IC21-04-26

In Camera REPORT

Peel Police Service Board

For Information

File Class: 1-01-02-01

Cross-Reference File Class: _____

Date: **April 7, 2026**

Subject: **CLOSED SPECIAL INVESTIGATIONS UNIT FILES 25-OCD-339, 25-OOD-455, 25-OCI-410, 25-OCI-413, 25-OCI-437**

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: 25-OCD-339, 25-OOD-455, 25-OCI-410, 25-OCI-413, 25-OCI-437.

REPORT HIGHLIGHTS

- Executive summaries describing the actions of the involved officers
- Details describing the involvement of the Subject Officer (S.O.) 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
- Affected Person is abbreviated A.P.
- Witness Officer is abbreviated W.O.

Discussion

25-OCD-339: (Mr. M.C.)

EXECUTIVE SUMMARY

On Monday, September 1, 2025, at 8:17 pm the involved officers were dispatched to 345 Lakeshore Road in Mississauga to respond to reports that the A.P. was experiencing a mental health crisis. The complainant advised that they could hear a disturbance, including glass breaking and fighting, inside Unit #707.

The involved officers arrived on scene at 8:23 pm and began to make efforts to formulate a plan to generate communication with the A.P. Constable R.W. and Constable K.B. made observations from the ground floor of the A.P. on the balcony of the unit. They attempted communication and advised dispatch that they believed the A.P. was experiencing a mental health crisis.

Constable J.S. entered the apartment building and was tasked with attempting communication with the A.P. from the hallway. The A.P. had barricaded his door which caused Constable J.S. to reposition to a

neighboring balcony and attempt communication. During the interaction the involved officers attempted to communicate and reassure the A.P. who provided limited response and feedback.

At 8:29 pm Constables R.W. and K.B. updated dispatch that the A.P. had jumped from the balcony. The officers requested an ambulance and began life saving measures. The A.P. was transported to Mississauga General Hospital (M.G.H.) and was pronounced deceased at 9:19 pm by Dr. Davis. The incident and police interaction was captured on officer Body Worn Camera (B.W.C.). The S.I.U. dispatched a forensic team to document and photograph the scene.

A/Inspector Seward notified Manager Ms. Pasha Prendergast of the S.I.U. of the incident. Mr. Barry Millar was assigned as lead investigator.

Detective Sergeant Bouwkamp and Detective LaChappelle of the Investigative Support Bureau (I.S.B.) were assigned to liaise with the S.I.U.

Note: The A.P. was previously apprehended by Peel Regional Police (P.R.P.) in a similar incident where he attempted suicide. The incident was investigated by the S.I.U., and the involved officers were cleared of any misconduct. (File 24-OFP-045 / PR25-0270926).

FINDINGS OF THE S.I.U.

On December 30, 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 jumped to his death from his apartment balcony in Mississauga on September 1, 2025. As police were present in the vicinity attempting to deter him harming himself, 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 death.

The offence that arises for consideration is criminal negligence causing death contrary to section 220 of the Criminal Code. The offence is reserved for serious cases of neglect that demonstrate a wanton or reckless disregard for the lives or safety of other persons. It is predicated, in part, on conduct that amounts to a marked and substantial departure from the level of care that a reasonable person would have exercised in the circumstances. In the instant case, the question is whether there was a want of care on the part of the S.O., sufficiently egregious to attract criminal sanction, that caused or contributed to the Complainant's fall. In my view, there was not.

The S.O. and his colleagues were lawfully placed through the events culminating in the Complainant's jump. An officer's foremost obligation is the protection and preservation of life. With information at their disposal that the Complainant was behaving erratically on an upper-floor balcony, the officers were duty bound to attend at the scene to do what they reasonably could to prevent harm coming to him.

During the few minutes the officers engaged with the Complainant, I am satisfied that they comported themselves with due care and regard for his health and well-being. From ground-level and an adjacent apartment, they attempted to reassure him and talk him away from the balcony to safety. Given the speed with which events unfolded, it does not appear there is much more the officers could have done in the circumstances. Following the Complainant's fall, the officers on the ground acted quickly to render emergency first-aid.

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 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, and P.R.P. policies/procedures was conducted by members of the I.S.B. pursuant to Section 81 of the *Community Safety and Policing Act (C.S.P.A.)*. There were no identified issues as a result of this review.

25-OOD-455: (Mr. S.J.)

EXECUTIVE SUMMARY

On Wednesday, November 12, 2025, at 2:12 pm, P.R.P. communications received a 911 call from the A.P.'s girlfriend regarding suicidal remarks he had made and of his intent to jump from the top floor parking structure of the Square One Mall situated at 100 City Centre Drive in Mississauga. Communications was advised that one (1) month prior, the A.P. attempted to end his life by overdosing on pills.

At 2:21 pm, Acting Sergeant A.A. arrived on-scene and attended the top floor of the P1 Level C parking structure. From a distance, Acting Sergeant A.A. visually identified the A.P. standing on the parking structure ledge. As he approached, Acting Sergeant A.A. was unable to initiate any conversation as the A.P. immediately jumped from the parking structure to his death. Acting Sergeant A.A. and an officer from the Mobile Crisis Rapid Response Team (M.C.R.R.T.) attended the A.P.'s location in the company of a social worker where life saving measures were attempted until Emergency Medical Services (E.M.S.) arrival. The scene was secured by uniform personnel. The A.P. was pronounced by E.M.S. at 2:33 p.m. The A.P.'s next of kin were notified by uniform personnel.

The S.I.U. Manager, Maggie Mastrokostas, was notified of the incident. Upon review of the available evidence, it was determined that there was a limited level of police interaction (visual only) with the A.P., and the S.I.U. declined to invoke their mandate. Despite their earlier decision, the S.I.U. reconsidered their position and advised that they would be invoking their mandate and moving forward with an investigation.

S.I.U. investigator Caroline Ibbott 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 December 17, 2025, S.I.U. Deputy Director, Ms. Stacey O'Brien, issued a concluding letter to Chief Nishan Duraiappah. In her letter Ms. O'Brien states:

"I wish to advise you that, despite invoking our mandate, I have terminated the investigation into the incident resulting in the 'Other' death of the A.P. on November 12, 2025. Accordingly, I will not be issuing a report in respect of this matter".

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

Upon review of the provided and relevant disclosure by the S.I.U. and materials gathered by P.R.P., it is the opinion and position of the I.S.B. that the involved officer was dispatched to assist the A.P. after P.R.P. received a call from the A.P.'s girlfriend advising that he was on the top floor of the parking structure at Square One Mall and was going to end his life. From a review of the Computer Aided Dispatch (C.A.D.) report, it appears that Square One security had conducted a wellness check on the A.P. at the P1 parking garage at 1:05 pm, approximately one (1) hour prior to P.R.P. being contacted by the A.P.'s girlfriend. At that time, the A.P. advised that he was not going to harm himself and that his girlfriend had cheated on him. The A.P. was last seen going down the staircase to the lower-level Walmart.

The involved officer was the first to arrive on scene and observed the A.P. from a distance, approximately 100 metres away, standing on the ledge of the parking structure. Before the involved officer was in a position to get anywhere near the A.P. and attempt to make contact, he observed him jump off the parking structure ledge. The involved officer did not have any verbal or physical contact with the A.P. The incident was captured on civilian video.

Although this incident ended tragically, a review of all provided materials clearly show that the involved officer's actions were appropriate and no concerns were identified.

CONCLUSION

Despite having invoked their mandate, S.I.U. Deputy Director, Ms. Stacey O'Brien, terminated the investigation into the incident and did not issue a report.

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

25-OCI-410: (Ms. S.R.)

EXECUTIVE SUMMARY

On Thursday, October 9, 2025, at approximately 7:30 pm, 22 Division uniform officers, Constable C.R. (S.O.), Constable G.H. (W.O. #1) and Air Support Unit (A.S.U.) Constable D.G. (W.O. #2) responded to a weapons dangerous call at the Pizza Pizza located at 320 Main Street North in Brampton. The 911 call indicated that a woman was inside the store, throwing bottles, objects, and was holding a knife.

Upon arrival, the officers encountered the A.P. who had a pair of scissors and had been threatening store employees. Conducted Energy Weapons (C.E.W.) were discharged, striking the A.P., and resulting in her falling and hitting her face on the ground.

The A.P. was transported to Brampton Civic Hospital (B.C.H.) where it was later determined she had two (2) fractured orbital bones and a fractured nose by Dr. Mano. She was held for a bail hearing and had an extensive history of *Mental Health Act (M.H.A.)* incidents. The scene was secured for the investigation. The incident was captured on store security video as well as B.W.C.

The S.I.U. was contacted and invoked their mandate. Mr. Alex Kravchenko was assigned as the lead investigator.

Peel Regional Police Association (P.R.P.A.) representative Mike Bryant was notified, as well as the Wellness Bureau.

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 February 5, 2026, 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 the course of her arrest by P.R.P. officers on October 9, 2025. The S.I.U. was notified of the incident and initiated an investigation, naming the S.O. 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 arrest and injuries.

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.

With information at their disposal that the Complainant was threatening the Pizza Pizza staff with a knife, I am satisfied that the S.O. and W.O. #2 were within their rights in moving to take her into custody.

I am also satisfied that the force used by the officers, namely, C.E.W. discharges, constituted reasonable force in aid of the Complainant's arrest. The Complainant was wielding a sharp object – a pair of scissors – and seemed intent on using it. A physical engagement to disarm and subdue the Complainant was prohibitive because of the potential for the scissors to inflict grievous bodily harm and even death on the officers or the Complainant. At the same time, it was imperative that the Complainant be neutralized as soon as possible given the employees at the back of the store whose safety was in jeopardy. In the circumstances, it made sense to resort to the C.E.W. If the weapon worked as intended, the Complainant would be quickly and momentarily incapacitated and safely taken into custody without the infliction of serious injury.

In the result, though it is regrettable that the Complainant did suffer fractures when she fell and struck her face, there are no reasonable grounds to believe that the injuries are attributable to unlawful conduct on the part of either officer. As such, 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 relevant disclosure provided by the S.I.U., it is the opinion and position of the I.S.B. that the responding officers were dispatched to a weapons call at the Pizza Pizza located at 320 Main Street North in Brampton. They were advised that the A.P. was acting erratically, was armed with a knife and was threatening staff members. The officers located the A.P. wielding a pair of scissors and it appeared that she was intent on using them. Adding to concerns was that the A.P. was behind the counter and in close proximity to the staff members who had retreated to the back of the store believing their safety was in jeopardy. This made it imperative that the A.P. be apprehended immediately in order to stop the threat.

Based on the circumstances, the responding officers initially drew their firearms in response to the presence of an edged weapon being brandished by the A.P. The officers assessed the situation, formulated a plan to use lethal and less lethal options, and transitioned to deployment of C.E.W.'s. The C.E.W.'s were eventually successful in incapacitating the A.P. Director Martino pointed out that during this transition, W.O. #2 held his firearm in his left hand and drew his C.E.W. with his right hand. Surveillance video from the Pizza Pizza was reviewed and confirms that W.O. #2 did initially have both weapons in his hands but passed his C.E.W. to the S.O. as he made his way over the counter. The practice of handling a firearm and a C.E.W. at the same time is not endorsed according to Incident Response Training practices. This engagement with the A.P. was clearly a dynamic and fluid situation which placed stress on the responding officers. This potential issue should be addressed with the officer and will provide a learning experience.

Although she suffered facial injuries as a result, the officers acted within their authority to conduct the arrest of the A.P. and used the appropriate force in which to do so.

CONCLUSION

As a result of the S.I.U. investigation, the Director, Mr. Joseph Martino, determined that there were no reasonable grounds in the evidence to proceed with criminal charges against the subject official.

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

The matter was referred to the involved officer's area command for debriefing and policy review.

25-OCI-413: (Mr. E.F.)

EXECUTIVE SUMMARY

On Sunday, October 12, 2025, at approximately 1:00 a.m., Strategic Tactical Enforcement Policing (S.T.E.P.) officers Constable D.M. (S.O.) and Constable A.M. (W.O.) investigated the A.P. in the area of Dundas Street and Dixie Road in the City of Mississauga. The A.P. was observed by the involved officers pushing an

unoccupied wheelchair with a backpack attached. During the investigation the A.P. provided a false identity to the involved officers and an open can of beer was observed on the wheelchair which established grounds for a *Liquor Licence and Control Act (L.L.C.A.)* offence and the criminal offence of obstruct justice.

The involved officers attempted to effect an arrest for obstruct justice which led to a physical altercation with the A.P. who attempted to retrieve the backpack. The A.P. punched towards one (1) of the involved officers. The A.P. was grounded by one (1) of the involved officers and suffered a facial injury. The A.P. was transported to M.G.H. where Dr. Feng diagnosed a broken orbital bone and a broken nose.

The involved officers were not outfitted with B.W.C., nor was any in-car police vehicle camera available.

The scene was held and the S.I.U. dispatched a forensic team to collect evidence.

The S.I.U. was notified and Ms. Caroline Ibbott 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 February 9, 2026, 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 evidence collected by the S.I.U., including interviews with a police eyewitness, gives rise to the following scenario. As was his legal right, the subject official chose not to interview with the S.I.U. or authorize the release of his notes.

In the early morning of October 12, 2025, the S.O. was on patrol with W.O. #1 performing duties as part of the P.R.P. S.T.E.P. unit. They identified a male pushing a wheelchair westward in an eastbound lane of Dundas Street East, east of Dixie Road. No one was on the wheelchair. Suspecting it might be stolen, the officers stopped the male to speak to him about the wheelchair.

The male was the Complainant. He told the officers that the chair belonged to his father and he needed to get it back to him. Asked to identify himself, the Complainant provided a false name and was cautioned about obstructing justice. He was then advised he was under arrest when he attempted to retrieve a backpack from the back of the wheelchair.

The S.O. wrestled the Complainant for control of the backpack, which fell to the ground. The Complainant punched at the S.O. The officer reacted by delivering his own punch, striking the Complainant in the face. W.O. #1 intervened at that point and forced the Complainant to the ground. Following a further period of struggle between the parties, the officers handcuffed the Complainant behind the back.

The Complainant was transported to hospital and reportedly diagnosed with a broken nose and fractured orbital bone.

The Complainant was seriously injured in the course of his arrest by P.R.P. officers on October 12, 2025. The S.I.U. was notified of the incident and initiated an investigation, naming the S.O. 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 arrest and injuries.

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 evidence indicates that the S.O. had observed an open can of beer on the wheelchair the Complainant was pushing. In the circumstances, the officer was within his rights in attempting to investigate the Complainant for an offence under section 41(1) of the L.L.C.A. When the Complainant subsequently provided a false name, he was subject to arrest for obstructing a peace officer contrary to section 129(a) of the Criminal Code.

The evidence further establishes that the force used by the S.O. in the Complainant's arrest was legally justified. The Complainant had assaulted the officer by directing a punch in his direction. The officer was entitled to defend himself and bring the assault to an end. A single punch to the face constituted a proportionate response in the circumstances. The takedown that followed was also reasonable. With the Complainant on the ground, the officers would be better positioned to manage any continuing resistance on his part. In fact, the Complainant did resist but was quickly subdued without the apparent need for additional strikes.

In the result, while I accept that the Complainant's injuries were incurred in the altercation that marked his arrest, there are no reasonable grounds to believe they are attributable to unlawful conduct on the part of the police. As such, there is no reason to proceed with 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 the date of the interaction, the involved officers were assigned to a S.T.E.P. assignment. It is the mandate of S.T.E.P. to conduct proactive policing patrols, investigations and enforcement in high-risk areas to enhance police visibility and public safety.

The involved officers observed the A.P. in the early morning hours pushing an unoccupied wheelchair in the area of Dixie Road and Dundas Street in Mississauga. This behaviour caused them concern that the wheelchair may have been stolen by the A.P. and warranted further investigation. During the investigation, the A.P. provided a false identity and was observed to be in possession of open alcohol which led to sufficient grounds for the A.P.'s arrest for obstruct justice. The involved officers effected an arrest which led to the A.P. becoming physically resistant, punching toward the officers causing the S.O. to strike the A.P. in the face resulting in injury. The A.P. was taken to the ground to establish physical control and handcuffed.

Having consideration of the A.P.'s aggressive and assaultive behaviour leading up to the arrest, the involved officers clearly had reasonable grounds to arrest the A.P. for criminal offences. The A.P. attempted to punch

an officer and was resistant at the time of his arrest. The involved officers' decision to apply force to the A.P. to effect the arrest was measured and, in an effort, to gain control.

The I.S.B. engaged area Command in relation to the absence of B.W.C. assigned to the involved officers. At the time of the interaction with the A.P., members assigned to S.T.E.P. deployments were not required by policy to deploy a B.W.C. This has since changed at the direction of area Command requiring S.T.E.P. officer's to be trained, equipped and deployed with B.W.C.

The involved officers operated within the confines of P.R.P. incident response policy and procedure, and also within section 25 of the *Criminal Code* by utilizing an appropriate and measured use of force response. The A.P. was arrestable and non-compliant which presented a danger to the involved officers and the public. It is the position of the I.S.B. that the officers' actions amounted to an appropriate response contrary to the Ontario Public-Police Interactions Training Aid. **(See Appendix 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.

Furthermore, an in-depth analysis of all applicable Federal Legislation, Provincial Legislation, and P.R.P. policies/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-OCI-437: (Mr. S.R.)

EXECUTIVE SUMMARY

On Friday, October 31, 2025, at 12:38 pm officers assigned to the Specialized Enforcement Bureau (S.E.B.), Constable A.P. (S.O. #1), Constable S.L. (S.O. #2), Constable A.C. (W.O. #1) and Constable N.F.B. (W.O. #2) effected an arrest on the A.P. in relation to a firearms investigation in the Tim Horton's parking-lot situated at 156 Sandlewood Parkway in Brampton.

During the arrest the A.P. sustained an injury to his shoulder. The A.P. was transported to B.C.H. where a fractured clavicle was diagnosed. The scene was held pending forensic documentation. S.E.B. investigators subsequently executed a *Criminal Code* search warrant at the A.P.'s residence and seized a large quantity of fentanyl.

A/Inspector Seward notified Ms. Rhonda Alcock of the S.I.U. who invoked their mandate. Ms. Caroline Ibbott was assigned as the lead investigator.

The A.P. was later transported to 22 Division and was charged with drug trafficking related offences. The charges are before the Courts.

P.R.P. Forensic Identification Services (F.I.S.) was assigned to attend the scene location and obtain photographs of the arrest location.

Detective Sergeant Bouwkamp and Detective LaChappelle of the I.S.B. were assigned to liaise with the S.I.U.

FINDINGS OF THE S.I.U.

On February 27, 2026, 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 officials."

Furthermore, in the Director's report to the A.G., he states:

"The evidence collected by the S.I.U., including interviews with the Complainant, S.O. #1 and other witnesses (police and non-police), gives rise to the following scenario. As was his legal right, S.O. #2 did not agree an interview with the S.I.U. or the release of his notes.

In the early afternoon of October 31, 2025, members of the P.R.P. S.E.B., including S.O. #1 and S.O. #2, were in the parking lot of Tim Hortons, 156 Sandalwood Parkway East, Brampton, waiting to arrest the Complainant. The Complainant was wanted for being in unlawful possession of a firearm. He had been tracked to the location from his home a short distance away. A search warrant was to be executed on the Complainant's residence after his arrest.

Upon leaving Tim Hortons, the Complainant was confronted by S.O. #2 and W.O. #2 of the S.E.B., the former taking him to the ground. S.O. #1 and W.O. #1 arrived shortly and assisted in taking the Complainant into custody. The Complainant was subjected to knee strikes and a C.E.W. discharge on the ground prior to being handcuffed behind the back.

The Complainant was transported to hospital following his arrest and diagnosed with a fracture of the right clavicle.

The Complainant was seriously injured in the course of his arrest by P.R.P. officers on October 31, 2025. The S.I.U. was notified of the incident and 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 Complainant's arrest and injury.

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.

With information at their disposal that the Complainant had an illegal gun, and a search warrant in effect naming the Complainant for unlawful possession of a firearm, I am satisfied that the S.E.B. were within their rights in seeking to effect his arrest.

As for the force brought to bear during the Complainant's arrest, the evidence falls short of reasonably establishing it was unwarranted. It is alleged that the Complainant did not resist arrest but was nevertheless taken down and subjected to multiple kicks and punches, and a C.E.W. discharge. The broken collarbone, in this account, was the result of the Complainant's right arm being brought behind his back on the ground. That version of events is contested by the police evidence, in which the Complainant was forced to the

ground when he continued to walk away from the officers after being told he was under arrest. A takedown in this context makes sense.

The officers had cause to be concerned that the Complainant was in possession of a firearm and would rightfully have wanted to bring him under control as soon as possible. The same can be said of the knee strikes and the C.E.W. discharge based on the police evidence that the Complainant refused to surrender his arms to be handcuffed. No further force was used after his arms were restrained behind the back.

On this record, there being no reason to believe that the incriminating account of what happened is any likelier to be closer to the truth than that proffered by the police, there are no reasonable and probable grounds to move forward with criminal charges.

In the result, while I accept that the Complainant's collarbone was broken in the altercation that marked his arrest, I am unable to reasonably conclude that the injury was attributable to unlawful conduct on the part of the subject officials. The file is closed".

I.S.B. ANALYSIS OF THE INVOLVED OFFICERS RESPONSE

Upon review of the relevant disclosure provided by the S.I.U., it is the opinion and position of the I.S.B. that the involved S.E.B. officers developed an operational plan to effect the arrest of the A.P. in a location away from the residence when seemingly safe to do so. The involved officers arrested the A.P. for firearms related offences while the A.P. was observed to be on foot in the Tim Horton's parking lot at 156 Sandlewood Parkway in Brampton. The general practice and tactic of arresting a firearms suspect away from their residence and vehicle is a sound judgement call in the opinion of I.S.B. It is the experience of I.S.B. that individuals who are in possession of firearms often times secure the firearm in their residence or vehicle to avoid being arrested in possession of the firearm. Arresting the A.P. away from the residence and vehicle also mitigates risk to officers entering an unseen environment.

With respect to the level of force deployed, it is the evidence of the involved officers, that the A.P. ignored police upon being advised he was under arrest and was forcibly taken to the ground. The A.P. refused to produce his hands and resisted arrest, which resulted in knee strikes and a C.E.W. being deployed. The A.P.'s arms were required to be forcibly placed behind his back to secure handcuffs. It stands to reason that the involved officers would have had concerns regarding immediately securing the A.P.'s hands due to the firearms offence under investigation and the A.P. physically refusing to produce his hands presented a potential safety concern.

The A.P.'s residence was later searched by warrant, which recovered a significant quantity of fentanyl. The charges are before the Courts.

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, and P.R.P. policies/procedures was conducted by members of the I.S.B. pursuant to Section 81, *C.S.P.A.* There were no further identified issues as a result of this review.

Goal: Not Applicable
Objective: Not Applicable

Approved for Submission

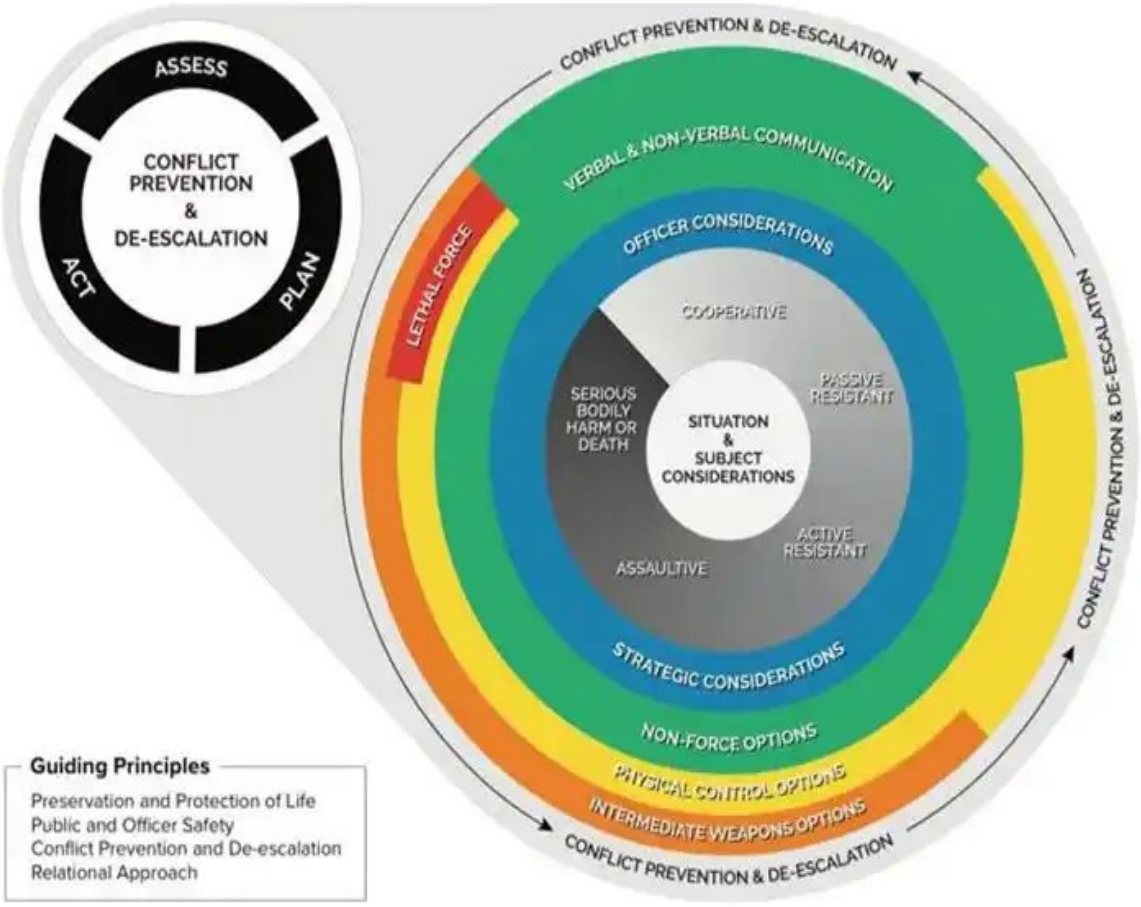
Nishan Duraiappah, Chief of Police

For further information regarding this report, please contact Inspector Matt Hutchinson at extension 6080 or via email at 2079@peelpolice.ca.

Authored By: Detective Sergeant Jay Bouwkamp #2165

APPENDIX A: Ontario Public-Police Interactions Training Aid

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.