



# IC11-09-25

**In Camera REPORT**  
Peel Police Service Board  
For Information  
File Class: 1-01-02-01  
Cross-Reference File Class: \_\_\_\_\_

Date: **September 2, 2025**

Subject: **CLOSED SPECIAL INVESTIGATIONS UNIT FILE 23-OCI-235, 24-OCD-190 (FORMERLY 24-TCD-190), 24-OCI-219, 24-OCI-554, 25-OFP-053, 25-OVI-122**

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.**

### **REPORT HIGHLIGHTS**

- Executive summaries describing the actions of the involved officers.
- 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**

**23-OCI-235: (Mr. A.D.)**

### EXECUTIVE SUMMARY

On Wednesday June 21, 2023, at approximately 3:55 p.m., 21 Division officers were on patrol in the underground parking lot of the Bramalea City Centre. At that time, they approached a suspicious van and queried the licence plate. Ministry of Transportation (M.T.O.) information indicated that the licence plate's status was "missing". There was one (1) lone occupant, the Affected Person (A.P.) sleeping in the driver's seat. Officers positioned a Stop Stick by the wheels before engaging the driver.

As they issued commands, the A.P. immediately put the vehicle in motion, striking another vehicle in the parking lot. Two (2) other cruisers were used to pin the vehicle against a concrete wall. Officers then entered the van and pulled the A.P. from the vehicle, grounded him and he was handcuffed.

Immediately after the arrest, the A.P. complained about pain to the right side of his head. He was subsequently transported to Brampton Civic Hospital (B.C.H.) and examined by Dr. Brown. X-rays confirmed that he had sustained a fractured cheekbone.

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

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

1. Dangerous Operation (x2) - (*Guilty Plea: Conviction–registered on one (1) Count*)
2. Flight from Police - (*Guilty Plea: Conviction registered*)
3. Fail to Comply with Release Order (x2) - (*Guilty Plea: Conviction registered on one (1) Count*)
4. Possession of a Controlled Substance (x2) (Heroin & Methamphetamines) - (*Withdrawn as part of Crown Resolution*)

### FINDINGS OF THE S.I.U.

On June 28, 2024, S.I.U. charged Constable K.S., a witness official, with one (1) count of Assault.

On March 21, 2025, Constable K.S. pled guilty to a single count of Level One Assault and the below 'Agreed Statement of Facts' was read in:

*"On the afternoon of June 21, 2023, members of the Peel Regional Police Service engaged in proactive policing observed a white U-Haul van, parked in an undercover carpark at the Bramalea City Centre in Brampton. A male, later identified as (Mr. A.D.), was asleep in the passenger seat of the van, which was running.*

*Police became suspicious of the van and conducted checks on the vehicle's registration plate, which returned results that the vehicle or plate was missing. Officers formed the belief that the van was stolen and asked for additional units to assist.*

*(Constable K.S.), driving a marked police cruiser, positioned the cruiser directly in front of the van while two (2) other officers placed stop spikes behind the rear wheels of the van to prevent any flight from police. A wall of the parking structure was located behind the van.*

*Meanwhile, (Mr. A.D.) woke up, moved to the driver's seat of the van and reversed. The van just missed striking the two (2) officers, before (Mr. A.D.) drove forward and began ramming (Constable K.S.'s) police cruiser head on, in an attempt to flee the scene. Police relayed the situation over the air and asked for immediate assistance.*

*(Mr. A.D.) continued the process of reversing and then driving forward several times, ramming (Constable K.S.'s) cruiser each time. Eventually, the van reversed and hit another occupied civilian vehicle before backing up against a wall. (Constable K.S.) then moved his cruiser forward, pinning the van against the wall.*

*Eventually, two (2) officers were able to approach the van and pull (Mr. A.D.) out of the vehicle. (Mr. A.D.), who began to physically resist by pulling away from the officers, was taken to the ground and hit his face in the process, feeling pain to his eye, (Mr. A.D.) was subsequently handcuffed to the rear.*

*At this time, (Constable K.S.) exited his cruiser and approached (Mr. A.D.), who was in the custody of an officer. (Constable K.S.) subsequently struck the back of (Mr. A.D.'s) head twice using his hand. No injuries were caused to (Mr. A.D.) as a result of (Constable K.S.'s) actions."*

### I.S.B ANALYSIS OF THE INVOLVED OFFICER'S RESPONSE

On June 21, 2023, the A.P. was arrested while operating a suspected stolen vehicle, bearing Ontario license plates reported missing, while in the underground parking lot of the Bramalea City Centre in Brampton. During the initial attempt to investigate the vehicle, the A.P. intentionally rammed a civilian vehicle and a police vehicle (events were captured on the involved officers Body Worn Cameras (B.W.C.)).

The officers involved, were successful in immobilizing the vehicle operated by the A.P. by pinning it against a concrete wall. The A.P. refused to exit the vehicle and was pulled from his seated position behind the steering

wheel, across the front bench seat and out of the passenger door. At this time, he was grounded in order to secure him for handcuffing. The A.P. sustained his serious injury during the grounding maneuver when his face contacted with the concrete floor.

During the preliminary stages of the material review, no issues were identified by the I.S.B. support team.

On June 26, 2024, the S.I.U. contacted the I.S.B. to advise that they would be charging Constable K.S. with one (1) count of Assault.

Information received from the A.P. (not privy to I.S.B.) led S.I.U. to focus on Constable K.S.'s B.W.C. footage, where at 2m 16s (15:58:44 timestamp), they discovered two (2) punches in quick succession to the back of their A.P.'s head while his hands were handcuffed behind his back, by Constable K.S.

It should be noted that the view from the B.W.C. was partially obstructed due to it being in a fixed position on the officer's chest and the fact that multiple officers were in close proximity as they were trying to secure the A.P. Without this additional information from the S.I.U., the punching motion would not have been identified.

Based on this information, a Chief's Complaint was formalized, and the Internal Affairs (I.A.) Bureau initiated their investigation. 2024IA-028 is ongoing.

## CONCLUSION

On June 28, 2024, S.I.U. charged Constable K.S. with one (1) count of Assault.

On March 21, 2025, Constable K.S. pled guilty to a single count of Level One Assault.

As a result, Constable K.S. (W.O.) was determined not to be in compliance with Section 25, of the *Criminal Code Act (Act)*, or with Peel Regional Police (P.R.P.) Policy, "Incident Response" I-B-102 (F).

The Chief's Complaint investigation initiated by the I.A. Bureau is ongoing.

I.A. was seized with conducting a *Community Safety Policing Act (C.P.S.A.)* investigation into the resulting criminal conviction of Constable K.S. and non-compliance by Constable K.S of P.R.P. Policy, "Incident Response" I-B-102 (F).

## **24-OCD-190 - Formerly 24-TCD-190 (Mr. M.M.)**

### EXECUTIVE SUMMARY

On April 25, 2024, officers were dispatched to the Circle K gas station located at 7970 Mavis Road, in the City of Brampton for a male (A.P.) that was harassing customers by sitting in their vehicles while they pumped their gas.

Prior to police arrival the male had moved into the kiosk where he had vomited on the floor.

Upon police arrival, the male was assessed. He declined medical attention and denied alcohol or drug consumption.

Investigation revealed that the A.P. was wanted on a Toronto Police Service (T.P.S.) warrant for arrest, relating to an incident in which he was alleged to have shot his brother in the hand.

The warrant was confirmed as outstanding, and the A.P. was arrested and transported to 31 Division. The A.P. was accepted and lodged in their cells to process the warrant.

On May 1st, 2024, P.R.P. were contacted by a T.P.S. Duty Inspector, who advised that later that day, the male was transported to hospital where he suffered a heart attack. He was placed on life support and died on May 1st.

The S.I.U. was notified by T.P.S. at the time of the A.P.'s death and Mr. Uman Ahmed was assigned as the lead investigator. The S.I.U. designated P.R.P Constable D.J. as a S.O.

Detective Sergeant Babensee and Detective Bassier of the I.S.B. were assigned to liaise with the S.I.U. and conduct an administrative review.

#### FINDINGS OF THE S.I.U.

On April 17, 2025 S.I.U. Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraiappah. 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 (A.G.), he states:

*"The Complainant was lawfully in police custody from the moment of his arrest by the S.O. and W.O. #4 of the P.R.P. Given the warrant in effect, the officers were within their rights in apprehending the Complainant and transporting him to T.P.S. 31 Division.*

*With respect to the care afforded the Complainant through his period in custody, the evidence indicates that none of the officers who dealt with him fell short of the requirements of the criminal law. The Complainant certainly appeared off – breathing rapidly, whispering, unsteady and, at times, incoherent – but there was nothing to suggest he needed immediate medical attention. He was able to articulate that he suffered from mental illness, for which he took medication, but denied being injured or having consumed alcohol or drugs. To his credit, because of the Complainant's behaviour, W.O. #1 directed that he be monitored closely. Within minutes of that instruction, (W.O. #1) was asked to the cells by the special constable watching the Complainant, W.O. #1 arranged to have him sent to hospital.*

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

#### BODY WORN CAMERA (B.W.C.)

Constable D.J.'s B.W.C. was reviewed. At the time that the A.P. was investigated at the Circle K gas station, he was conscious and aware of his surroundings and that he was being investigated by police. The A.P. declined an ambulance indicating that he was okay. The only thing remarkable during his interaction with the responding officers, was that he would only speak in a whisper which caused some difficulty for them to understand fully what he said, in answer to their questions.

The A.P. clearly was not subject to apprehension under authority of the *Mental Health Act (M.H.A.)* as he did not exhibit any indication that he was a danger to himself or others due to a mental health condition.

#### CORONER'S REPORT

The following excerpt was taken from the Coroner's report:

##### **"SUMMARY AND OPINION**

*This 23-year-old man was apprehended by police several days after allegedly shooting his brother. He had reportedly been acting bizarrely around and after that time and appeared to potentially be intoxicated with drugs. He also had decreased oral intake and was not sleeping. At the time of his arrest, he again*

*was acting strangely and breathing heavily, and was taken to hospital for assessment. After initially presenting with stable vital signs, when he was checked on a few hours later, he collapsed. He was resuscitated but continued to deteriorate and was pronounced brain dead approximately six (6) days after admission. He had a history of drug use.*

*At postmortem examination, the body was that of a young man with no injuries and no evidence of disease to explain death. The lungs were mildly consolidated, and the brain was very soft in keeping with mechanical ventilation in hospital.*

*Histology showed changes associated with organ failure (liver and kidneys) and pneumonia (also related to mechanical ventilation).*

*Toxicological analysis of hospital serum/cells was non-contributory to death. Of note, the submitted and tested sample was from three (3) days post admission and hence is not a representation of what the decedent's toxicological blood profile would have been at the time of admission to hospital and nearer to the time of apprehension by police. Vitreous biochemistry revealed evidence of acute kidney injury.*

*After review of the history, scene and circumstances, findings from the postmortem examination, and results of ancillary tests, the cause of death is unascertained. Complications of taking a toxicologically significant substance is likely what led to this man's demise."*

## 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 involved officer.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, P.R.P. policies and procedures were conducted by members of the I.S.B. pursuant to Section 81, C.S.P.A. There were no identified issues as a result of this review.

## **24-OCI-219: (Mr. J.K.)**

### EXECUTIVE SUMMARY

On Thursday, May 23, 2024, at approximately 11:20 a.m., the A.P. attended the Catholic Family Services Peel-Dufferin; 60 West Drive, Brampton. At this time, it is believed that he was looking for a place to stay.

The A.P. was very intoxicated and being belligerent to the staff and security. As a result, staff summoned the assistance of the S.O., who works in the building overseeing the Intimate Partner Violence (I.P.V.) Unit.

When the S.O. arrived in the lobby, the A.P. was trying to intimidate the security staff and was threatening to assault them. The S.O. identified himself as a police officer and directed the A.P. to have a seat in a nearby chair, however he was slow to react. The A.P. continued to direct insults and threats at the security guard. The S.O. directed the A.P. towards a chair using two (2) fingers on his shoulder. The A.P. lost his balance and stumbled into a table, causing his nose to bleed.

The A.P. was transported to B.C.H. via ambulance where he was diagnosed to have suffered a fracture to his septum.

The A.P. was charged with Being Intoxicated in a Public Place contrary to Section 31(1)(a) of the *Liquor License Control Act (L.L.C.A.)*.

The S.I.U. was contacted and Mr. Jim Lepine was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the I.S.B. were assigned to liaise with the S.I.U. Detective Sergeant Bouwkamp and Detective LaChappelle were assigned to conduct and administrative review.

## FINDINGS OF THE S.I.U.

On June 13, 2025, S.I.U. Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraiappah. 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 A.G, he states:

*"The Complainant was seriously injured in a confrontation with a P.R.P. officer in Brampton on May 23, 2024. The S.I.U. was notified of the incident and initiated an investigation. The S.O. was identified as the subject official. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that the S.O. committed a criminal offence in connection with the Complainant's injury."*

*Section 34 of the Criminal Code provides that conduct that would otherwise constitute an offence is legally justified if it was intended to deter a reasonably apprehended assault, actual or threatened, and was itself reasonable. The reasonableness of the conduct is to be assessed in light of all the relevant circumstances, including with respect to such considerations as the nature of the force or threat; the extent to which the use of force was imminent and whether there were other means available to respond to the potential use of force; whether any party to the incident used or threatened to use a weapon; and, the nature and proportionality of the person's response to the use or threat of force.*

*The push to the back of the Complainant is subject to legitimate scrutiny. On the one hand, video footage of the event suggests the Complainant was turning away from the SO at the time of the shove. On the other hand, there is evidence that the Complainant had adopted a hostile posture towards the SO and the security guard, and had threatened the officer just before the push. The video also captured the Complainant with his arms raised at about the time the SO moved in to push him. That movement, coupled with the verbal threat, could have led the officer to believe an attack of some nature was imminent from the Complainant. On this record, I am unable to reasonably conclude with any confidence that the SO was not vested with a reasonable apprehension of assault at the operative time, and that he reacted with a shove in defence of himself and, quite possibly, the security guard. That being the case, the push would appear a reasonable tactic in the circumstances as it would quickly create space between the parties and prevent what was, arguably, a reasonably apprehended assault from materializing.*

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

## I.S.B ANALYSIS OF THE INVOLVED OFFICER'S RESPONSE

Upon review of the provided and relevant disclosure provided by the S.I.U., it is the opinion and position of the I.S.B. that:

On May 23, 2024, the A.P. was in the lobby of 60 West Dive, Brampton, was believed to be intoxicated and was causing a disturbance by being verbally abusive with security. The A.P. also threatened physical violence in that he would punch security staff.

The S.O. was notified of the issue and attended the lobby to investigate the A.P. The S.O. spoke with the A.P. in an attempt to ascertain the identity of the A.P. and why the A.P. was in the building. Security was also present during this interaction.

The A.P. became aggressive, belligerent and threatened to punch the S.O. in the head. The S.O. identified himself as a police officer and attempted to de-escalate the situation. The A.P. continued to be belligerent, stood

up and aggressively approached the S.O. The S.O. felt threatened and reacted by using his hand to push the A.P. away in order to create time and distance.

The A.P. stumbled and struck his face on a table resulting in an injury to his face which required transportation to B.C.H. The A.P. was subsequently charged with the offence of Being Intoxicated in a Public Place contrary to Section 31(1)(a) of the *L.L.C.A.*

## CONCLUSION

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino determined on reasonable grounds that no offence was committed by any particular officer whose presence at the scene was confirmed by the S.I.U.

It is the position of the I.S.B. that the S.O. reacted to the A.P.'s hostile posture when he aggressively approached him and attempted to create time and distance to prevent harm to himself or others.

That movement, coupled with the verbal threat, could have led the S.O. to believe an attack of some nature was imminent from the A.P.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, P.R.P. policies and procedures were conducted by members of the I.S.B. pursuant to Section 81, *C.S.P.A.* There were no identified issues as a result of this review.

## **24-OCI-554 (Mr. R.L.)**

### EXECUTIVE SUMMARY

During the afternoon/evening hours of December 25, 2024, the A.P. (Mr. R.L.) and his family attended a residence on Ringway Road, Brampton, to celebrate the holidays. At approximately 1:09 a.m. (now on December 26th), Mr. R.L. was involved in a dispute with another male at the party. The two (2) males removed their shirts and moved their argument to the front lawn and began fighting. Neighbours called 9-1-1 and police responded (refer to PR24-0408003 for details).

Prior to police arrival at Ringway Road, Mr. R.L.'s wife was able to corral her husband into her black 2017 BMW X5 four (4) door vehicle, and they returned to their nearby residence at Boothill Drive, Brampton.

They arrived at the residence at approximately 1:17 a.m. The A.P. refused to enter their residence, was highly agitated and was walking around the street, now armed with a knife. Mrs. R.L. then called 9-1-1 herself, to report the activities of her husband.

Within minutes, 22 Division officers arrived and found the A.P. still shirtless and agitated in his driveway. The A.P. approached the officers, now armed with a crowbar. Officers issued clear direction to him to drop the crowbar, however, he continued advancing. Two (2) officers, separated in a V-formation, simultaneously deployed their Conductive Energy Weapon (C.E.W.)'s. The successful C.E.W. deployments, caused neuromuscular incapacitation and the A.P. fell backwards, striking his head on the driveway/sidewalk area. He immediately began bleeding from the ear.

An ambulance attended and transported the A.P. to B.C.H. He was diagnosed with a non life-threatening brain bleed, however, was admitted for observation purposes.

Further investigation revealed that prior to police arrival on Boothill Drive, the A.P. had smashed the windshield of his wife's BMW with the crowbar.

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

The entire event was captured on B.W.C.

## CONCLUSION

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino determined on reasonable grounds that no offence was committed by any particular officer whose presence at the scene was confirmed by the S.I.U.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, P.R.P. policies and procedures was conducted by members of the I.S.B. pursuant to Section 81, C.S.P.A. There were no identified issues as a result of this review.

### **25-OFP-053: (Mr. D. S-A. - Young Person)**

#### EXECUTIVE SUMMARY

On February 9, 2025, at 1:35 a.m., the A.P. (Mr. D. S-A.) contacted police advising that he had found a gun on the ground at the Pauline Vanier Catholic elementary school, located at 93 Oaklea Boulevard, in Brampton.

When officers arrived, they located Mr. D. S-A. who was brandishing a knife and experiencing a mental health crisis. Mr. D. S-A. advised that there was no gun. The scene was contained, and Tactical & Rescue Unit (T.A.C.) was requested.

When T.A.C. arrived, they took over communications with Mr. D. S-A. T.A.C. officers were unable to convince Mr. D. S-A. to drop the knife, at which time distraction devices were deployed. Two (2) T.A.C. officers discharged their Anti-Riot Weapon Enfield (A.R.W.E.N.)'s at Mr. D. S-A. C.E.W. weapons were also deployed.

Mr. D. S-A. was taken into custody and transported to B.C.H. Mr. D. S-A. was treated for minor superficial injuries and formed under the *M.H.A.* by Dr. Salahi.

The S.I.U. was notified and Mr. Scott Frail was assigned as the lead investigator. Detective Sergeant Bouwkamp and Detective LaChappelle of the I.S.B. were assigned to liaise with the S.I.U. and conduct an administrative review.

#### FINDINGS OF THE S.I.U.

On March 3, 2015, S.I.U. Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraiappah. 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 A.G., he states:

*"On February 9, 2025, the P.R.P. notified the S.I.U. that two (2) of their officers had fired ARWENs at a male – the Complainant – earlier that day. The S.I.U. initiated an investigation naming S.O. #1 and S.O. #2 subject officials. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that either subject official committed a criminal offence in connection with the use of their ARWENs."*

*Pursuant to Section 25(1) of the Criminal Code, police officers are immune from criminal liability for force used in the course of their duties provided such force was reasonably necessary in the execution of an act that they were required or authorized to do by law.*

*The Complainant was of unsound mind and presented as such to the officers arriving on scene. He was armed with a knife and threatening to use it against himself and the officers, in the latter case to provoke them into shooting him. In the circumstances, the officers were within their rights in seeking to apprehend the Complainant under Section 17 of the Mental Health Act.*

*The use by S.O. #1 and S.O. #2 of their ARWENs, in my view, constituted reasonable force in aid of the Complainant's apprehension. The knife in the Complainant's possession was capable of inflicting grievous bodily harm and death, effectively ruling out a hands-on engagement given the risks involved. The use of the ARWENs, on the other hand, had the potential of temporarily neutralizing the Complainant from a distance allowing for his safe apprehension without the infliction of serious injury—an ideal outcome. That, in essence, is what happened.*

*Though not the focus of the investigation, I would add that the use of the C.E.W.s would appear to have been a justified use of force. Though it appears in the video footage that the Complainant had been dispossessed of the knife after the ARWEN shots, the officers interviewed by the S.I.U. understandably expressed uncertainty about the location of the knife as the Complainant went to the ground. On this record, it made sense to continue to use less-lethal force to ensure the Complainant remained incapacitated until such time as the officers could be assured he was handcuffed and no longer a threat.*

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

#### I.S.B ANALYSIS OF THE INVOLVED OFFICER'S RESPONSE

Upon review of the provided and relevant disclosure provided by the S.I.U. it is the opinion and position of the I.S.B. that:

The involved officers, from the time of initial approach to negotiation and subsequent decision to apply force to the A.P., exercised excellent patience and restraint and only resorted to the deployment of the ARWEN to disarm and safely apprehend the A.P.

The uniformed and T.A.C. officers attempted to verbally de-escalate the situation. It is clear that the A.P.'s intent was self-harm as he provided false information to communications regarding locating a firearm in an effort to engage the dispatched units armed with a knife. It is clear in his communication with the responding officers that he was attempting to illicit a firearms deployment due to his suicidal ideations.

The involved officers operated within the confines of P.R.P. policy and procedure when dealing with persons suffering from a mental health crisis, also within Section 25 of the Act with an appropriate and measured use of force response. The A.P. being in possession of an edged weapon and their remarks fell within the realm of "serious bodily harm or death" and the involved officer's decision to deploy a "less lethal" ARWEN option is an appropriate response contrary to the Ontario Public-Police Interactions Training Aid (**See Appendix A**).

The officers also complied with and relied on their authorities contrary to Section 17 of the M.H.A.

#### CONCLUSION

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino determined on reasonable grounds that no offence was committed by any particular officer whose presence at the scene was confirmed by the S.I.U.

It is the position of the I.S.B. that the involved officers displayed enhanced patience and duty of care to ensure that this situation was resolved with the A.P. not being seriously injured and receiving the necessary help to address the displayed mental health crisis.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, P.R.P. policies and procedures was conducted by members of the I.S.B. pursuant to Section 81, C.S.P.A. There were no identified issues as a result of this review.

## **25-OVI-122 (Mr. T.M.)**

### **EXECUTIVE SUMMARY**

On Thursday, March 27, 2025, at approximately 4:19 pm, 22 Division uniform officers operating marked police cruisers, including Constables A.V. and A.B. were responding to an assault call in progress involving a youth that has a history of violence and was being aggressive with staff at 339 Veterans Drive, Brampton (PR25-096085 refers). The officers were travelling northbound on Mississauga Rd. when they approached a red light at Steeles Ave.

Constable A.V. activated his emergency equipment and attempted to proceed against the red light when he was struck by a vehicle operated by the A.P., Mr. T.M., who was travelling westbound on Steeles Avenue. The impact forced the cruiser into two (2) other vehicles, however the occupants of those vehicles were uninjured.

The collision was also witnessed by Constable K.G. who is assigned to Road Safety Services.

Both the officer and the A.P. were taken to Credit Valley Hospital (C.V.H.) where it was determined by Dr. Tam that the A.P. had a fracture in his left hand. This was set and cast, however a follow up with a surgeon may be required. Of note, the A.P. is a civilian member of the P.R.P.

The officer was discharged from hospital with a soft tissue hand injury.

The S.I.U. supervisor, Bill Marshall, was notified, and Regional S.I.U. investigator Steve Hahn was assigned to photograph and document the scene. Detective Sergeant Bouwkamp and Detective LaChappelle of the I.S.B. were assigned to liaise with the S.I.U. and conduct and administrative review.

### **FINDING OF THE S.I.U.**

On March 3, 2025, S.I.U. Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraiappah. 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 A.G. he states:

*“The S.O. was in the execution of his lawful duties through the series of events culminating in his decision to enter the intersection when he did and the resulting collision. He was responding to a high priority call involving a reported assault in progress.*

*While the S.O. must shoulder his share of the blame for the collision with the Complainant's vehicle, the evidence does not reasonably establish that his conduct transgressed the limits of care prescribed by the criminal law. Consistent with the officer's legal obligations under section 144(20) of the Highway Traffic Act (H.T.A.), the S.O. brought his cruiser to a stop ahead of the red light at Steeles Avenue West before entering the intersection. Though vigilant to ensure that all eastbound traffic had seen him and come to a stop before continuing northward, it does not appear that he exercised that same vigilance with respect to two (2) westbound vehicles approaching the intersection without any indication they were slowing or coming to a stop. The S.O. says that he simply did not see any westbound traffic until it was too late. That might well be true but, there being no sightline obstructions in the area, it suggests the officer was not as careful as he ought to have been before attempting to clear the final half of the intersection. On the other hand, it is clear that the S.O.'s indiscretion at the intersection was singular. To reiterate, he had*

*come to a complete stop over several seconds and ensured that eastbound traffic was yielding before he entered the intersection. He also had his emergency lights and siren operating, giving traffic in the vicinity notice of his presence, and was responding to a priority call for service where response time was of the essence. On this record, it is fair to characterize the S.O.'s impugned conduct as a momentary lapse of attention, which, as the case law makes clear, will rarely attract criminal liability.*

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

#### I.S.B ANALYSIS OF THE INVOLVED OFFICER'S RESPONSE

Upon review of the available evidence, it was clear that Constable A.V. had legal authority to proceed through the intersection of Mississauga Road at Steeles Avenue against a red light as prescribed for emergency vehicles responding to emergency calls for service contrary to the H.T.A. and P.R.P policy and procedure.

It is evident that Constable A.V. did not proceed when safe to do so as his cruiser was struck by the civilian vehicle which was lawfully travelling westbound through the intersection on a green light.

It is the position of I.S.B. that Constable A.V.'s police vehicle operations fell short of both the legal requirements and training which is provided by our Police Vehicle Operations (P.V.O) Unit as outlined in I-A-701 (F) Operation of Police Vehicles.

The circumstances surrounding this matter have been referred to command for consideration on corrective and progressive disciplinary measures to be prescribed by the Collision Review Committee.

#### CONCLUSION

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino determined on reasonable grounds that no offence was committed by any particular officer whose presence at the scene was confirmed by the S.I.U.

Upon review of the available evidence, it is clear that the S.O. failed to clear the intersection despite coming to a full stop and engaging the cruiser's emergency equipment. This has been brought to the attention of Divisional command for submission at the Collision Review Committee.

**Approved for Submission**



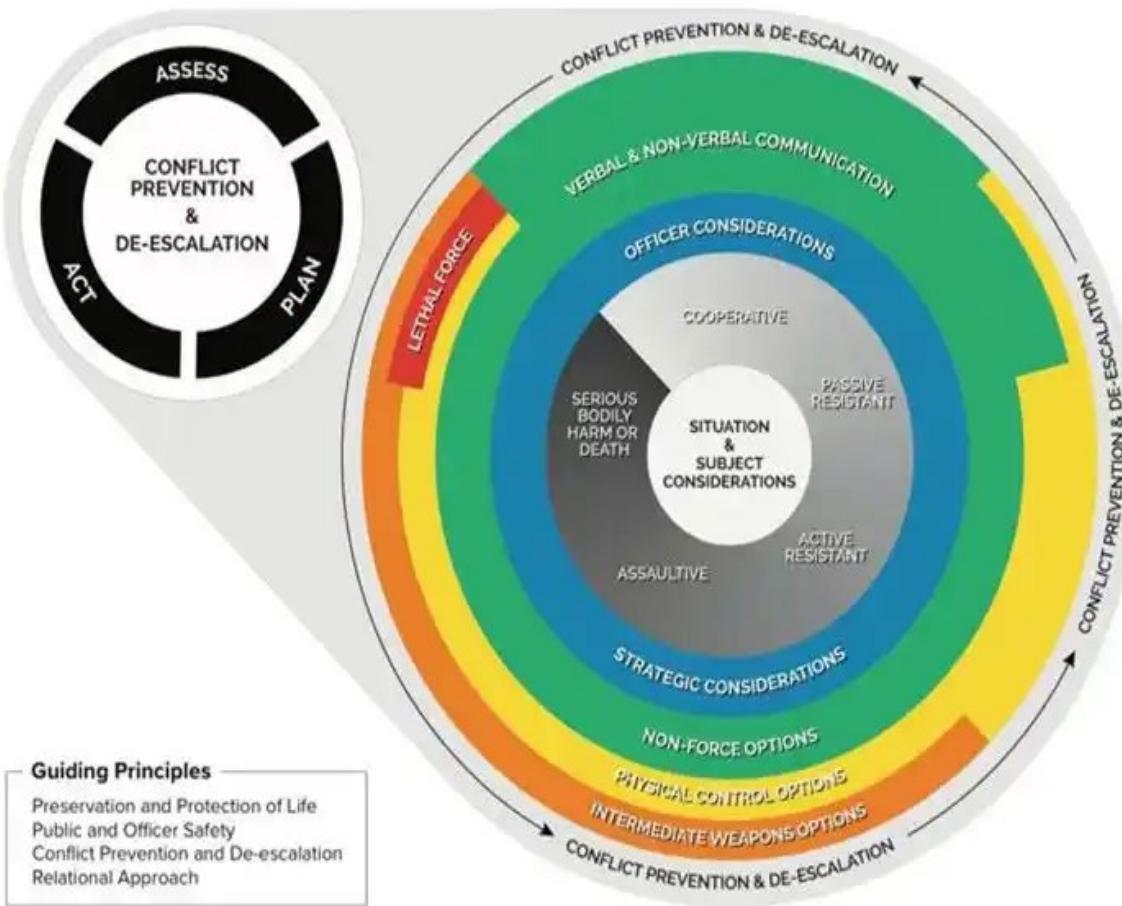
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Nishan Duraiappah, Chief of Police

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

Authored By: Detective Sergeant Jay Bouwkamp#2165

## Ontario Public-Police Interactions Training Aid (2023)



The officer continuously assesses the interactions and selects the most reasonable option(s) relative to the subject and circumstances given available resources and time.