subject to the discretion of the Chief if appropriate, the decision to depart from the “knock and announce” rule in any given case is determined by the Duty Inspector based on a recommendation in the risk assessment. To assist Duty Inspectors in making that decision, we will consider developing or revising policies and procedures that clarify the requirements and considerations as set out in the common law.

***Recommendation 2(c):*** Consider developing policies that set out the need for a documented plan and risk assessment to be created prior to the execution of all search warrants.

While this is already our practice, as described above, we will review our policies and consider whether any of our practices would be better formalized in policy.

***Recommendation 2(d):*** Consider developing policies that set out the reporting requirements after the execution of a search warrant.

After every search warrant executed by the OPS Tactical Section, regardless of the means of execution, the team that executed the warrant conducts a tactical debrief to identify any required improvements or modifications of tactics or strategies to mitigate future risks. When major issues are identified, they are documented in the operational plan for future reference. We also track the mode of entry for statistical purposes as part of this debrief.

We will review our policies and practices to determine whether these debriefs can be improved and whether better reporting methods can be implemented.

***Recommendation 3:*** *Review and consider best practices from other police services in Ontario that outline the expectations of police officers.*

In early 2021, the OPS conducted an extensive review of its use of dynamic entries, part of which included a review of the practices in other police services in Ontario and Canada and how they compare to the OPS. One of the recommendations arising out of that report was to conduct further research on national and international best practices regarding dynamic entries. We will continue to review and consider best practices from other police services in Ontario as we work to improve our own use of dynamic entries.

***Recommendation 4:*** *While keeping in mind investigative integrity and any privacy concerns, consider providing information to occupants of residences to increase their understanding of why the police departed from the “knock and announce” rule. Further, consider providing information to address damage to property that often occurs during a dynamic entry.*

The OPS recognizes that the execution of a search warrant by police can be traumatizing to those found in a residence where the warrant is executed, regardless of the method of entry. At times, persons who are not suspects nor accomplices are located inside the premises being searched. Other times, neighbours may be concerned about why police are in the area. In these situations and others, investigators offer assistance from our Victim Services Unit to occupants and neighbours and provide any information necessary, including how to recover property damage or make a complaint to the Service. In all cases, investigators ensure that, consistent with the OPS’s Duty of Care, the safety and wellbeing of all occupants is prioritized.

***Recommendation 5:*** *Consider tracking how often your officers depart from the “knock and announce rule”; how often such departures involve arrests or the seizure of evidence; and the injuries sustained during these types of searches.*

The tactical notes of the Duty Inspector include details that help us track who made the decision to depart from the “knock and announce” rule, if applicable, the type and means of entry, and whether there were any injuries sustained during the execution. The OPS currently has systems and processes in place to track this information, including how often our officers depart from the “knock and announce” rule and how often these departures involve arrests or the seizure of evidence. The information we track can be used to gather relevant statistics and to assist with the continued assessment and identification of lessons learned.

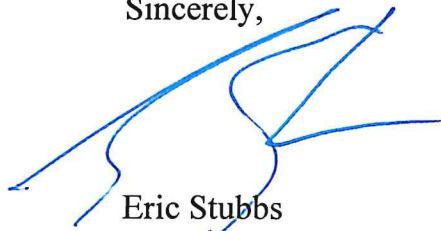
***Recommendation 6:*** Consider the development and delivery of periodic training for your members on police Charter obligations during the execution of search warrants.

The OPS is committed to providing ongoing training to all of its members. All Tactical Team members receive extensive training on the execution of search warrants as prescribed by the Ontario Ministry of the Solicitor General. Additionally, we provide periodic training from Crown Attorneys to update officers on *Charter* developments and recent case law. We also have imbedded Crown Attorneys at OPS who are available for training and to answer investigators’ questions.

We trust the above responses are satisfactory and demonstrate our commitment to safety and the *Charter* rights of individuals. Public trust is at the heart of everything we do, including and especially when we execute search warrants, so we are happy to receive recommendations and consider how we can improve.

Should you have any questions about any of our practices regarding the execution of search warrants, please do not hesitate to contact me.

Sincerely,



Eric Stubbs  
Chief of Police