



IC15-05-25

In Camera REPORT

Peel Police Service Board

For Information

File Class: 1-01-02-01

Cross-Reference File Class: _____

Date: **April 14, 2025**

Subject: **CLOSED SPECIAL INVESTIGATIONS UNIT FILE 24-OOD-364, 24-OCI-369, 24-OCI-426, 24-OCI-447, 24-OCI-448, 24-OCI-470, 24-OCI 480, AND 24-OCI-481**

From: **Nishan Duraiappah, Chief of Police**

Recommendation

It is recommended that this document be received as information concerning Special Investigations Unit (S.I.U.) file 24-OOD-364, 24-OCI-369, 24-OCI-426, 24-OCI-447, 24-OCI-448, 24-OCI-470, 24-OCI-480, and 24-OCI-481.

REPORT HIGHLIGHTS

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

Discussion

1. 24-OOD-364 (Mr. D.S.)

Executive Summary:

On Saturday, August 31, 2024, at approximately 7:00 a.m. the S.O. was driving in the area of Steeles Avenue near Highway 410 when they saw the Affected Person (A.P.) on the Steeles Avenue bridge acting suspiciously.

The S.O. exited the highway onto Steeles Avenue, exited their vehicle and approached the A.P. on foot. As the S.O. approached, the A.P. yelled not to come any closer and jumped from the bridge onto the highway where he was immediately struck by a southbound car.

The A.P. died instantly, and the scene was maintained following S.I.U. protocols.

The S.I.U. 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 S.I.U. and conduct an administrative review. The incident was captured on Body Worn Camera (B.W.C.).

Findings of the S.I.U.:

On December 27, 2024, S.I.U. Director, Mr. Joseph Martino issued a concluding letter to Chief Nishan Duraipah (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 subject official.”

Furthermore, in the Director’s report to the Attorney General he states;

“The S.O. and the rest of the police presence on and around the Steeles Avenue East overpass were lawfully placed and in the execution of their duties through the series of events culminating in the Complainant’s fall. Apprised of information suggesting a person contemplating self-harm on a bridge, the officers were duty bound to attend at the scene to do what they reasonably could to protect the Complainant.

I am also satisfied that the S.O. comported himself with due care and regard for the Complainant’s health and safety. Police called to such scenes have a difficult choice to make. They are called upon to weigh the risks associated with different approaches to the situation, often within narrow windows of time, and to act accordingly. In this case, the Complainant was heard to say words to the effect of “don’t come any closer” just before he jumped from the bridge as the S.O. and W.O. #2 were approaching his location. From this, one can infer that the police presence was a catalyst of sorts for the Complainant’s fateful decision. On the other hand, it would be largely speculation to suggest that a less proactive posture by the officers would have resulted in a better outcome, particularly as the Complainant had been on the bridge railing for a period of time before the officers’ arrival. The officers would have also been concerned about the risks to motorists travelling on the southbound lanes of Highway 410 were the Complainant to jump. On this record, I am unable to reasonably conclude that the S.O. transgressed the limits of care when he decided to approach the Complainant, presumably to place himself in a position to communicate with him.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed.”

Conclusion:

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the officer notwithstanding the fatal injuries the A.P. sustained.

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

2. 23-OCI-369 (Mr. A.M.)

Executive Summary:

On Wednesday, September 4, 2024, at approximately 8:30 p.m. officers were dispatched to Rhonda Valley, in Mississauga to respond to a male (A.P.) who was lying on the roadway and acting paranoid.

Upon police arrival, the A.P. lunged at one of the officers, grabbed her wrists, and began stating that organizations were trying to kill him. He appeared to be suffering from a drug induced psychosis.

At one point, the A.P. sprinted from the officers and hopped a fence into the backyard of a residence on the street. Officers followed and apprehended the A.P. without difficulty. As the officers were leading the A.P. to the street where an ambulance was waiting, the A.P. began complaining that his shoulder needed to be 'put back in'. Officers explained that the paramedics would assist him. Before the officers could get him to the ambulance, for unexplained reasons, the A.P. went limp, falling forward while his hands were cuffed behind his back. The officers were unable to prevent the forward momentum and the A.P.'s face made contact with the sidewalk.

The A.P. was transported to Mississauga General Hospital (M.G.H.) where he was diagnosed by Dr. Ong with a fractured nose.

The S.I.U. was notified and Ms. Pasha Prendergast was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the S.I.U. and conduct an administrative review.

Findings of the S.I.U.:

On January 3, 2025, S.I.U. Director, Mr. Joseph Martino issued a concluding letter to Chief Nishan Duraipah (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 subject officials."

Furthermore, in the Director's report to the Attorney General he states;

"The Complainant was of unsound mind and unable to care for himself at the time of the events in question. As such, I am satisfied he was subject to apprehension under section 17 of the Mental Health Act."

I am also satisfied that neither subject official used unlawful force in arresting the Complainant. The officers did guide the Complainant to the ground and into a prone position, and then manipulated his arms behind the back, but these maneuvers were accomplished with minimal force and made necessary by the Complainant's resistance. With respect to the fall that broke the Complainant's nose, the evidence indicates he either tripped and fell in what was an

accident, or that he intentionally dropped himself to the ground. In either case, there is no criminal liability attributable to the officers. Indeed, the video footage suggests the officers had little if any opportunity to prevent the fall given how quickly it occurred. If anything, it might well be that the officers, each with a hold of the Complainant on either side as he fell, slowed the Complainant's drop and lessened his impact with the pavement.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed."

Conclusion:

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the officers notwithstanding the injury sustained by the A.P.

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

3. 24-OCI-426 (Mr. D.P.)

Executive Summary:

On October 6, 2024, at approximately 2:33 a.m., officers from the Strategic Tactical Enforcement Policing (S.T.E.P.) unit were conducting proactive patrol in the parking lot of the "Million Dollar Restaurant", located at 7222 Torbram Road in the City of Mississauga.

At this time, police began investigating the A.P. Upon conducting a pat down search of the A.P., a Glock 28 firearm was located. The A.P. began to resist arrest and punched the S.O. in the head. While the A.P. was resisting, he attempted to disarm the W.O. After a brief foot chase following the attempt at arrest and several deployments of Conducted Energy Weapons (C.E.W.) the A.P. was taken into custody.

The A.P. began to complain of pain in his hand and was transported to Brampton Civic Hospital (B.C.H.) for assessment. The A.P. was initially cleared medically. Approximately one (1) hour later, B.C.H. contacted police to advise they had determined that the A.P. had in fact sustained a fracture to his right hand.

The S.I.U. 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 A.P. was charged with the following offences:

- a. Unauthorized Possession of a Firearm
- b. Knowledge of Unauthorized Possession of a Firearm
- c. Possession of a Loaded Prohibited or Restricted Firearm
- d. Possession of a Prohibited Device or Ammunition Knowing its Possession is Unauthorized

- e. Carrying a Concealed Weapon
- f. Failure to Comply with a Release Order
- g. Disarming a Police Officer
- h. Assault with Intent to Resist Arrest

**These charges are still before the Courts.*

Findings of the S.I.U.:

On February 3, 2025, S.I.U. 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 subject official."

Furthermore, in the Director's report to the Attorney General he states;

"I am satisfied that the S.O. and W.O. #2 were acting in the execution of their duties throughout the series of events culminating in the arrest of the Complainant. As a result of their patrol and observations, they formed reasonable suspicion that the Complainant was in possession of a firearm, providing the officers with lawful grounds to detain the Complainant for investigation, and engage in a protective pat-down search for officer and public safety: R. v. Mann, [2004] 3 SCR 59. Thereafter, having felt what seemed like a firearm in the Complainant's satchel, and with information about the firearm that had fallen to the ground, the officers were within their rights in seeking to arrest the Complainant for unlawful possession of a firearm.

Further, I am satisfied that the force used by the S.O., W.O. #2 and W.O. #1 in aid of the Complainant's detention and arrest was justifiable. It constituted lawful force and was no more than what was reasonable and necessary in the circumstances. The Complainant had demonstrated he was intent on escaping apprehension and had proven a formidable challenge to the S.O. and W.O. #2 when they tried to wrestle him under control, managing to free himself on a couple of occasions.

When the Complainant refused to submit peacefully to arrest, the officers were entitled to resort to reasonable force to effect their purpose. The use of two (2) knee strikes would not appear disproportionate in the circumstances, particularly as the Complainant was able to flee after the last of these blows. The use of the C.E.W., an escalation in the quantum of force, seems equally commensurate with the circumstances of the moment - made necessary by the extent of the Complainant's fight and the need to arrest him as soon as possible, lest he be in possession of any further weapons. The first three (3) C.E.W. discharges occurred as the Complainant fled from police and appeared intended to prevent the Complainant from escaping police custody. The final C.E.W. discharge, when the Complainant was on the ground, appeared intended to facilitate the handcuffing process. The two (2) quick right-handed strikes when trying to gain control of the Complainant in the middle of Torbram Road, after he had fled for the second time, would not appear disproportionate. It was clear at this time that the Complainant was not about to surrender peacefully, and both parties were at risk in the middle of a roadway.

The injury sustained by the Complainant could have resulted from his fall after being tasered by the S.O., or his fall on Torbram Road while fleeing arrest. In whichever circumstance, there are no grounds to believe that the S.O. comported himself other than within the limits of the criminal law.

For the foregoing reasons, there is no basis for proceeding with criminal charges on this case. The file is closed.”

Conclusion:

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the officer.

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

4. 24-OCI-447 (Mr. B.W.)

Executive Summary:

On Monday, October 21, 2024, at 3:10 a.m., 11 Division Uniform officers along with Tactical & Rescue Unit (T.R.U.) were dispatched to a townhome at 4605 Donegal Drive, in Mississauga for report of a home invasion. The A.P. was the complainant who advised that he had been shot in the leg with a shotgun and that the assailants were still inside the residence.

Upon police arrival, the A.P. was standing on the sill of an open second floor window. The A.P. was clearly un-injured. The A.P.'s mother advised that he was high and hallucinating.

Attending officers told the male to stay put while T.R.U. officers entered the residence. They were just inside the front doorway, when for unexplained reasons, the A.P. jumped onto the hood/windshield of his mother's Mitsubishi, parked in the driveway.

The A.P. was apprehended under the Mental Health Act and transported to Credit Valley Hospital (C.V.H.) where he was eventually admitted under a Form 1. The attending physician, Dr. Ramparsad also ordered x-rays which revealed the A.P. had fractured his L1 vertebrae.

As a result of this threshold injury, the S.I.U. was contacted and Frank Pohl was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the S.I.U. and conduct an administrative review.

The incident was captured on B.W.C.

Findings of the S.I.U.:

On February 12, 2025, S.I.U. Director, Mr. Joseph Martino issued a concluding letter to Chief Nishan Duraipah (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 subject official.”

Furthermore, in the Director’s report to the Attorney General, he states;

“The officers responding to the scene, including the S.O., were lawfully placed and in the execution of their duties through the chain of events culminating in the Complainant’s fall.

As one would expect, they responded quickly to the report of a violent home invasion in progress. Not knowing exactly what they were dealing with when they arrived to find the Complainant perched perilously on the ledge, I am unable to fault the officers for asking the Complainant to show his hands and remain still. For all they knew, the Complainant might have been one of the intruders. By the time it began to dawn on them that the Complainant was delusional, there was little opportunity to do anything to prevent his fall other than to ask him to stop moving.

Once on the ground, the officers acted quickly to secure medical attention for the Complainant. On this record, I am satisfied that the S.O. comported himself at all times with due care and regard for public safety, including the Complainant’s well-being.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed.”

Conclusion:

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the Subject Official notwithstanding the injury the A.P. sustained.

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

5. 24-OCI-448 (Mr. T.W.)

Executive Summary:

On October 21, 2024, at 5:37 p.m. the involved officers attempted to conduct a traffic stop of a white Mercedes near Matheson Boulevard and Hurontario Street in Mississauga at which time the driver (A.P.), fled. The officers did not pursue.

After a brief stop at the side of the road, the officers continued in the direction that the Mercedes fled.

The officers noticed the same vehicle in an industrial complex on Cancross Court west of Hurontario. As the officers maneuvered into the driveway the A.P. collided with the police vehicle.

The A.P. attempted to flee on foot from the passenger side of the vehicle, however the officers grabbed him, and a tussle ensued. A C.E.W. was deployed causing the A.P. to 'lock out' and fall to the ground. Even after being handcuffed the male resisted against the restraints making several attempts to flee. As a result, he was grounded again.

Search incident to arrest revealed a loaded Glock firearm strapped to his left ankle and a quantity of drugs suspected to be cocaine on his person.

As a result of the interaction, the A.P. suffered a chipped tooth and began complaining of other injuries. He was subsequently transported to C.V.H. where Dr. Toth determined he had suffered a fractured jaw.

The S.I.U. was contacted 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 S.I.U. and conduct an administrative review.

The entire incident was captured on B.W.C. and In-Car Camera (I.C.C.).

The A.P. was charged with the following offences:

- a. Unauthorized possession of a firearm
- b. Knowledge of unauthorized possession of a firearm
- c. Occupant of a motor vehicle knowing there was a firearm
- d. Possession of a loaded prohibited or restricted firearm
- e. Possession of a prohibited device or ammunition knowing its possession is unauthorized
- f. Flight from police
- g. Dangerous operation of a motor vehicle
- h. Failure to comply with Sentence or disposition
- i. Possession of a controlled substance

**These charges are still before the courts.*

***At the time of this incident the A.P. was serving a three (3) year community supervision order for second degree murder as a youth offender with a weapons prohibition.*

Findings of the S.I.U.:

On February 14, 2025, S.I.U. 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 subject official."

Furthermore, in the Director's report to the Attorney General he states;

"The S.O. was within his rights in seeking to take the Complainant into custody. He had observed the Mercedes with a level of window tinting that he believed was in violation of section 73(3) of the Highway Traffic Act and was entitled to stop the vehicle on that basis."

Thereafter, when the Complainant failed to stop for police and then collided with the cruiser, he was arguably subject to arrest for flight from police and dangerous driving contrary to sections and 320.17 and 320.13(1) of the Criminal Code, respectively.

I am also satisfied that the force used by the S.O. was lawful. At issue are the first two (2) groundings. The first was the cumulative result of the S.O. grappling with the Complainant as his partner, the W.O., fired his C.E.W. The Complainant was trying to get away and putting up a vigorous effort to free himself. It would appear that taking the Complainant down, including with the use of a C.E.W. after a period of struggle on his feet, was a legitimate tactic in the circumstances as it would position the officers to better manage the Complainant's resistance. The second takedown also seemed a reasonable option. The Complainant, now handcuffed and having repeatedly been told to stop resisting, had moved himself away from the cruiser in what the S.O. would have reasonably interpreted as a continued effort to flee the scene. In light of the Complainant's protracted resistance to that point, and the fact that the S.O. was alone at the time (the W.O. having momentarily stepped away), I am unable to reasonably conclude that the officer acted precipitously in forcing the Complainant to the ground.

In the result, while I accept that the Complainant's injury was incurred in the altercation that marked his arrest, most likely the result of the second of the two (2) takedowns, there are no reasonable grounds to believe that the S.O. comported himself other than within the limits of the criminal law. As such, there is no basis for proceeding with criminal charges in this case. The file is closed."

Conclusion:

As a result of the S.I.U., the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the S.O notwithstanding the injury the A.P. sustained.

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

6. 23-OCI-470 (Mr. O.G.)

Executive Summary:

On November 4, 2024, at 9:46 p.m., 22 Division officers were dispatched to the area of Stokes Road in Brampton for reports of a domestic dispute.

Upon police arrival, the A.P. had left in the victim's vehicle and was reported to be trying to 'run down' anyone walking in the area.

The A.P. eventually returned to the scene at 11:58 p.m. where he was arrested after a brief struggle. He was transported to 22 Division where he was lodged in a cell.

After the A.P. was lodged, it became apparent that the A.P. had a cellphone with him in the cell area. Two (2) officers and a Special Constable attended to recover the cell phone.

As the officers attempted to secure it, the A.P. grabbed one (1) of the officers by the collar and another struggle ensued. The A.P. refused to release his grip on the collar of the officer resulting in the other officer delivering several strikes to the A.P.'s face.

The A.P. was transported to B.C.H., where Dr. Elserafi determined that the A.P. had sustained a fracture to his left orbital bone.

The S.I.U. was contacted and Mr. Scott Frail was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier were assigned to liaise with the S.I.U. and conduct an administrative review.

Findings of the S.I.U.:

On February 27, 2025, S.I.U. Director, Mr. Joseph Martino issued a concluding letter to Chief Nishan Duraipah (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 subject official."

Furthermore, in the Director's report to the Attorney General he states;

"The Complainant had been arrested and was lawfully in custody at the time of the events in question. Discovered with a phone in his possession, the S.O. and the W.O. were within their rights to enter the cell to confiscate it."

Though the custody footage was obscured by the positioning of the Special Constable outside the cell, the totality of the evidence indicates that the Complainant grabbed hold of the W.O.'s collar. When he did that, the W.O. was entitled to defend himself, and the S.O. was entitled to assist. On the evidence, the officers responded with two (2) to three (3) punches each in quick succession. The Complainant had threatened to choke the W.O. at the scene of his arrest, and it appeared he was now attempting to do just that. On this record, I am unable to reasonably conclude that the officers acted with excess in striking the Complainant as they would have wanted to overcome an assault of that nature as quickly as possible."

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed."

Conclusion:

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the officer notwithstanding the injury the A.P. sustained.

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

7. 24-OCI-480 (Mr. B.R.)

Executive Summary:

On November 9, 2024, at 11:08 p.m., uniformed officers responded to Jazzy Mews to investigate a report of domestic violence. Upon arrival, the officers established grounds to arrest the A.P. for assault against his intimate partner.

During the attempt at arrest, the A.P. resisted and grabbed the S.O. by the neck. The A.P. was wrestled to the ground where he was arrested and handcuffed. The A.P. complained of soreness to his nose and was subsequently transported to hospital where doctors determined there was no fracture. The A.P. was transported to a police division where he was processed on charges of domestic violence and assaulting a police officer.

Later in the day, the hospital contacted police to advise that although there was no fracture to the A.P.'s nose; he had in fact sustained a fracture to his right hand.

The S.I.U. was notified, and Mr. Brian Voegle 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 S.I.U.:

On March 3, 2025, S.I.U. Director, Mr. Joseph Martino issued a concluding letter to Chief Nishan Duraipah (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 subject official."

Furthermore, in the Director's report to the Attorney General he states;

"On arrival at the scene, the officers heard directly from the Civilian Witness (C.W.) about the assault. In the circumstances, I am satisfied that the S.O. had grounds to detain the Complainant for investigation and to exercise a measure of control over his movements, particularly as the Complainant had repeatedly attempted to inject himself into the conversation the C.W. was having with W.O. #1. That is precisely what the officer did when he placed his hands on the Complainant to direct him towards the rear of his vehicle. When the Complainant reacted with physical force against the officer, the S.O. was entitled to arrest him for assault."

"With respect to the force brought to bear against the Complainant, I am satisfied it was justified. The first takedown occurred immediately after the Complainant had laid hands on the officer and then refused to put his arms behind his back. The officer would have had cause to believe that the Complainant would continue to struggle, and he was within his rights in taking him down as doing so would place the officer in a position to better manage that resistance."

The Complainant was able to quickly lift his torso off the ground, and the S.O. responded by forcefully pinning his head and upper body to the roadway. That too, would appear a reasonable tactic if the officers were going to maintain control of the Complainant. The second takedown occurred as the Complainant threatened the officers and made it difficult for them to complete their search of his person. In fact, just before the grounding, there is evidence that the Complainant attempted to take hold of something, though what that was exactly is unclear. On this record, I am unable to reasonably conclude that the second takedown was unwarranted as it would assist in keeping the Complainant under control so that the search could be completed.

In the result, while I accept that the Complainant's hand was fractured during one (1) or the other of the takedowns that marked his arrest, there are no reasonable grounds to believe the injury is attributable to any unlawful conduct on the part of the S.O. As such, there is no basis for proceeding with criminal charges. 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.

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

8. 24-OCI-481 (Mr. R.LC.)

Executive Summary:

On November 10, 2024, the A.P. attended Skipper Way in the City of Mississauga where he forcibly robbed the victim of his 2024 Mercedes GLS at knifepoint while in the garage of his residence. The victim did not suffer any injuries as a result of the robbery.

Investigators located the vehicle parked in an industrial complex on Toryork Road in North York with the assistance of a tracking device the victim had installed on the vehicle.

While conducting surveillance on the victim's vehicle, a white Honda Pilot approached the abandoned Mercedes and the passenger (A.P.) exited and approached the stolen car, unlocking it with the key fob. Investigators converged on the stolen car at which time the A.P. fled and attempted to get into the moving Honda Pilot. A C.E.W. was deployed, causing the A.P. to fall and strike his head on the pavement.

The A.P. was transported to Etobicoke General Hospital (E.G.H.) where doctors determined the A.P. had sustained a brain bleed and was being admitted to hospital for further treatment.

The S.I.U. 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.

The AP made a full recovery and is currently awaiting trial on the following charges:

- a. Robbery
- b. Disguise with intent
- c. Possession of Property Obtained by Crime

Findings of the S.I.U.:

On February 28, 2025, S.I.U. 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 subject official.”

Furthermore, in the Director’s report to the Attorney General he states;

“W.O. #1 and the S.O. were aware of the 911 call about the carjacking and the fact that the Mercedes owner had been threatened with a knife. With the help of the car monitoring service, they had located the stolen vehicle in the parking lot at 175 Toryork Drive and observed as a male – the Complainant – moved towards it, unlocking it as he did so. On this record, I am satisfied that the Complainant was subject to arrest for auto theft.

I am also satisfied that W.O. #1 and the S.O. used no more force than was necessary in taking the Complainant into custody. With the Complainant running away from the officers attempting to re-enter the Honda, the officers could reasonably anticipate that he would resist his arrest. With that in mind, and reason to believe that the Complainant could be armed with a knife, the S.O. acted reasonably in firing his C.E.W. If the weapon worked, the officers would have an opportunity to safely approach and arrest a temporarily incapacitated Complainant without having to physically engage a potentially armed individual. It is highly regrettable that the Complainant likely suffered his brain bleed in the fall from the C.E.W. discharge, but the unfortunate consequences of the force used by the officer do not detract from its reasonableness in the circumstances. As for the strikes delivered by the officers after he was down, I am unable to reasonably conclude that they were excessive in light of the evidence that the Complainant resisted arrest on the ground.

For the foregoing reasons, there is no basis for proceeding with criminal charges in this case. The file is closed.”

Conclusion:

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the officer.

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

Approved for Submission



Nishan Duraipappah, Chief of Police

For further information regarding this report, please contact Inspector Bill Ford at extension 6080 or via email at 1677@peelpolice.ca.

Authored By: Detective Sergeant Andy Babensee #1585