

REPORT Police Services Board

For Information

File Class: _____

Cross-Reference File Class: _____

PSB REC: AUG. 09, 2022
LOG #35-22
FILE CASS: M13

DATE: August 1, 2022

SUBJECT: **CLOSED SPECIAL INVESTIGATIONS UNIT FILES 21-OFI-400, 21-OVI-430, 22-OCI-008, 22-OCI-025, 22-OSA-030, 22-OCI-042 AND 22-OCI-039 .**

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 21-OFI-400, 21-OVI-430, 22-OCI-008, 22-OCI-025, 22-OSA-030, 22-OCI-042 and 22-OCI-039.

REPORT HIGHLIGHTS

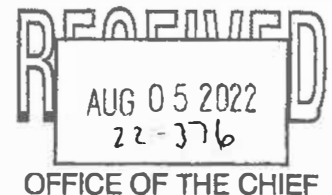
- Details describing the involvement of the S.O.'s and the S.I.U. complainants.
- Findings of the Special Investigations Unit.
- Conclusions concerning the services provided by the police service and the officer's compliance with policies and procedures.
- Subject Official is abbreviated S.O. and Witness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

DISCUSSION

21-OFI-400 (Mr. H.K.)

Executive Summary:

On Tuesday November 23, 2021, at 10:29 p.m., the complainant attended the Mississauga General Hospital located at 100 Queensway West, Mississauga. While interacting with the Triage staff, he began shouting and demanding to be seen by the Emergency doctor. When they tried to explain that it was busy and there would be a wait involved, he showed them a device attached to his right ankle, with a red blinking light, and indicated that he had a bomb. He again demanded immediate attention.



Hospital staff immediately implemented a CODE BLACK:

- (i) 911 was called causing police and fire to respond,
- (ii) The Triage area & ambulance off-load area were immediately evacuated,
- (iii) Ambulance services and neighbouring hospitals were notified; ambulances would need to be rerouted until this situation could be resolved.

Numerous PRP officers attended including the Tactical and Rescue unit (TAC). A Crisis Negotiator was contacted and enroute. At this stage, the complainant was wandering around the vicinity of the Triage desk and the officers had set up containment of that immediate area. The complainant exited the building to the driveway area for a cigarette and was immediately approached by members of TAC. He was ordered to show his hands and lie prone on the ground. He refused to comply and the ARWEN was deployed. Three shots to his upper torso and abdomen area dropped him to his knees, however, he still refused to fully lower to the ground. Compliance was gained after a fourth ARWEN round struck him in the upper body. As the officers approached on foot, he still resisted the arrest and the CEW was deployed to assist with handcuffing.

Once in custody, he complained of pain to his left arm. Because of the CODE BLACK protocols, he was then transported to Credit Valley Hospital for treatment. At that time, it was confirmed that he sustained a fractured left arm. After medical treatment, he was transported to 11 Division and lodged in cells pending a bail hearing.

The Special Investigations Unit was notified and Mr. 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 Special Investigations Unit and conduct an administrative review.

As a result of this incident (refer to PR21-0395431), the complainant was charged with the following offences:

- (1) Cause Disturbance, Section 175(1)(a)(i) of the Criminal Code of Canada,
- (2) Utter Threat to Cause Death or Bodily Harm, Section 264.1(1)(a), and
- (3) Mischief Endangering Life, Section 430(2).

These charges are still before the Court.

Findings of the Special Investigations Unit:

On March 23, 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 Complainant had led staff in the emergency department of the Trillium Hospital – Mississauga Site to believe that he was in possession of a bomb. There

was no reason to take the Complainant's threat less than seriously. In the circumstances, I am satisfied that he was subject to lawful arrest.

I am also satisfied that the force used by the SO, namely, four ARWEN discharges, were legally justified in aid of the Complainant's arrest. Needless to say, a bomb threat of any dimension is of the utmost gravity in terms of public safety, and it was absolutely imperative that the Complainant be neutralized as quickly and as safely as possible. That opportunity presented itself when the Complainant emerged from the emergency department doors. A physical engagement would have risked a protracted struggle with an individual in possession of an explosive device and, possibly, a detonator. Accordingly, it made sense to attempt to quickly incapacitate the Complainant from a distance with the use of an ARWEN. If successful, the weapon would sufficiently immobilize the Complainant allowing for the TRU officers to move in and take him into custody. And that is, in essence, what happened. Though the last of the four shots appears to have occurred while the Complainant was on the ground, the SO had cause to be concerned that he remained a serious threat in light of his continued movement and the possibility of a detonator in his possession.

In the result, though I accept that one of the SO's ARWEN discharges fractured the Complainant's left arm, there are no reasonable grounds to believe that the officer comported himself other than lawfully throughout the engagement."

Conclusion:

As a result of the Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that the tactics and force used by the officers was legally justified, 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 pursuant to Section 81, Community Safety and Policing Act, 2019. There were no identified issues as a result of this review.

21-OVI-430 (Mr. E.Z.)

Executive Summary:

On Friday December 31, 2021, at 8:20 a.m., the S.O. was working a dayshift and operating marked police vehicle #890.

At that time, the S.O. was dispatched to a Priority "1" medical assist call at 1813 Pagehurst Avenue, Mississauga. Paramedics had already arrived and were having issues with their patient who was becoming aggressive with them.

At approximately 8:23 a.m., the S.O. was northbound on Dixie Road just past Golden Orchard Drive, travelling well above the posted speed limit with the roof lights and sirens activated¹. The S.O. was approaching the intersection at Bloor Street. This intersection is governed by a full traffic signal system and the S.O. was approaching a red light. The S.O. slowed dramatically, used the open left turn lane, and entered the intersection at a very slow speed². Believing it was safe to proceed, the S.O. began to accelerate. At the same moment, the Complainant was operating his 2017 Mazda CX3, 4 door blue wagon, westbound in the passing lane approaching the same intersection and facing a green light. The Complainant was completely unaware that the cruiser had entered in the intersection and as a result was unable to avoid striking the S.O.'s vehicle.

The Complainant complained of soreness to his chest and an ambulance was dispatched. Upon arrival, paramedics tended to him and he was subsequently transported to Mississauga General Hospital. After x-rays were completed, Dr. Shaik confirmed that he had suffered a fractured sternum.

The Special Investigations Unit was notified and Mr. Troy Reddington 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 April 27, 2022, Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraippah (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 was in the lawful execution of her duties as she made her way to the scene of a call for service. As such, the officer was entitled to exceed the speed limit pursuant to section 128(13)(b) of the Highway Traffic Act provided she did not unduly compromise public safety. The officer achieved speeds as high as 112 km/h as she travelled northward on Dixie Road, in excess of the 60 km/h speed limit, before activating her emergency equipment. While concerning, I am unable to reasonably conclude that the SO transgressed the limits of care prescribed by the criminal law vis-à-vis her speed, particularly in light of the ideal road conditions, brief nature of the conduct and the urgent call for service to which she was responding.

The SO's failure to come to a complete stop at the Bloor Street intersection is also subject to legitimate scrutiny. Section 144(20) makes clear that an officer may proceed through a red light, but only when it is safe to do so after first coming to a full stop. The provision is there to guard against the very collision that materialized in this case by requiring an

¹ According to the GPS for #890, 112 km/h in a posted 60 km/h zone.

² According to the GPS for #890, 15.7 km/h.

officer, whose focus may be on arriving at a scene as quickly as possible, to take stock of the situation at an intersection by coming to a full stop at a red light. It is apparent that the SO failed to do just that. She ought to have stopped fully. And she ought to have noticed the Complainant's vehicle approaching the intersection without slowing down. In so doing, I am satisfied that the officer drove dangerously.

That said, I am also satisfied that the SO's conduct did not amount to a marked departure from a reasonable standard of care. Though she failed to stop at red light, the evidence establishes that she significantly slowed to a speed below 15 km/h with her emergency equipment activated and had observed that eastbound traffic had come to stop before accelerating into the intersection. On this record, weighed in the balance with these extenuating considerations, I am unable to reasonably conclude that the SO's indiscretion was sufficiently wanting to attract criminal sanction. Rather, her transgression is fairly characterized as a momentary lapse of judgement, which the case law makes clear will rarely be sufficient to give rise to liability: R v Roy, [2012] 2 SCR 60; R v Beatty, [2008] 1 SCR 49."

Conclusion:

As a result of the Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that although the S.O.'s operation of the police vehicle leading up to the intersection, i.e. speeding, could be justified, the manner in which she entered and maneuvered through the intersection could not be condoned. Despite this, there were no grounds for proceeding with charges against the officer notwithstanding the injury the complainant sustained.

Investigation relating to the administrative review determined that the S.O. did not come to a complete stop prior to entering the intersection in contravention of the Highway Traffic Act and PRP Directive, namely I-A-701(F); "Operation of Police Vehicles". Subsequently the report was forwarded to the Collision Review Committee to address these findings.

22-OCI-008 (Mr. R.B.)

Executive Summary

On Saturday January 15, 2022, at 8:50 a.m., the S.O. observed the Complainant operating a motor vehicle on Forestwood Drive near Erindale Station Road, Mississauga. Preliminary queries determined that the license plates that were affixed to the vehicle did not belong to it.

The officer executed a traffic stop for a Highway Traffic Act offence and the driver pulled into the parking lot for 1190 Forestwood Drive and parked his vehicle.

The Complainant immediately fled on foot. A short distance away, he climbed over a short wall of the parkade³ and jumped to the ground approximately twelve (12) feet below and upon landing

³ Multistorey parking garage.

on the opposite side, injured his left ankle. The officer caught up to and arrested the male moments later.

Immediately after being arrested, the male complained of the above injury. He was transported to Credit Valley Hospital where it was confirmed that he had sustained a hairline fracture to his left heel.

The Special Investigations Unit was notified and Mr. Bill Marshall 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 May 13, 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 did not cause or contribute to the Complainant's injury by doing or failing to do anything in contravention of the criminal law. The SO was within his rights in seeking to speak with the Complainant and investigate him for a Highway Traffic Act infraction given the improper plates affixed to his vehicle. And the injury was not the result of any force brought to bear by the SO, nor any want of care by the officer. Indeed, the SO was still in his cruiser having briefly spoken with the Complainant through the front passenger window when he suddenly bolted towards the partition and jumped over, a fall of several metres. Thereafter, there is no evidence to suggest that the police were lax in arranging for medical treatment once the Complainant was safely in custody. On this record, it is evident that the Complainant is alone responsible for his fractured foot.

In the result, there are no reasonable grounds to believe that the SO comported himself other than lawfully in connection with the circumstances surrounding the Complainant's injury. Accordingly, there is no basis for proceeding with criminal charges in this case, and 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 pursuant to Section 81, Community Safety and Policing Act, 2019. There were no identified issues as a result of this review.

22-OCI-025 (Mr. D.G.)

Executive Summary

On January 27, 2022, at 2:31a.m., 11 Division officers were dispatched to 3195 Cabano Crescent for a suspected Fraud in progress involving a Kijiji sale.

Upon police arrival, a vehicle driven by the Complainant was pinned by two cruisers to prevent an escape.

The Complainant climbed through the passenger side front window and fell to the ground. Before the officers could get to him, the Complainant got to his feet and began to run. The Complainant was subsequently tackled to the ground and arrested.

Once at the Division, the Complainant began complaining of pain in his left arm. He was transported to Credit Valley Hospital where x-rays confirmed a fracture to his left wrist and elbow.

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 May 27, 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 two officials."

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

"Given the nature of the complaint received by the police of a potential fraud in progress, the description of the suspects provided by the 911 caller, the time of day (the 911 call was received at about 2:27 a.m.), and the Complainant's attempts to leave the area at the sight of the police cruisers, it would appear that there prevailed a constellation of objectively discernible facts giving rise to the requisite 'reasonable suspicion'.

I am also satisfied that the force used by the officers was legally justified. In escaping through the open front passenger seat window of his vehicle after it had been boxed-in, the Complainant had made it clear that he had no intention of stopping for police. In the circumstances, it would seem that the officers were

within their rights in forcing the Complainant to the ground once they caught up with him; in that position, any continuing effort by the Complainant to flee would be significantly compromised. Thereafter, there is no indication that the officers used anything other than their combined manpower to wrestle control of the Complainant and secure his arms in handcuffs; no strikes of any kind were delivered. This would not appear a disproportionate use of force.

It remains unclear when precisely the Complainant's injuries were inflicted. In addition to the takedown executed by the officers, the evidence gives rise to the distinct possibility that they occurred when the Complainant fell to the ground of his own volition as he scurried off the hood of SO #1's cruiser. Be that as it may, as there are no reasonable grounds to believe that either subject official comported himself unlawfully in their 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 tactics and force used by the officers was legally justified, 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.

20-OSA-030 (Ms. C.G.)

Executive Summary

On August 15, 2013, the Complainant was involved in a Fail to Remain collision at Derry Road and Tomken Road, in the City of Mississauga.

The S.O. was dispatched to investigate the accident. Upon conclusion of the investigation at the accident scene, the Complainant's vehicle was towed to JA Towing compound at 69 Eastern Avenue. The Complainant was nervous about dealing with the Tow Truck driver so the S.O. drove her to the yard, so she could get her rental vehicle.

On January 31, 2022, the Office of the Independent Police Review Director notified the Peel Regional Police, Public Complaint Bureau that they had received a third-party complaint from the Complainant's psychotherapist in which there was an allegation that the S.O. had 'pushed the Complainant against a vehicle and proceeded to grind his crotch into her backside.' This was alleged to have occurred in the parking lot behind the trailer at the JA Towing Compound at 69 Eastern Avenue in Brampton.

As a result of the allegation, on February 1, 2022, 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 June 1, 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 in this case."

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

"The principal obstacle to charges is the SO's denial of any kind of contact between he and the Complainant at the tow yard. His evidence, as far as can be ascertained in the information collected by the SIU, stands uncontested by any independent source.

While charging authorities must be careful in these circumstances to restrict their assessment of the weight of competing accounts to threshold considerations, I am unable to reasonably conclude that the evidence in this case is sufficiently cogent to warrant criminal charges. In the first instance, there is an element of the implausible in the story recounted by the Complainant. Arguably, it stretches credulity to believe that an officer, intent on molesting a person in the Complainant's situation in the manner she describes, would do so publicly in the middle of the day when a passing pedestrian or motorist could easily happen upon the assault. Indeed, the risk existed that a member of JA Towing could have walked out of the office door nearby at any point to see what was happening. There also appear to be discrepancies in the re-telling of the event. For example, the Complainant told others about what allegedly happened to her and a significant detail in one of those disclosures was missing in the Complainant's account to the SIU.

In arriving at this conclusion, I should not be taken to mean that the Complainant is necessarily lying about what happened to her. The aforementioned-sticking points in her evidence are not unusual in the context of historical sexual assault allegations. Whatever the truth of the matter, however, one is left to deal with the evidence at hand.

That evidence – a stand-off between a denial unimpeached by third-party evidence and an allegation with some blemishes - leaves me short of a reasonably grounded belief that the SO committed a sexual assault in connection with the Complainant's complaint."

Conclusion:

As a result of the Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that there were no grounds in the evidence to pursue charges of sexual assault

against the S.O.. The Director believed there was a stand-off between the denial by the S.O. which was uncontested and an allegation by the Complainant with some blemishes. The Director concluded that the conflicting accounts left him without a reasonably grounded belief that the S.O. committed a sexual assault on the complainant.

Upon reviewing the statements from the Complainant's sister, Bother-in-law and the Psychotherapist (as outlined in the OIPRD complaint) it was obvious that there were significant differences in the nature, degree and duration of the alleged assault as relayed to them by the Complainant. Furthermore, as referenced in the S.I.U. Director's report to the Attorney General, there were elements from the re-telling of the incident that were left out during the S.I.U.'s interview with 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 no identified issues as a result of this review.

22-OCI-022 (Mr.D.A.)

Executive Summary

On Saturday February 12, 2022, at 2:44 p.m. officers were dispatched to 920 Inverhouse Drive, unit 604 for a Domestic Dispute.

During the investigation, officers determined that the Complainant was in breach of conditions stemming from a previous domestic (PR210427977 refers), not to be within 50 meters of 604-920 Inverhouse Drive.

As the S.O. moved to effect the arrest, the Complainant, who was heavily intoxicated, took a fighting stance and clenched his fists while facing the officer. The officer grabbed his arm and took the male to the ground at which time he sustained a broken upper left arm.

The arrest was captured on Body Worn Cameras worn by both the S.O. and W.O..

The Special Investigations Unit was notified and Mr. Barry Miller Wide 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 June 10, 2022 Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraippah (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 acted within the parameters of section 34 when he grounded the Complainant. Without much warning, the Complainant had escalated what was a peaceful interaction into one in which he was threatening to do violence to the SO. The Complainant had lifted himself from the sofa and indicated he would "punch" the person who had called the police to make a noise complaint after he had "taken out" the SO. As he spoke these words, the Complainant was approaching the SO and was within striking distance, his right hand raised in a fist in a boxer's stance, when the SO engaged him physically. Specifically, the officer grabbed hold of the Complainant's right arm and pulled him to the ground onto his left side. The tactic, in my view, was reasonably available to the officer given the imminence of the attack and the need to quickly neutralize the threat. No strikes were delivered, and no weapons were used.

In the result, while I accept that the Complainant broke his left arm when he fell awkwardly on it having been forced to the floor by the SO, there are no reasonable grounds to conclude that the injury was attributable to unlawful conduct on the part of the officer. Accordingly, there is no basis for proceeding with 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 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-OCI-039 (Mr. C.E.)

Executive Summary

On Thursday February 10, 2022, at 10:06 p.m., the S.O. of 12 Division, was on routine patrol in the area of Brickstone Mews and Arbutus Way, in the City of Mississauga. At that time, he observed Mr. C.E. operating a 2019 Honda HRV, Ontario licence #CDFK 986, in an aggressive manner, but travelling in the opposite direction. He conducted a rolling CPIC check which indicated that the vehicle was on file as Stolen with Toronto Police Service (refer to TPS occurrence #2022-265431.D22 for details.)

The S.O. quickly completed a U-turn and tracked the Honda's movements into the parking entrance of 4011 Brickstone Mews. He notified Communications of the situation and entered the underground garage. He located the Honda fronting into parking spot #175 and Mr. C.E. exiting the driver's door. The male looked into the direction of the cruiser and immediately fled on foot. The S. O. gave chase.

Once gaining ground, the S.O. yelled "Police. Stop. You are under arrest". This was followed by "Stop, or you will be tased". This had no effect on Mr. C. E. and he continued running. As the distance closed, the S.O. deployed his Taser, however, was ineffective. The foot chase continued

and moments later, when another opportunity presented itself, he deployed the Taser a second time. Despite the probes connecting, they did not penetrate his clothing, and it was again unsuccessful. Mr. C. E. then turned and approached a long staircase, with 18 steps downward. He attempted to leap down to the halfway point, but landed awkwardly and tumbled down the remaining few steps. He stood back up and exited outside onto Burnhamthrope Road. He only continued briefly until he collapsed on his own.

The S.O. with the assistant of an arriving Sergeant arrested him without incident.

The Complainant immediately began complaining of a sharp pain in his left ankle. He was transported to Credit Valley Hospital where x-rays confirmed his ankle was fractured.

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.

Findings of the Special Investigations Unit:

On June 10, 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,

"Based on the officer's checks of the licence plate affixed to the Honda the Complainant was operating, in which he learned that the vehicle had been reported stolen, I am satisfied the SO had lawful grounds to seek the Complainant's arrest.

I am also satisfied that the force used by the SO in aid of the Complainant's arrest, namely, two CEW discharges, was legally justified. Though neither had any effect on the Complainant, as it seems the probes did not make it through his clothing to the skin, the tactic was a reasonable one. The Complainant, aware that he was being followed by an officer, aware also that he was subject to lawful arrest, was bent on escape. In the circumstances, when the Complainant failed to stop at the SO's direction, even after he was warned of the pending use of the CEW, the officer was within his rights in discharging the weapon. Had it worked as intended, the CEW discharge would have immediately brought the Complainant's flight to an end without itself directly inflicting any serious injury.

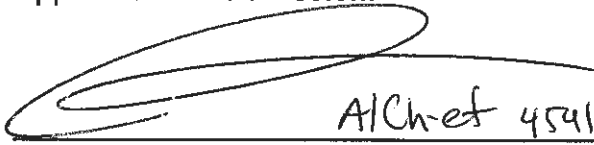
For the foregoing reasons, there are no reasonable grounds to believe that the SO comported himself other than lawfully in his dealings with the Complainant."

Conclusion:

As a result of the Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that the tactics used by the S.O. were legally justified, and 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.

Approved for Submission:


A/Chief 4541
Chief Nishan Duraiappah . Anthony Odoardi

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*