



IC10-02-25

REPORT Peel Police Services Board

For Information

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DATE: **January 7, 2025**

SUBJECT: **CLOSED SPECIAL INVESTIGATIONS UNIT FILE 24-OCI-040, 24-OCD-100, 24-OCI-175, 24-OCI-008, 24-OSA-161, 23-OVI-352, 24-OCI-259, 24-OVI-252, 24-OFP-273, 24-OVI-262, 24-OCI-333, 24-OCI-251, 24-OVI-303, AND 24-OCI-335.**

FROM: Nishan Duraipappah, Chief of Police

RECOMMENDATION

It is recommended that this document be received as information concerning Special Investigations Unit (S.I.U.) file 24-OCI-040, 24-OCD-100, 24-OCI-175, 24-OCI-008 and, 24-OSA-161, 23-OVI-352, 24-OCI-259, 24-OVI-252, 24-OFP-273, 24-OVI-262, 24-OCI-333, 24-OCI-251, 24-OVI-303, and 24-OCI-335.

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 Officer is abbreviated S.O. and Witness Officer is abbreviated W.O.

DISCUSSION

24-OCI-040 (Mr. P.C.)

Executive Summary:

On February 8th, 2023, at approximately 11:49 p.m., 22 Division officers responded to a call for service on Bruce Beer Drive in the City of Brampton. Information relayed to the attending

officers was that the male (A.P.) 'was going crazy' and was throwing and breaking things. At some point prior to police arrival the male had accessed a knife.

Upon arrival, the officers encountered a male in the kitchen of the residence who was no longer armed with a knife but was refusing to comply with commands. He was assaultive towards officers, throwing anything he could reach. Officers deployed several CEW's with little success. At one point the male grabbed some needle nosed pliers, which he dropped, following a CEW deployment then the male re-acquired them and threw them at the officers. As the struggle continued, the Subject Officer accessed his ASP baton and struck the A.P. times on his left forearm, a couple of the strikes inadvertently struck the AP in the head area.

The male was eventually arrested and taken to Brampton Civic Hospital. He had to be sedated twice due to his continued struggling. He was assessed by Dr. Didkowski, who determined the male had sustained two broken bones in his left forearm along with multiple contusions, stitches and staples.

Due to the severity of the break, and the undetermined amount of illicit drugs he had consumed, he was transported to Sunnybrook Hospital.

There were no injuries to the officers. The scene at Bruce Beer was secured.

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

The interaction was captured on BWC.

Findings of the Special Investigations Unit:

On November 2, 2023 Special Investigations Unit charged the SO with one count of Assault Causing Bodily Harm and one count of Assault with a Weapon.

Conclusion:

As a result of the Special Investigations Unit investigation, the S.O. was charged with one count of Assault Causing Bodily Harm and one count of Assault with a Weapon, on November 2nd, 2023.

On March 21, 2023, the S.O. pled guilty to one count of Assault Level 1.

This conviction registered based on the S.O.'s plea, stems from allegations of excessive use of force during Mr. P.C.'s arrest. This supports the finding that he was not in compliance with the protections afforded under section 25 of the Criminal Code of Canada.

As a part of the administrative investigation, the incident was reviewed from the perspective of best practices and current training guidelines by Sergeant Blair Herd, a Use of Force instructor certified by the Ministry of the Solicitor General at the Ontario Police College. Sergeant Herd is also recognized by the Force Science Institute (FSI) as having completed training in the principles of Force Science and is certified to apply these principles to the analysis of use-of-force incidents.

Based on Sergeant Herd's findings, the SO was found not to be in compliance with PRP Policy, Current Training standards and the Criminal Code.

Accordingly, PRP Internal Affairs commenced an investigation.

24-OCD-100 (Mr. P.C.)

Executive Summary:

On Sunday April 2, 2023, at 3:33 a.m. officers were dispatched to the apartment complex at 99 Kennedy Road North, in Brampton for reports of a male experiencing a mental health crisis who was completely naked and covered in blood.

Upon arrival, officers made their way to the 9th floor where the male was located laying on the ground outside of the elevator door. During attempts to apprehend the male, he tucked his left arm under his body. Eventually his arm was removed and he was handcuffed. Moments after handcuffing the male was placed on his side. Within seconds the male went unconscious at which time officers requested a rush on the ambulance who were staged outside. The male became VSA and CPR was immediately commenced.

The male was transported to BCH where he was pronounced by Dr. Baig and Dr. Pirzada.

The Special Investigations Unit (S.I.U.) was notified and Ms. Marian Abs Eskharon 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.

No use of force options were used. The incident was captured on BWC.

Findings of the Special Investigations Unit:

On August 15, 2024 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 subject official.”

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

“The SO was lawfully placed and in the execution of his duties as he attended the Complainant's floor intending to take the Complainant into custody under the Mental Health Act. The information he had about the 911 call, and what he gathered personally speaking with CW #2 and CW #3, gave rise to a reasonable belief that the Complainant was in mental health crisis and subject to apprehension pursuant to section 17 of the Act.

With respect to the force used by the SO in aid of the Complainant's arrest, namely, the use of his knee to keep the Complainant pinned on the floor as he was being handcuffed behind the back, I am unable to reasonably conclude it was unjustified. Though the SO did not avail himself of an interview with the SIU, as was his legal right, the following inferences appear reasonably available on the evidence. First, the officer knew that the Complainant was in medical and mental health crisis. The SO is captured on communications recordings expressing the view that the Complainant might be experiencing excited delirium. That condition, or the symptoms it describes, is recognized as a medical emergency in the training the SO received as a police officer. The officer's theory was not without merit. He had heard that the Complainant, who suffered from mental illness, had lapsed into a highly agitated state following the possible consumption of crack – all hallmarks of the onset of the condition. Second, if the Complainant was in medical crisis, then it was imperative that he be taken into custody as soon as possible in order to allow for immediate medical attention. Third, the SO would very likely have been aware that placing individuals compromised in this manner in a prone position with a knee on their back, particularly, obese individuals, as the Complainant clearly was, risked a further and immediate deterioration of their health, including death. That proposition is also apparent in modern police training of the type the SO would have received. Fourth, the use of handcuffs was necessary before paramedics would be allowed to approach the scene. Though he did not give the appearance of someone capable of real violence as he lay on the floor, the SO could not be sure that the Complainant was not a threat given his destructive behaviour a short time prior and cautions on the Complainant's police record regarding violence and resisting arrest. With all this in mind, the SO had a difficult decision to make and only seconds in which to make it. When the Complainant pulled his arm away and struggled against the officers' efforts to handcuff him, he could have chosen to continue to wrestle with the Complainant for control of his arms without using his knee. That, however, could have resulted in a lengthier physical engagement and added exertion on the part of the Complainant with possible consequences for his health. The SO might have considered the use of a CEW. Had it worked, the Complainant would have been quickly incapacitated, allowing the officers an opportunity to quickly affix the handcuffs without the placement of a knee on the back. That said, officers are also taught that the deployment of a CEW is a physically stressful event to the subject, and that its use should be minimized to the greatest extent possible in the case of persons in medical crisis. Or, as the SO chose, the officer could have decided to overcome the Complainant's resistance by temporarily pinning him to the floor with a knee in order to facilitate the handcuffing process. On this record, faced with a fluid and dynamic situation, the need to act quickly, and no easy answers, the evidence falls short of reasonably establishing that the course adopted by the SO was not commensurate with the exigencies of the moment.

There remains the question of the Complainant having been left in a prone position for about 35 seconds after he was handcuffed, which might have played a role in his death. The offences that arise for consideration in this regard are failure to provide the necessities of life and criminal negligence causing death contrary to sections 215 and 220 of the Criminal Code, respectively. Both require something more than a simple want of care to give rise to liability. The former is predicated, in part, on conduct that amounts to a marked departure from the level

of care that a reasonable person would have exercised in the circumstances. The latter is premised on even more egregious conduct that demonstrates a wanton or reckless disregard for the lives or safety of other persons. It is not made out unless the neglect constitutes a marked and substantial departure from a reasonable standard of care. In the instant case, the question is whether there was any want of care on the part of the SO, sufficiently serious to attract criminal sanction, that endangered the Complainant's life or caused his death. In my view, there was not.

Here, again, the SO's conduct is subject to legitimate scrutiny. The officer would have known that leaving an individual in the Complainant's condition in a prone position was a risk factor to be avoided. He should have moved quicker to maneuver the Complainant into a recovery position. On the other hand, allowance must be made for the fact that the SO was regaining his composure having just been through a physical struggle with the Complainant and was also using some of this time to radio a request for the paramedics. In the circumstances, if the SO ought to have moved quicker than he did, I am not reasonably satisfied that his transgression amounted to a marked departure from a reasonable standard of care.

For the foregoing reasons, there is no basis for moving forward 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 there were no grounds for proceeding with charges against the officer notwithstanding the tragedy of the AP's death.

A fulsome review of the incident by in-Service Incident Response expert concluded that the officers conducted themselves in accordance with current training practices.

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. There were no identified issues as a result of this review.

24-OCI-175 (Mr. F.S.)

Executive Summary:

On Monday April 22, 2024, at approximately 3:04 a.m., the Affected Person (AP) and an acquaintance entered the Circle K Esso station located at 7025 Millcreek Drive, Mississauga (at the intersection of Derry Road West). Both males appeared intoxicated and asked the clerk to call police. The lone sales associate called 9-11 on their behalf.

Two uniformed 11 division officers attended the gas bar and initiated conversation with the AP. It appeared that the male was suffering from a mental illness, was delusional and acting irrationally.

This conversation moved out into the parking lot. Without warning, the AP suddenly ran onto Derry Road West, directly into oncoming traffic. Two vehicles drove by, narrowly missing the AP.

One of the officers deployed his CEW successfully. The AP "locked up" and fell forward, striking his face on the pavement. After handcuffing, the officers noticed that the AP's nose was bleeding. An ambulance was summoned and he was transported to Credit Valley Hospital.

At approximately 9:30 a.m., Dr. Kamala confirmed that the Complainant had suffered a fractured nose and cheekbone.

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

The entire incident was captured on BWC.

Findings of the Special Investigations Unit:

On August 20, 2024 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 subject official."

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

"The force used by the SO in aid of the Complainant's arrest was legally justified. The officer and the WO had allowed the Complainant to walk away from the store of his own volition. That decision was a wise one as they had yet to conclude that the Complainant was a danger to himself even if it was apparent that he was in mental distress. In order to ensure his safety, however, the officers followed him as he walked away from the store. They had travelled a distance before the officers rightly concluded that the Complainant needed to be apprehended in order to avoid harm coming to him. He had walked into live traffic and was at risk of grievous bodily injury or death by being struck by a vehicle. The officers might have decided on a physical engagement but doing so risked a struggle on the roadway that would jeopardize their lives and that of the Complainant. The use of the CEW, on the other hand, carried the potential of the Complainant's immediate incapacitation, allowing the officers a safe opportunity to quickly take him into custody. On this record, while it is regrettable that the Complainant suffered serious injuries when he fell, I am unable to conclude that the SO acted unreasonably when he fired his CEW."

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 Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the officer.

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

24-OCI-008 (Mr. R.S.)

Executive Summary:

On Sunday, January 7th, 2024, a mobile Regional Breathalyzer Unit (RBU) was in the area of Airport Road and North Park Drive in the City of Brampton. The officer's cruiser AXON Automated Licence Plate Recognition (A.P.L.R.) received a hit for a stolen vehicle *BW46361*, which was a white 2019 Ford Cube Van (PR24-0007542). The officer also noticed a second vehicle, driving in tandem with the stolen Ford, with a licence plate of *AK23842*, which was attached to a White Chevrolet Silverado. Investigation later revealed this vehicle was also on file as stolen (PR23-0403053).

RBU strategically followed the Silverado, and with the assistance of several 21 Division uniformed officers, attempted a tandem stop. The driver of the pickup rammed his way free and sped off.

21 CIB officers were in the area and initiated surveillance on the stolen Ford cube van. After a short time, they noted the stolen Ford van being abandoned on Ribbon Drive, Brampton. Almost immediately, the two occupants of the Ford were picked up by an approaching white Range Rover with Ontario marker *CWAB556*.

Officers continued to follow the Range Rover and a few streets away, two occupants exited and then entered a Black Toyota Camry with Ontario marker *CBKT362*, which is also on file as stolen (PR23-0406870). The Camry began to drive around the area at high rates of speed and circled the neighbourhood.

The Toyota Camry then attended the area of Kistler Street and Severin Street, in the City of Brampton, and the vehicle was parked. The Range Rover resurfaced and the two occupants returned to it.

Police continued to follow the Range Rover which began to travel southbound on Torbram Road, which is a 60km/h area. The Range Rover began to travel at speeds over 130km/h and then ran a red light at the intersection of Bovaird Drive and Torbram Road.

The vehicle then was followed to the entrance of the Woodbine Casino, 555 Rexdale Boulevard, in the City of Etobicoke.

At approximately 1:50 a.m. (now Sunday January 8th), the Range Rover was parked, and the two occupants exited and approached the entrance to the casino.

CIB officer(s) approached the driver (the Affected Person) and he was immediately grounded and arrested. He was subsequently searched, incident to arrest, and officers located a quantity of counterfeit Canadian currency, as well as an Ontario drivers licence in the name of Mr. M.M.

Following the arrest, the AP complained of chest pains and he was transported to Etobicoke General Hospital. Dr. D'Souza determined that the AP had sustained a fractured pelvis.

The Special Investigations Unit was contacted and Mr. Rob Watters was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the S.I.U. and conduct an administrative review.

As a result of the above investigation, the AP was charged with the following offences:

- (1) Dangerous Operation of a Motor Vehicle, contrary to section 320.13(1) of the Criminal Code of Canada,
- (2) Possession of Counterfeit Currency, contrary to section 450(B),
- (3) Possession of Identity Documents, contrary to section 56.1(1), and
- (4) Drive Motor Vehicle - Stunt Driving, contrary to section 172(1) of the Highway Traffic Act.

The AP was later released on an undertaking with conditions.

All of these charges are still before the courts.

Findings of the Special Investigations Unit:

On September 20, 2024 the 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 subject official."

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

"I am satisfied that the SO was proceeding lawfully to take the Complainant into custody when he confronted him in the parking garage of the casino. He had earlier observed a male of the Complainant's description operating a stolen Toyota Camry. He also had information to believe that the Camry was associated with the Range Rover the Complainant was operating – occupants from the former had been seen entering the latter – and that the Rover had committed several traffic infractions while under surveillance by the police, including disregarding red traffic signals and speeding. On this record, it would appear the SO had a basis to seek

the Complainant's arrest for possession of a stolen vehicle and dangerous operation of a motor vehicle.

With respect to the quantum of force used by the SO in aid of the Complainant's arrest, I am unable to reasonably conclude it exceeded the remit of authorized force under section 25(1) of the Criminal Code. While wearing plainclothes, the SO rushed at the Complainant and took him to the ground. Ordinarily, one would have thought that an announcement of arrest and verbal direction to surrender should have been issued prior any resort to force. However, in the instant case, the SO explained that he was concerned the Complainant was armed with a tool in his pocket that could potentially be used as a weapon. That concern was more than empty speculation.

There was evidence that the Complainant was involved in a car theft ring; he was seen doing something with the rear licence plate of the Rover after he parked it at the casino, suggesting the use of a tool of some sort, possibly a screwdriver; and, he had his left hand in his jacket pocket as he walked towards the casino entrance and through much of the struggle with the SO. In the circumstances, it made sense to immediately upend the Complainant without notice as doing so would mitigate the risk of the Complainant being able to access and wield a weapon.

Once on the ground, the SO advised the Complainant he was an officer and struck him multiple times. Most of these appear proximal to the officer's failed attempts at bringing the Complainant's arms behind the back. Some were not as closely tied to those efforts and, strictly speaking, might or might not have been necessary to bring the Complainant under control. That said, the legal test is not one of strict necessity; rather, an officer will be justified if their force is reasonably necessary. The standard reflects the law's recognition that an officer embroiled in hostilities is not expected to measure their force with precision: R v Nasogaluak, [2010] 1 SCR 206; R v Baxter (1975), 27 CCC (2d) 96 (Ont. CA). Faced with someone he feared might be in possession of a weapon, whose resistance was significant and protracted, the SO was within his rights in wanting to bring the Complainant into custody as soon as possible. If one or more of the strikes he delivered were, in hindsight, more than might have been precisely necessary to accomplish his task, the evidence falls short of establishing they transgressed the latitude accorded officers in the heat of the moment."

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 AP 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. There were no identified issues as a result of this review.

24-OSA-161 (Mr. K.H.)**Executive Summary:**

On Thursday April 11, 2024, at approximately 7:09 p.m., members of the Greater Toronto Airport Authority (GTAA) contacted Peel Regional Police regarding an unwanted person, the Affected Person (AP) at Terminal 1. Three officers were dispatched and met with the GTAA Public Safety Officer.

After a brief conversation, it was determined that the AP was not a traveler and that he had no business at the airport. He was then directed to leave the airport however he refused.

At 7:25 p.m., the male was arrested for the offence of Fail to Leave Premises When Directed under the Trespass to Property Act. He was handcuffed, escorted out to a waiting cruiser and searched incident to arrest.

After considerable conversation, he was transported to an agreeable location in Toronto. He was released without incident.

Sometime thereafter, the AP forwarded an e-mail to the Toronto Chief of Police, indicating: "I was searched and the officer grabbed on my private parts."

This information was documented by the Toronto Police Service and relayed back to the Peel Regional Police, Investigative Support Bureau.

The Special Investigations Unit (S.I.U.) was contacted to relay the particulars of the complaint. The S.I.U. invoked their mandate and assigned Mr. Barry Millar as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau was assigned to liaise with the S.I.U. and conduct and administrative review.

The entire interaction was captured on BWC.

Findings of the Special Investigations Unit:

On September 18, 2024 Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraipah (Appendix I). In his letter Mr. Martino states,

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

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

"The Complainant was lawfully in the custody of the SO and WO #1. Having refused to leave the airport when directed, he was subject to arrest for trespass under section 9 of the Trespass to Property Act. That being the case, he was

further subject to being searched pursuant to the officers' common law powers of search incident to arrest.

The Complainant says that the SO grabbed his crotch area and penis. As was his legal right, the SO did not provide the SIU his version of events. He is, however, heard to say on BWC footage: "I've had people hide shit in there, so I'm not letting you go in there [the police cruiser] without me searching that part." The BWC footage is not completely dispositive of the issue. At times, the officer's search of the Complainant is obstructed by the coat the Complainant was wearing. Of what is captured in the recording, the SO is seen to tug at the Complainant's waistline and crotch area at about the same time as the Complainant objects to having his private parts touched.

On the aforementioned-record, I am unable to reasonably conclude that any contact made by the SO of the Complainant's person was something other than incidental to a lawful search. If there was contact made with the Complainant's penis, and there might well have been on the evidence, it occurred over the Complainant's pants and would seem to have been momentary in nature, consistent with a bona fide check of the area.

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 Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the officer.

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

23-OVI-352 (Ms. C.M.)

Executive Summary:

On Monday, August 28, 2023, at approximately 9:30 p.m., the S.O. was responding to a medical assistance call at 164 Great Lakes Drive, Brampton (P230279019) in a fully marked SUV police cruiser.

He was travelling westbound on Bovaird Drive approaching Dixie Road. As the S.O. approached the intersection, the Affected Person (AP) was in the intersection facing eastbound waiting to turn left for northbound Dixie Road. The AP turned left in front of the officer's vehicle causing a collision.

The officer and Complainant were transported to Sunnybrook Hospital where they were treated by Dr. Luis Da Luz. The officer sustained bruising and soreness to his body. While the

Complainant sustained 1) a fractured left shoulder, 2) a fractured left wrist, 3) a fractured left ankle and minor abdominal bleed.

The entire intersection was secured along with the police cruiser and citizen vehicle by Uniform personnel.

The Special Investigations Unit (S.I.U.) was contacted 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 S.I.U. and conduct an Administrative Review.

Findings of the Special Investigations Unit:

On April 17th, 2024 Special Investigations Unit charged the S.O. with one count of Dangerous Driving Causing Bodily harm.

Conclusion:

On April 17th, 2024 Special Investigations Unit charged the S.O. with one count of Dangerous Driving Causing Bodily harm.

On Wednesday, September 18, 2024, the SO pled guilty to one count of Dangerous Driving Causing Bodily Harm. This guilty plea prompted the commencement of a Police Services Act investigation (ongoing) and this administrative review.

The SO was determined to not be in compliance with section 144(20) of the Highway Traffic Act for not coming to a stop before entering the intersection with full emergency equipment activated. Furthermore, the SO was deemed not in compliance with Peel Regional Police policy, I-A-701(F), "Operation of Police Vehicles", Section 5.(a-d);

5. When circumstances occur as outlined in section F.4. of this directive and an Officer decides to operate a police vehicle under the H.T.A. exemptions [sections 144\(20\) and/or 128\(13\)\(b\)](#), the Officer shall:

- (a) exercise this decision at their own discretion;*
- (b) ensure that public safety is the overall priority/guiding principal;*
- (c) ensure that the speed they are operating at is reasonable under all circumstances;*
- (d) ensure emergency equipment is activated, except when engaged in a "catch-up stage," when the emergency equipment should be de-activated when approaching the immediate area of the suspect vehicle to **not** alert the suspect of police interest; and,*

At the time of this report, the Police Service Act investigation is still ongoing.

24-OCI-259 (Mr. J.S.)**Executive Summary:**

Ms. N.S. resides on Balmoral Drive, Brampton. She was once involved in an intimate relationship with Mr. J.S., the Affected Person (AP). This relationship deteriorated and in 2023, he was charged with a number of criminal offences in relation to a domestic dispute.

On October 18, 2023, he was convicted of:

- (i) three counts of Assault,
- (ii) two counts of Assault by Strangulation,
- (iii) four counts of Fail to Comply with Release Order, and
- (iv) one count of Fail to comply with Undertaking.

On that date, he entered into a Probation Order in the Ontario Court of Justice, City of Brampton, with the following conditions:

- (a) No contact with N.S.,
- (b) Do not attend with 100m of any place you know N.S. to be, and
- (c) Do not attend the residence on Balmoral Drive, Brampton (her address).

On Monday, June 17, 2024, at approximately 2:15 a.m., the AP attended Balmoral Drive, Brampton and gained access to the residence via an unlocked back patio door. He was then involved in a heated verbal argument with Ms. N.S. A family member then observed the AP begin to strangle Ms. N.S. and 9-11 was called.

Several 21 Division officers attended and while enroute, the caller advised that the AP had fled the residence and was hiding in the park immediately behind their house (Ernest Majury Park).

Upon arrival, officers scoured the park on foot. Within a short time, the AP was located hiding under a tree, and the officers conducted a call-out. He did not comply and immediately rolled out and ran from the officers. After a brief foot chase, he was tackled and arrested by the Subject Official (SO). The AP immediately began to complain of upper leg / hip pain.

An ambulance attended the scene and transported the AP to Brampton Civic Hospital. X-rays were completed which revealed an un-displaced femoral neck fracture to his right hip.

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

The entire incident was captured by BWC.

As a result of the above investigation, the AP was charged with the following offences:

- (5) Chokes, Suffocates or Strangles, contrary to section 267(c) of the Criminal Code of Canada, and

(6) Five counts of Breach of Probation, contrary to section 733.1(1).

At the conclusion of his Bail Hearing, he was remanded in custody and transported to Maplehurst.

On July 4, 2024, a bail review was conducted and the AP was released on his own recognizance, with the numerous conditions.

On September 9, 2024, the surety for the AP made application to a Justice of the Peace to be relieved of his responsibilities as a surety. A surety warrant was immediately issued for the arrest of the AP and is still presently outstanding.

All of these charges are still before the courts.

Findings of the Special Investigations Unit:

On October 3, 2024 the 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 subject official."

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

"The officers had information from a 911 caller describing an assault perpetrated on the caller's mother by the Complainant. That same caller indicated that the Complainant had fled the house and was hiding in a nearby park. In the circumstances, when the SO found the Complainant in the park, he was within his rights in moving to take him into custody."

I am also satisfied that the force used by the SO, namely, a takedown, was legally justified. With reason to believe that the Complainant had just committed a domestic assault, the officer would have been concerned that the Complainant would react to his arrest with violence. In the circumstances, when the Complainant refused to get down at the direction of the officer and instead started to run away, the SO was entitled to resort to a measure of force to thwart the escape. A takedown would do just that while better positioning the officer to manage any possible resistance by the Complainant. As for the manner in which the takedown was executed, while I accept that it was the cause of the Complainant's injury, it would not appear to have been accompanied with undue force."

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 AP 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. There were no identified issues as a result of this review.

24-OVI-252 (Mr. J.C.)

Executive Summary:

On Friday, June 14, 2024, at approximately 4:50 p.m., the Affected Person (AP) was operating an un-plated motorcycle eastbound on Matheson Boulevard in the left lane, west of Hurontario Street in Mississauga.

The Subject Official (SO), upon noticing no plate, activated his emergency lights to effect a traffic stop. The AP briefly accelerated then slowed down, however he remained in the left lane.

The officer maneuvered his vehicle into the curb lane parallel to the motorcycle in an attempt to perform a side vehicle stop. For reasons unknown, the AP veered to the right striking the driver's side rear door of the cruiser operated by the SO causing the AP to lose control of the cycle and fall to the pavement.

After both vehicles had come to a stop, the AP stood up and began to run through an industrial complex towards a wooded area.

The AP was located a short time later and arrested for Fail to Remain. At the time of his arrest, he complained of pain in the area of his shoulder.

The AP was transported to CVH via ambulance, where he was diagnosed with a fracture to his collar bone and a collapsed lung by Dr. Toth. Although not confirmed, Dr. Toth suspects the AP may have suffered a fracture to his pelvis as well.

The Special Investigations Unit was contacted 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 SIU and conduct an administrative review.

Findings of the Special Investigations Unit:

On October 17, 2024 Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraipah (Appendix I). In his letter Mr. Martino states, “

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

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

“The SO was within his rights when he decided to stop the Complainant for not having a licence plate on his vehicle – a Highway Traffic Act infraction.”

The manner in which the SO drove after the Complainant, while open to legitimate scrutiny, fell short of constituting a marked departure from a reasonable standard of care. There is a body of evidence suggesting that the SO, having pulled parallel with the Complainant, intentionally turned into his motorcycle causing the collision. The Complainant is said to have struck front driver side door of the cruiser in this rendition of events. The SO denies he did so, claiming the Complainant struck his vehicle when he drifted into the rear driver side of the cruiser. The forensic evidence lends credence to the SO's account of the events. There was no damage to the driver door, but damage was evident in the area of the rear driver side door. The SO's speed – more than two-and-a-half times the 60 km/h speed limit at its height – was dangerous. Arguably, considerations of public safety ought to have counselled the officer against that speed. On the other hand, the road was in good condition, the area was predominantly commercial in nature, the weather was clear and dry, the officer was operating his emergency lights, the excessive speed occurred over a relatively short distance, and there was no evidence of any third-party having been directly imperiled by the SO's driving. On this record, I am unable to reasonably conclude that the SO's conduct transgressed the limits of care prescribed by the criminal law.

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 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 Affected Person sustained.

Lastly, a further 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. There were no identified issues as a result of this review.

24-OFP-273 (Mr. J.VS.)

Executive Summary:

On Friday, June 28, 2024 at 1:49 a.m., 12 Division uniform patrol were dispatched to Elmwood Drive and Lakeshore Road, Mississauga for a report of a male standing in the middle of the intersection, armed with a knife.

Uniform officers attended the area, located the Affected Person (AP) and established containment. Tactical officers responded and took over containment and attempted to negotiate with the male. The AP attempted to breach the containment, and tactical officers twice deployed a CEW, however, were unsuccessful due to heavy clothing being worn. An ARWEN was then discharged at the AP, causing him to lose his balance and drop the knife. A third CEW discharge at this point was successful, which allowed the officers to handcuff the AP.

The AP was apprehended under the authority of the Mental Health Act, transported to Mississauga General Hospital and assessed by Dr. Singh. The AP was uninjured, however, a Form 1 was issued and he was admitted into hospital.

The Special Investigations Unit (SIU) was notified and Mr. Rob Watters was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the SIU and conduct an administrative Review.

The incident was captured on BWC.

Findings of the Special Investigations Unit:

On October 17, 2024 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 subject official.”

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

“On June 28, 2024, the PRP contacted the SIU to report that a male – the Complainant – had been arrested earlier that day following the discharge by a PRP officer of an ARWEN. The investigation is now concluded. On my assessment of the evidence, there are no reasonable grounds to believe that the SO committed a criminal offence in connection with the use of the ARWEN.

The SO and his PRP TRU teammates were within their rights in attempting to apprehend the Complainant under section 17 of the Mental Health Act. He was clearly of unsound mind and, armed with a knife, a danger to himself and others.

I am further satisfied that the TRU team, including the SO, comported themselves with due care and regard for public safety, and used only lawful force against the Complainant in aid of his arrest. The team had agreed to continue negotiations with the Complainant but would intervene proactively if he moved onto the roadway or southwards on Elmwood Avenue into a residential area. In the event of either contingency, less-lethal weaponry would be brought to bear to deter and arrest the Complainant. The plan made sense. The Complainant was armed with a knife – a weapon capable of inflicting grievous bodily harm or death – and the police had cause to want to restrict the Complainant’s movements very tightly to safeguard public safety. When the Complainant did start to travel southwards, the plan was put into effect as designed. A distraction device was deployed to momentarily overwhelm the Complainant, after which CEWs were used. When those deployments did not result in the Complainant’s incapacitation, turning to the use of an ARWEN seemed a reasonable alternative. In fact, the ARWEN discharge by the SO did appear to momentarily incapacitate the Complainant. It was immediately followed by a discharge from WO #1’s CEW, which fully neutralized the Complainant, permitting the officers to safely move in and effect the arrest. On this record, I am unable to reasonably conclude that either the SO or any other

TRU member acted other than reasonably as the situation unfolded. It is true that the Complainant dropped the knife during the first volley of CEW fire, but the situation was a highly dynamic one and there was smoke in the air from the distraction device. In the circumstances, it is entirely conceivable that the SO was unaware of that fact. Moreover, even if he was, the Complainant was still a danger. The knife had not been dropped far from the Complainant, and was readily accessible at the time the SO fired his weapon."

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 despite a firearm being discharged at the AP.

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. There were no identified issues as a result of this review.

24-OVI-262 (Mr. S.C.)

Executive Summary:

On June 10, 2024, at 3:44 p.m. marine unit officers were parked facing northbound on Hampton Crescent immediately south of the intersection at Lakeshore Road East and Hampton Crescent in Mississauga.

At this intersection, Lagoon Street extends north from Lakeshore Road East and Hampton Crescent runs south from Lakeshore Road East. The intersection is controlled by traffic lights.

At this time, the officers observed a blue and white motorcycle, driving southbound on Lagoon Street approaching a red traffic signal at Lakeshore Road East. The motorcycle came to a stop, however the operator (AP) accelerated through the intersection against the red light.

Officers entered the roadway to investigate the motorcycle, at which time, it's operator upon noticing the police vehicle, performed a U-turn from eastbound Lakeshore to drive westbound. Officers also conducted a U-turn; as they performed the manoeuvre, the AP, attempting to pass them, accelerated quickly, striking the curb and losing control.

The AP was arrested at the scene where he was treated by Ambulance but refused to attend the hospital.

The AP was released at the scene on a Promise To Appear for Dangerous Driving. He was also charged with HTA offences (Red light - proceed before green and Drive Motor Vehicle – Improper licence).

On June 20, the AP self-reported to the Special Investigations Unit (SIU) that he sustained a fractured scapula.

The Special Investigations Unit invoked their mandate and Mr. Rob Watters was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the SIU and conduct an administrative review.

Findings of the Special Investigations Unit:

On October 17, 2024 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 subject official.”

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

“I am satisfied that the SO’s decision to stop the Complainant for a red light infraction was a lawful and reasonable one. The evidence establishes that the Complainant made his left turn onto Lakeshore Road East against a red light.

I am also satisfied that the SO comported himself within the limits of care prescribed by the criminal law through the series of events culminating in the motorcycle crash. There are essentially two live issues for consideration impacting whether the SO’s conduct represented a marked departure from the level of care of a reasonable person: did the SO intentionally drive into the motorcycle to bring it to a stop and, if not, did the officer leave the Complainant enough time and space so that a collision was not inevitable once he turned into the westbound lanes. The evidence suggests the first question must be answered in the negative. The Complainant asserts that the SO deliberately struck him with the pick-up truck. However, evidence from a civilian eyewitness and WO #1 suggests otherwise. The video and forensic evidence is not dispositive, but weighs in favour of the pick-up truck having come to a stop before any contact with the motorcycle would have been made. With respect to the second question, a reconstruction of the incident suggests that the Complainant had a reasonable opportunity to safely bring his motorcycle to a stop ahead of the pick-up truck once the truck started to turn into the westbound lanes. On this record, while one might question the wisdom of the maneuver performed by the SO, particularly against a motorcyclist, the evidence does not reasonably establish the officer departed markedly from a reasonable standard of care when he undertook to execute it.

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 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 Affected Person sustained.

Lastly, a further 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. There were no identified issues as a result of this review.

24-OCI-333 (Mr. R.A.)**Executive Summary:**

On May 30, 2024, officers were dispatched to 1555 South Parade Court to respond to a male (AP) in crisis who had called 9-1-1 in excess of 30 times. Peel Paramedics also responded. The AP was located lying in his bed and was still actively and repeatedly calling 9-11. A family member assisted in removing the AP's phone as the officers and paramedics attempted to convince the AP to climb onto their stretcher.

The AP refused to cooperate. After all avenues were exhausted the attending officers determined the AP needed to be apprehended under the Mental Health Act. The AP resisted, at which time the officers had to forcefully pull his arms, one at a time, behind his back so that he could be handcuffed.

The male was transported to CVH, where he was formed under the Mental Health Act. On June 19, 2024, the AP filed a complaint with LECA advising that during the handcuffing, he heard a pop near his elbow. While he was at the hospital, an x-ray confirmed he had sustained a fracture to his elbow.

On August 7, 2024, LECA informed the Special Investigations Unit (S.I.U.) of the complaint. Upon receiving the complaint, the SIU invoked their mandate and Mr. Alex Kravchenko was assigned as the lead investigator.

Detective Sergeant Babensee and Detective Bassier of the Investigative Support Unit were assigned to liaise with the SIU and conduct an administrative review.

Findings of the Special Investigations Unit:

On October 23, 2024, 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 subject official.”

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

“Given the manner in which the Complainant presented, and the information they had gathered from his family members, the officers were within their rights in arresting him under section 17 of the Mental Health Act. He was clearly suffering from mental disorder and unable to care for himself.

I am also satisfied that the SO used no more force than necessary to take the Complainant into custody. The Complainant was not assaultive towards the officers, but he did physically resist their efforts to secure him in handcuffs. This came after protracted efforts by the officers and paramedics to coax him out of bed. Though the SO managed to secure a handcuff on the Complainant’s left arm, the officers struggled to bring his arms behind the back. Indeed, it would appear that the fracture occurred in the toing and froing that took place with the left arm before it was handcuffed with the right arm. That injury, however, was not the result of any excessive force brought to bear by the SO, but the unfortunate consequence of countervailing forces being brought to bear in a dynamic situation. No strikes of any kind were delivered.

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 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 sustained by the AP.

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. There were no identified issues as a result of this review.

24-OCI-251 (Mr. A.J.)

Executive Summary:

The Affected Person (AP) resides on Trevisto Court, Mississauga, with his parents. On May 28th, 2024, he was involved in a dispute with his parents, and when departing the house, stole their 2004 Toyota Sienna, grey van, Ontario Licence #CKXR003. This was reported to Peel Regional Police¹.

On June 13th, 2024, at approximately 3:44 p.m., 11 Division Uniform officers were on routine patrol in the area of Winston Churchill Boulevard and Thomas Street, Mississauga, and observed the AP operating the above vehicle. A CPIC check confirmed that the vehicle was on file as “Stolen” as well as the AP status was still “Missing”. This information was relayed to dispatch and several others officers headed into the area. A rolling block was attempted, however, the AP maneuvered

¹ See PRP occurrence 24-0174605 for details (Missing Person & Theft of M/V) .

out, and quickly pulled into and stopped in the nearby Pioneer gas bar. The AP along with two other occupants fled on foot.

The Subject Official (SO) tracked the AP onto the nearby sidewalk, very near to the live lanes of traffic. Because the AP was not following verbal commands to stop, the SO deployed his CEW. A successful hit caused the AP to lockup and fall straight forward striking his upper body and face on the sidewalk. It was immediately apparent that the AP sustained a serious injury to his mouth/jaw. Ambulance attended and transported the AP to the Credit Valley Hospital.

Dr. Lanteigne completed a full medical examination which revealed a fractured jaw as well as six teeth being knocked out.

The Special Investigations Unit was contacted and Mr. Scott McLean was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier of the Investigative Support Bureau were assigned to liaise with the S.I.U. and conduct an administrative review.

The entire incident was captured by BWC.

On that date, the AP was charged with the following offences:

- (i) Theft of Motor Vehicle contrary to section 333.1(1) of the Criminal Code of Canada,
- (ii) Possession of Property Obtained by Crime, contrary to section 354(1)(a), and
- (iii) Flight from Peace Officer, contrary to section 320.17.

He was released on an Undertaking with numerous conditions, and these charges are still before the courts.

Findings of the Special Investigations Unit:

On November 5, 2024, the Special Investigations Unit Director, Mr. Joseph Martino, issued a concluding letter to Chief Nishan Duraipah (Appendix I). In his letter Mr. Martino states,

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

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

“The SO had information to believe that the Complainant had taken his parents’ van without permission. In the circumstances, the officer was within his rights in moving to take the Complainant into custody for possession of stolen property.

With respect to the force used by the SO in aid of the Complainant’s arrest, the evidence falls short of reasonably suggesting it was unlawful. The Complainant had evaded a police blockade, driven dangerously to a nearby gas station where he almost struck a pump, and run from police in a determined effort to escape apprehension. Some force was going to be necessary in order to apprehend the Complainant. Bringing the Complainant to the ground made sense as it would immediately bring his flight to an end while better positioning the officer to manage

any continuing resistance. Whether by way of a tackle or, as in this case, the use of a CEW, a grounding is always associated with a risk of injury. That risk, I am satisfied, was not prohibitive in this case, particularly as the Complainant was leading the pair on a chase beside live lanes of traffic, a factor the SO would have been concerned about in wanting to bring the Complainant's flight to an end as soon as possible.

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

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 AP 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. There were no identified issues as a result of this review.

24-OVI-343 (Mr. D.N.)

Executive Summary:

On Friday, July 12th, 2024, at 12:32 p.m., the Subject Official (SO) was performing static laser speed enforcement on Highway 407 near Highway 410, Brampton.

At this time, he observed an eastbound vehicle, a 2019 grey Mercedes Benz SUV bearing Ontario licence *DAPM513*, which appeared to be travelling higher than the posted speed limit. The speed of the Mercedes registered 160 km/h in the posted 100 km/h zone.

The SO pulled out and accelerated quickly toward the Mercedes Benz, however, the speed of the offender now appeared to be in excess of 200 km/h.

As the Mercedes approached Airport Road, the driver attempted to exit via the off-ramp. His speed was still well in excess of the posted off-ramp speed of 60 km/h, and failed to properly negotiate the turn, rolling the vehicle off the paved portion of the roadway onto the east side of Airport Road.

The SO approached the vehicle and after the driver was able to crawl out of the overturned SUV, was arrested for stunt driving. The Affected Person (AP) immediately began complaining of severe pain to his back. Ambulance attended and transported the AP to Etobicoke General Hospital and was examined. X-rays confirmed fractures to his L1, L2, and L3 lumbar back as well as his right ankle.

The S.I.U. was notified and they invoked their mandate. Ms. Caroline Ibbott was assigned as the lead investigator. The Investigative Support Bureau was assigned to liaise with the S.I.U. and conduct an administrative review.

As a result, the AP was issued several Part III summons':

- (1) Speeding contrary to Section 128 of the Highway Traffic Act,
- (2) Drive motor vehicle-perform stunt-speeding 150km/hr or more contrary to Section 172(1),
- (3) Drive while under suspension contrary to Section 53(1),
- (4) Obstruct Police-Stunt driving contrary to Section 172(20),
- (5) Class G1 licence holder-unaccompanied by qualified driver contrary to Section 5(1),
- (6) Class G1 licence holder-carry front seat passenger contrary to Section 5(1),
- (7) Class G1 licence holder-drive on prohibited highway contrary to Section 5(1), and
- (8) Careless Driving contrary to Section 130(1)

These charges are still before the courts.

Findings of the Special Investigations Unit:

On November 8, 2024, the 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 subject official."

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

"The Complainant was seriously injured in a motor vehicle collision on July 12, 2024. As his vehicle was being pursued by a PRP officer at the time, the SIU was notified of the incident and initiated an investigation. On my assessment of the evidence, there are no reasonable grounds to believe that the SO committed a criminal offence in connection with the collision."

In the instant case, the issue is whether there was a want of care in the manner in which the SO operated his vehicle, sufficiently egregious to attract criminal sanction, that caused or contributed to the collision. In my view, there was not."

The SO was engaged in the exercise of his duty when he decided to stop the Complainant for stunt driving. Having measured the Complainant's speed at 160 km/h, he was within his right in moving to stop the Mercedes Benz for the traffic infraction."

I am also satisfied that the manner in which the SO operated his cruiser did not transgress the limits of care prescribed by the criminal law. I am not persuaded that the SO's speed departed markedly from the standard of care in the circumstances. Given the Complainant's speed, the officer was going to have to accelerate significantly if he had any hope of catching up to the Mercedes Benz. And he did so, it would appear, without directly imperiling third-party motorists or

forcing other traffic to have to take evasive action. It is also important to note that the officer was never very close to the Mercedes Benz such that it could be said he unduly pushed the Complainant or prevented him from altering course, had he been so inclined.

For the foregoing reasons, there is no basis for moving forward with criminal charges.”

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 Affected Person sustained.

Lastly, a further 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. There were no identified issues as a result of this review.

24-OCI-335 (Mr. M.D.)

Executive Summary:

On August 7, 2024, the Affected Person (AP) was occupying the driver’s seat of a parked, stolen vehicle in the parking lot of 2150 Steeles Avenue West in Brampton. At this time, a team of CIB investigators from both 12 and 21 Division were conducting static surveillance of the vehicle.

The vehicle was promptly boxed in at which time the AP attempted to ram police vehicles to flee, without success. During the attempt at arrest a CEW was deployed causing the AP to fall, striking his face on the ground.

The AP was transported to BCH where he was diagnosed with a mildly displaced nasal bone fracture by Dr. Elserafi.

The Special Investigations Unit (S.I.U.) was notified and Mr. Barry Millar was assigned as the lead investigator. Detective Sergeant Babensee and Detective Bassier were assigned to liaise with the S.I.U. and conduct an administrative review.

Findings of the Special Investigations Unit:

On December 6th, 2024 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 subject officials.”

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

"With respect to the force brought to bear by the officers against the Complainant, the evidence falls short of reasonably establishing that any of it was unlawful. The use of the CEWs, some of which, it appears, had no neuromuscular incapacitation effect, was a reasonable tactic. The Complainant had been trying to escape the blockade, causing serious damage to the police vehicle in front of the Jeep and placing everyone's life in danger, and it was imperative that he be immobilized as quickly as possible. The CEW discharges carried a reasonable chance of doing precisely that. For the same reasons, the Complainant's forcible removal from the Jeep once the driver's door opened, and his subsequent takedown, made sense. His attempt at escape using the Jeep had given the officers cause to be concerned that he would resist arrest once outside. Placing him in a prone position on the ground would assist the officers in better managing that resistance. With respect to what happened once outside the Jeep, there is an account in the evidence that suggests the Complainant's nose was broken when an unidentified officer punched him three or four times. In contrast, the officers interviewed by the SIU did not see anyone punch the Complainant. In light of this conflict in the evidence, and the lack of identification, the evidence of excessive force regarding this aspect of the incident is insufficiently cogent to warrant being put to the test by a court.

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 Special Investigations Unit investigation, the Director, Mr. Joseph Martino determined that there were no grounds for proceeding with charges against the officers.

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. There were no identified issues as a result of this review.

Approved for Submission:



Chief Nishan Duraiappah

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

Authored By: Detective Sergeant Andy Babensee #1585