



REPORT
Police Services Board

For Information

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DATE: October 27, 2022

SUBJECT: **CLOSED SPECIAL INVESTIGATIONS UNIT FILES 22-OCI-077, 22-OCI-097, 22-OSA-127, 22-OCI-115, 22-OCI-117 AND 22-OVI-116.**

FROM: Nishan Duraiappah, Chief of Police

RECOMMENDATION

It is recommended that this document be received as information concerning Special Investigations Unit (S.I.U.) files 22-OCI-077, 22-OCI-097, 22-OSA-127, 22-OCI-115, 22-OCI-117 and 22-OVI-116.

REPORT HIGHLIGHTS

- Details describing the involvement of the S.O.'s and the S.I.U. complainants.
- Findings of the Special Investigations Unit.
- Conclusions concerning the services provided by the police service and the officer's compliance with policies and procedures.
- Subject Official is abbreviated S.O. and Witness Official is abbreviated W.O.

DISCUSSION

22-OCI-077 (Mr. C.D.)

Executive Summary:

Mr. C. D. (the Complainant) and Ms. H. K. have been involved in an intimate relationship for approximately one year. She presently resides in Keswick, Ontario and him in Bramalea.

On Friday, March 11, 2022, the couple attended a house party at an unknown address in the Bramalea area. A number of alcoholic beverages were consumed by both and several hours had

passed. At some stage, now on Saturday, the 12th, the Complainant was involved in a dispute with the homeowners and the couple left on foot.

A short time later, the homeowner and a group of friends tracked down the Complainant and a physical altercation took place. Ms. H. K. witnessed the group punch the Complainant numerous times as well as striking him over the head with a liquor bottle. The group then returned to their vehicle and drove off.

The couple continued walking back to his residence.

At about 3:00 a.m., now in the area of Dixie Road and Williams parkway, the couple were involved in a verbal argument. This escalated to the Complainant assaulting Ms. H. K. This was witnessed by several passerby's who called 911 to report it. A number of officers from 21 Division responded.

At approximately 3:14 a.m., Constable R. C. was the first to arrive. He located the couple and approached them on foot. Given the violent nature of the assault, he was concerned about the presence of weapons and drew and armed his Taser as he engaged the Complainant. He issued clear instructions to the Complainant and directed him to the ground. The Complainant was compliant and was arrested without incident. He was transported to 22 Division for processing.

While at 22 Division, Acting Staff Sergeant S. A. conversed with him. At this time, the Complainant alleged the arresting officer "sucker punched" him and he complained that both his jaw and hand were likely broken. Each area was red and swollen and likely injured.

Arrangements were made to transport the Complainant to Brampton Civic Hospital for examination. X-rays confirmed that he had fractures to both his right hand and jaw.

The Special Investigations Unit was notified and Mr. Barry Millar was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the Special Investigations Unit and conduct an administrative review.

As a result of this incident (refer to PR22-0085025), the Complainant was charged with the following offences:

- (1) Assault Causing Bodily Harm, Section 267(b) of the Criminal Code of Canada,
- (2) Utter Threat to Cause Death or Bodily Harm, Section 264.1(1)(a), and
- (3) Disobeying Court Order, Section 127(1)

On that date, he was held for a Bail Hearing. He was later released on his own recognizance with the typical conditions, i.e., reside with surety, no contact with the victim, etc. The matter is still before the courts and his next appearance date is scheduled for September 8, 2022, to set a date for trial.

Findings of the Special Investigations Unit:

On July 7, 2022 Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraiappah (Appendix I). In his letter Mr. Martino states,

"The file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the official."

Furthermore, in his report to the Attorney General, the Director states;

“The SO had grounds to arrest the Complainant. Given the information provided at dispatch about a violent assault in progress on Williams Parkway east of Dixie Road, and what he personally discerned of the situation when he arrived at the location, the officer was within his rights in taking the Complainant into custody.

It would be unwise and unsafe to rest charges on this evidence of the Complainant, who was captured on the SO’s BWC stating that the SO forced him to the ground for no reason and “sucker-punched” him, breaking his right hand and jaw. The Complainant was significantly intoxicated at the time, detracting from his ability to accurately perceive and recall the events in question. Whether because of his intoxication or not, the Complainant was demonstrably wrong in material parts of his evidence. The Complainant had also been involved in fights with other persons in the time before his arrest, leaving open the distinct possibility that his injuries were inflicted before his run-in with police. The cumulative impact of these and other frailties associated with the Complainant’s evidence renders it insufficiently reliable to be put to the test by a trier-of-fact.

What remains of the evidence suggests that the Complainant’s arrest was largely without incident. Other than the contact the SO and WO #2 had with the Complainant to secure his arms in handcuffs, no force was brought to bear by the officers.”

Conclusion:

As a result of the Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that the tactics used by the officer was legally justified, there were no grounds for proceeding with charges against the officer notwithstanding the injury the Complainant sustained. These were both well documented in his report.

But, in his Closure Letter addressed to Chief Duraiappah, he made this comment:

“I note what appears to have been lapses in conduct by several of the officers involved in this matter with respect to their body-worn cameras. Against police policy, for example, neither the arresting officer nor the attending Sergeant had his camera on at the time of the Complainant’s arrest. The effect was to very likely deprive the SIU of the best evidence in this case. What ought to have been a relatively simple matter of proving or disproving the Complainant’s claims of excessive force was lost. What is perhaps worse, the absence of such evidence is likely to feed into suspicions of untoward conduct on the part of the officers. The result is a denial of the very transparency that the cameras were intended to bring and a resulting loss of public confidence. I ask that your service look into this matter and take such steps as may be necessary to mitigate the risk of its recurrence.”

A review of body worn camera usage for all involved officers confirms the Directors criticism. Based on this finding, the Administrative Review was forwarded to the Incident Response Review Committee for discussion and follow-up.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, Peel Regional Police policies and procedures was conducted by members of the Investigative Support Bureau pursuant to Section 81, Community Safety and Policing Act, 2019. There were no other identified issues as a result of this review.

22-OCI-097 (Mr. S.S.)

Executive Summary:

On Thursday March 31, 2022 at 8:16 p.m. the involved officers observed the accused party occupying the driver's seat of a vehicle with plates that did not belong on it at Torbram Road and Steeles Avenue, in the City of Brampton. The attached plates were on file as stolen (Hamilton Police).

They approached the vehicle at which time the accused party reversed out of the parking spot; travelled north through the plaza towards Steeles Avenue.

The officers followed the accused party in the vehicle for approximately 12 minutes at a strategic distance through various streets within Brampton and Mississauga in order to monitor his driving impairment and to perform a tandem stop when safe to do so.

At 8:27 p.m. while on Midway Blvd (Mississauga), another responding officer advised he was in the area and was in a position to assist for the tandem stop.

The tandem stop was attempted, however it was not successful; there was no contact between the stolen vehicle and the police vehicles.

Once they were unsuccessful with the stop, the officers all turned off their emergency equipment at which time the accused had made a right hand turn onto Dixie Road (southbound).

In an effort to evade police the accused subsequently collided (sideswiped) a tractor trailer at Dixie Road, just south of Midway Blvd.

The accused's vehicle and the tractor-trailer came to rest on the west side boulevard of Dixie Road, the accused's vehicle had struck a tree and caught on fire.

The officers assisted at the scene attempting to put the fire out and the complainant was subsequently arrested without further incident.

EMS/Fire attended the scene.

The accused was transported to Etobicoke General Hospital where he was diagnosed with three fractured ribs (two left and one right) and a fractured pelvis by Dr. Tyaga.

BWC captured the arrest from the vehicle and attempts to extinguish the fire.

A member of the Regional Breath Unit attended the hospital for the purpose of conducting the drug recognition test; blood was taken and charges will be laid accordingly.

The accused was also in possession of heroin and methamphetamine.

The Special Investigations Unit was notified and Mr. Carm Piro was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the Special Investigations Unit and conduct an administrative review.

Findings of the Special Investigations Unit:

On July 29, 2022 Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraiappah (Appendix I). In his letter Mr. Martino states,

“The file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the official.”

Furthermore, in his report to the Attorney General, the Director stated;

“The SO was in the execution of his lawful duties when he and his partner, WO #1, decided to pursue the Complainant out of the parking lot. They had grounds to believe that the Complainant was operating a stolen vehicle. Very shortly after that, based on what they observed of the Complainant’s driving behaviour – swerving across lanes of traffic and disregarding red lights and stop signs – they also had cause to believe that he was an impaired driver.

I am also satisfied that the SO exercised due care and attention for public safety as he followed the Complainant over the course of about ten minutes and 16 kilometres. For most of that time, it appears the officers were well back of the Charger – an intentional decision that WO #1, as the senior officer, had made so as not to unduly push or aggravate the Complainant’s reckless driving. There were times that the SO travelled at speeds in excess of the speed limit – at times, more than twice the limit. The GPS data also suggest that the officer did not come to a full stop at some if not all of the red lights and stop signs he encountered, which he clearly ought to have done in compliance with law. That said, section 128(13)(b) of the Highway Traffic Act exempts police officers from the speed limitations while engaged in duty. Nor is there evidence that the officer’s conduct directly endangered other traffic on the roadway. In fact, the environmental conditions at the time were not prohibitive of a pursuit - traffic was light, the weather dry and clear, and the route of the pursuit largely industrial in nature – particularly considered against the dangers being created by the Complainant’s driving. Simply put, there was a real imperative to stopping the Complainant that was not outweighed by the risks to public safety associated with the SO’s driving.

In the result, as I am satisfied that the SO did not transgress the limits of care prescribed by the criminal law in his engagement with the Complainant, there is no basis for proceeding with criminal charges in this case. The file is closed.”

Conclusion:

As a result of the Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that the approach and the interaction used by the subject official were appropriate in the circumstances and therefore there were no grounds for proceeding with charges against the subject official notwithstanding the injury caused to the complainant.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, Peel Regional Police policies and procedures was conducted by members of the Investigative Support Bureau pursuant to Section 81, Community Safety and Policing Act, 2019. There were some identified issues as a result of this review.

22-OSA-127 (Ms. L.L.)

Executive Summary

On Tuesday September 22, 2020, at 9:03 a.m., officers responded to a report by the Complainant's husband, that she was at school with their son, she had been refused entry to the school since she was supposed to be quarantining, and was refusing to leave. Officers arrived at St. Martha and Mary Elementary School, located at 1760 Bough Beeches Boulevard in the City of Mississauga at 9:14 a.m.

Information relayed by the Complainant's husband was that she had dealt with mild Mental Health issues over the past 15 years although she had never formally been diagnosed with a condition. They had just returned from a 7 month trip to Albania and did not quarantine.

Officers spoke with the Complainant who was argumentative and dismissive. She believed the officers were not real, that COVID was not real, and therefore refused to quarantine or wear a mask. These comments along with the Complainant's behavior lead the officers to believe that she was suffering from a mental illness and was a danger to herself and therefore was apprehended under section 17 of the Mental Health Act.

She was transported to Trillium Hospital where she was seen by Dr. Ahmed and was admitted under a Form 1.

On October 19, 2021, the Complainant filed a complaint with the OIPRD in which she alleged that the apprehending officer ground his penis against her thigh intentionally during the apprehension.

The Special Investigations Unit was notified and Mr. Bill Harris was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the Special Investigations Unit and conduct an administrative review.

Findings of the Special Investigations Unit:

On September 9, 2022 Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraiappah (Appendix I). In his letter Mr. Martino states,

“The file has been closed and no further action is contemplated. In my view, there were no grounds in the evidence to proceed with criminal charges in this case.”

Furthermore, in his report to the Attorney General, the Director stated;

“The allegations, however, are insufficiently reliable to warrant being put to the test by a court of law. The body of evidence giving rise to the allegations also contends that the Complainant did not resist her arrest. However, WO #1, who was right there, corroborates the SO’s evidence to the effect that the Complainant refused to release her arms to be handcuffed. She adds that the Complainant also kicked out at the officers’ legs once told she was being apprehended. The fact that the officers had to use two sets of handcuffs to take the Complainant into custody further bolsters their claim of resistance on the part of the Complainant. WO #1 also says that she did not observe the SO pressed up against the Complainant.

In the final analysis, while I am prepared to accept that the SO’s lower body, in the process of attempting to control a resistant Complainant, may have inadvertently contacted the Complainant, the claim that the SO intentionally pressed his penis into her leg is not supported by the weight of the evidence. Accordingly, there is no basis for proceeding with criminal charges against the officer. The file is closed.”

Conclusion

As a result of the Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that based on information provided by the complainant, there were no grounds for proceeding with charges against the officers notwithstanding the allegation made by the complainant.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, Peel Regional Police policies and procedures was conducted by members of the Investigative Support Bureau pursuant to Section 11(1) and (2) of Ontario Regulation 267/10 of the Police Services Act. There were no identified issues as a result of this review.

22-OCI-115 (Mr. C.S.)

Executive Summary

Mr. C. S. (the Complainant) is a 38 year old male who resides with his 71 year old mother in Mississauga. He is a known drug user, suffers from mental illness and has been apprehended by PRP in the past.

On Tuesday, April 19, 2022, the Complainant was in crisis and his mother offered to drive him to the hospital for treatment. Upon arrival at Credit Valley Hospital, he refused to enter and made his way to the overpass area of Erin Mills Parkway at Highway #403. He was suicidal and threatened to jump off the bridge. The Complainant’s mother called 911.

The complainant had already climbed over the railing when the two Subject Officers arrived. They both reached over and were able to hold onto the Complainant while they pleaded with him to return to safety. He resisted and swatted at their hands. Eventually the Complainant slipped out of his jacket and fell onto the highway below.

Both officers ran down the embankment and met with the Complainant below. He was on the travel portion of the roadway, had not been hit by any of the passing vehicles, however, was seriously injured from the fall. They did an immediate medical assessment and comforted him until ambulance attended.

The complainant was immediately transported to Sunnybrook Health Sciences Centre where it was confirmed he had sustained multiple fractures.

The Special Investigations Unit was notified and Mr. Uman Ahmad was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the Special Investigations Unit and conduct an administrative review.

Findings of the Special Investigations Unit:

On August 17, 2022 Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraiappah (Appendix I). In his letter Mr. Martino states,

“The file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the two officials.”

Furthermore, in his report to the Attorney General, the Director states;

“The Complainant suffered serious injuries in a fall from the Erin Mills Parkway overpass above Highway 403 on April 19, 2022. As he had briefly interacted with two PRP officers before his fall, the SIU was notified and initiated an investigation. The officers – SO #1 and SO #2 – were identified as subject officials.

SO #2 and SO #1 were lawfully placed throughout their dealings with the Complainant. Aware that the Complainant was on the overpass with designs of jumping, they were duty bound upon dispatch to attend the scene to do what they could to protect the Complainant.

Once there, the officers comported themselves with due care and regard for the Complainant’s well-being. Arriving in the vicinity of the Complainant and finding him climbing over the overpass railing, there was little SO #2 could do other than what he did. He ran to the Complainant and for a while was able, for a period with the help of SO #1, to keep him from falling before losing hold. There was no time for negotiations of any type. After the fall, the officers acted with care and compassion in arranging for prompt medical attention while consoling the Complainant on the roadway. On this record, there is no evidence of any want of care on the part of either subject official.

In the result, as there is no reason to believe that SO #2 or SO #1 transgressed the limits of care prescribed by the criminal law in their brief engagement with the Complainant, there is no basis for proceeding with charges against either officer.”

Conclusion

As a result of the Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the officers notwithstanding the injury the complainant sustained.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, Peel Regional Police policies and procedures was conducted by members of the Investigative Support Bureau pursuant to pursuant to Section 81, Community Safety and Policing Act, 2019. There were no identified issues as a result of this review.

22-OCI-117 (Mr. A.C.)

Executive Summary

On April 22, 2022, officers were conducting security for a paid duty at the Chandni Banquet hall located at 125 Chrysler Drive, in the City of Brampton.

Both officers encountered the Complainant who was extremely intoxicated and causing a disturbance inside the hall. As the officers approached the Complainant, they observed him assault another male who was attempting to assist him as he was heavily intoxicated.

W.O. #1 told the Complainant he had to leave at which time he refused. Subsequently the S.O. arrested the Complainant for assault and he was handcuffed. While escorting the Complainant out of the building, he kicked the S.O. in the leg. The Complainant, was taken to the ground at which time his face made contact with the pavement. The Complainant continued to be combative with the officers while resisting arrest. The Complainant then spit in the face of W.O. #1.

An ambulance was requested and the Complainant was escorted to Brampton hospital where he was determined to have sustained a broken nose.

The Complainant was charged with two counts of Assaulting a police officer.

The Special Investigations Unit was notified and Mr. Chris Leining was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the Special Investigations Unit and conduct an administrative review.

Findings of the Special Investigations Unit:

On August 18, 2022 Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraipappah (Appendix I). In his letter Mr. Martino states,

“The file has been closed and no further action is contemplated. In my view, there were no grounds in the evidence to proceed with criminal charges against the official.”

Furthermore, in his report to the Attorney General, the Director states,

“The Complainant had struck a patron in the reception hall and was clearly subject to arrest for assault. Once in the lawful custody of the police, the officers were entitled to exercise reasonable control of his movements to ensure the Complainant’s safety as well as theirs.

With respect to the force used by the SO, namely, a grounding, I am unable to reasonably conclude that it was unjustified. The Complainant was intoxicated, belligerent and combative. He had tried to kick the SO and was attempting to break free of the officers’ hold. The officers were entitled to resort to a degree of force to protect themselves and maintain custody over the Complainant. A grounding in these circumstances seems a reasonable decision – in that position, the officers would have the upper hand in dealing with any continuing resistance on his part. Nor does it appear the grounding itself was needlessly aggressive or heavy-handed. It is regrettable that the Complainant’s face impacted the ground in the process and that his nose was fractured, but there is no suggestion that the SO intended that result or that the Complainant’s injury was anything other than the by-product of an inherently dynamic process fueled in large measure by the Complainant’s resistance.

In the result, as there are no reasonable grounds to believe that the SO comported himself other than lawfully in his engagement with the Complainant, there is no basis for proceeding with criminal charges against the officer. The file is closed.”

Conclusion

As a result of the Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the officer notwithstanding the injury the Complainant sustained.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, Peel Regional Police policies and procedures was conducted by members of the Investigative Support Bureau pursuant to Section 81, Community Safety and Policing Act, 2019. There were no identified issues as a result of this review.

22-OVI-116 (Cst. D.M.)

Executive Summary

On April 20, 2022, at approximately 2:29 a.m., Mr. A. J. and Mr. B. L. attended the plaza located at 5165 Dixie Road, Mississauga. At this time, they proceeded to break into one of the units by kicking in the front glass door and entering. This was observed by a patron of the nearby gas bar and Peel Regional Police were immediately notified. Numerous officers were dispatched.

Immediately upon arrival, it was determined that both males were still on site and a perimeter was set up. Mr. B. L. attempted to flee on foot and was apprehended without incident. Shortly thereafter, Mr. A. J. tried the same. Nearby and assisting with holding the perimeter was Acting Sergeant D. M., who upon seeing Mr. A. J. running eastbound through the back parking lot toward Matheson Boulevard, he gave chase.

At the east side of the parking lot, there was a parked trailer. The suspect and the officer's foot chase ran eastbound on the north side of this trailer.

As this occurred, Constable K. B. was driving northbound and watched this foot chase unfold before him as he approached the area. He intended on travelling around the east side of the trailer and block the suspect as he approached the roadway.

Just as the suspect reaching the grassy boulevard, he lost his footing and hit the ground. The Acting Sergeant did his best to slow down in order to apprehend the suspect. At this point, Constable K. B. arrived at the same juncture and inadvertently struck the Acting Sergeant with his vehicle. Other officers arrived within moments and the suspect was arrested without incident. As a result of the collision, the Acting Sergeant sustained serious injuries.

The Acting Sergeant was transported to Mississauga General Hospital where it was confirmed he had sustained a fractured nose.

The Special Investigations Unit was notified and Mr. Alex Kravchenko was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the Special Investigations Unit and conduct an administrative review.

The incident and arrest were captured on Body Worn Camera and numerous CCTV cameras.

Mr. A. J. and Mr. B. L. were arrested without incident, transported to 12 Division and lodged pending a bail hearing. They were both charged with the following offences:

- (i) Break, Enter and Commit an Indictable Offence (10 counts) contrary to section 348(1)(b) of the Criminal Code of Canada,
- (ii) Break, Enter with Intent to Commit an Indictable Offence (four counts) contrary to section 348(1)(a), and
- (iii) Disguise with Intent (14 counts), contrary to section 351(2).

They were released on their own recognizance with numerous conditions and are still before the courts today.

Findings of the Special Investigations Unit:

On August 18, 2022, Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraipappah (Appendix I). In his letter Mr. Martino states,

“The file has been closed and no further action is contemplated. In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the official.”

Furthermore, in his report to the Attorney General, the Director states,

“The Complainant of the PRP was seriously injured when he was struck by a police vehicle on April 20, 2022. The driver of the vehicle – the SO – was identified as the subject official in the ensuing SIU investigation.

There is no question that the SO was within his rights in seeking to prevent CW #2 from evading arrest. Based on the reports they had received about a break and enter in progress, and CW #2’s flight from police in the parking lot, there were reasonable grounds to believe he was involved in the crime.

I also accept that the SO’s manner of driving was objectively dangerous. One wonders about the wisdom of using a motor vehicle in motion to assist in the apprehension of a person on foot with all of its attendant risks, particularly when the crime in question was a property offence. Moreover, the dangerousness was enhanced by the presence of the trailer which blocked the SO and CW #2 from each other’s line of sight, making it more difficult for the SO to apprehend and avoid objectively foreseeable risks, such as CW #2 running into the path of his cruiser. CW #2 was fortunate to have tripped and fallen when he did as he too might have been struck and seriously injured by the SO’s cruiser. The Complainant was not as lucky albeit his injuries could have been far more serious than they were.

The real question is whether the SO’s conduct represented a marked departure from a reasonable person. I find the SO’s conduct concerning, but am unable to conclude it was so egregious that it was criminal. The officer’s conduct was not without justification. His intention was not to strike CW #2, but to obstruct the getaway efforts of a man freshly fleeing from break and enter. In this regard, it should be noted that the officer slowed his vehicle significantly as he neared the point of impact, and he did what he could in the split second he had available to avoid colliding with the Complainant. In addition, the SO had his emergency lights activated which would mitigate the danger caused by the trailer obstructing his line of sight by alerting others to his presence. In fact, both CW #2 and WO #2 (who was also involved in the foot pursuit) described being aware of the presence of the SO’s vehicle before the collision. In the final analysis, while I think the SO’s conduct was regrettable and, possibly, negligent. I am not persuaded, in the heat of the moment, that it was criminal.”

Conclusion

As a result of the Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the Subject Officer notwithstanding the injury the Complainant sustained.

Notwithstanding, the SIU Director’s findings, this incident was reviewed by Peel Regional Police, Driver Training Specialist who determined the following;

“The dynamic situation was rapidly evolving as the Subject Official arrived on the scene of Sugar Daddy’s Nightclub to a B & E in progress. He then responded to the auditory information that there was a party running and accelerated to the rear

parking lot. In the low light conditions and with the intent of cutting off the subject he did not observe the Acting Sergeant giving chase as he rounded the rear of the trailer, which also obscured his vision.

As his vehicle was mounting the curb, it would have become unstable and not be fully receptive to the S.O.'s steering inputs, resulting in him being unable to avoid striking the Acting Sergeant.

Although the aforementioned circumstances presented themselves, it is still the S.O. responsibility to avoid overdriving his headlights and to keep his speed for visibility in check. He is deemed to be at fault in this collision.”

As a result of Mr. Anderson's findings, this report has been forwarded to the Incident Response Review Committee (IRRC) for discussion and follow-up with the involved officer.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, Peel Regional Police policies and procedures was conducted by members of the Investigative Support Bureau pursuant to Section 81, Community Safety and Policing Act, 2019 with no additional issues being identified.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line extending to the right.

Approved for Submission:

Chief Nishan Duraiappah

For further information regarding this report, please contact Inspector Bill Ford at extension 6080 or via e-mail at william.ford@peelpolice.ca

Authored By: *Detective Sergeant Andy Babensee #1585*