



# NIAGARA REGIONAL POLICE SERVICE

## Police Services Board Report

**CONFIDENTIAL AGENDA**

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**Subject:** Special Investigations Unit – Case Number 22-OCI-044 – Incident of February 15, 2022.

**Report To:** Chair and Members, Niagara Police Services Board

**Report Date:** 2023-02-01

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### Recommendation(s)

1. That the Niagara Police Services Board receives this report for information, and;
2. That the Niagara Police Services Board makes the report available to the public.

### Key Facts

- The purpose of this report is to advise the Board of the findings and any action taken or recommended by the Chief of Police following a notification and investigation of an incident by the Special Investigations Unit (SIU).
- Ontario Regulation 268/10, Section 32 under the Police Services Act requires that the Chief of Police initiate an investigation following a notification to the SIU.
- The purpose of the Chief's investigation is to review the policies of, or services provided by the police force and the conduct of its police officers.
- June 15, 2022, the SIU notified the Service that their investigation had concluded and advised that there were no grounds for criminal charges against any police officer.
- The subsequent Section 32 investigation by the Professional Standards Unit determined there were no issues with respect to officer conduct, policies or services provided by the Niagara Regional Police Service.

### Financial Considerations

There are no financial costs or implications associated to the recommendations.

### Analysis

On February 15, 2022, at approximately 2:47 p.m., police were called to the Women's Detox Center, located at 264 Welland Ave. in St. Catharines regarding a client who was refusing to leave the facility after being asked to do so by staff. The client is now known to be AB.

Staff at the women's detox asked AB to leave the premise, as she met the requirements for discharge. AB refused to leave and therefore, police were contacted to remove her.

Constable CD was the first officer to arrive at the Women's Detox. Constable CD made several attempts to convince AB to leave on her own with no success. A second unit was requested, at which time Constable EF arrived to assist Constable CD. AB was still refusing to leave and had to be physically removed from the premise under the Trespass to Property Act. AB was uncooperative, verbally abusive, and violent toward the officers. AB was handcuffed and escorted out of the building. Once outside the handcuffs were removed and AB was free to go. AB made attempts to get back inside the building by kicking the glass doors. Constable CD again attempted to reason with AB and discussed alternative arrangements for where she could go.

One of the staff members who had been watching, opened the door and AB immediately bolted for the open door to get back inside the building. Constable CD was concerned for the staff and clients inside of the Women's Detox as AB was verbally and physically assaultive. Not knowing what AB intentions were, Constable CD made a split-second decision to trip AB to prevent her from entering building. The actions of Constable CD were successful, and AB did not make it back inside the building. AB eventually calmed down enough to request a ride to a warming center. Constable CD transported AB to Silver Spire Church on St. Paul St. in St. Catharines.

AB never made mention of any injuries to the officers or the staff that were present at the Women's Detox. It wasn't until later, at approximately 5:47 pm, police responded to Silver Spire Church (warming center) after AB made a complaint that her arm was injured earlier in the day after police removed her from the Women's Detox. Ambulance and Officer's responded, and AB was transported to the hospital.

At 2:15 am police were advised that AB suffered a fracture to her elbow. At 7:45 am, the SIU was contacted and advised of the incident. The S.I.U invoked their mandate. The SIU designated Constable CD as the Subject Official and Constable EF as a Witness Official.

On June 15, 2022, the S.I.U. closed its investigation into this matter. In his decision letter, Director Mr. Joseph MARTINO wrote, "In my view, there were no reasonable grounds in the evidence to proceed with criminal charges against the official."

A copy of the SIU report was publicly posted on the SIU's website.

In accordance with Ontario Regulation 268/10, Section 32, the Service's Professional Standards Unit conducted an investigation and review of this incident which considered the following three areas:

1. The policies of the Police Service,
2. The services provided by the Police Service, and
3. The conduct of its police officers.

The Section 32 investigation encompassed a compliance review of applicable Provincial legislation that governs members of the Service, as well as general orders, policies and procedures, and the conduct of the involved officers.

Where available, investigations include a review of communications recordings, Service occurrence reports, forensic evidence and reports, officer interviews conducted by the SIU and all duty book notes, SIU documentation including the Director's conclusion letter and investigative report, statements of civilian witnesses gathered and released by the SIU at the conclusion of their investigation upon the consent of the civilian witnesses, and any other information and evidence available on a case by case basis.

### **1. The Policies of the Niagara Regional Police Service**

Professional Standards Unit investigators determined that the following general orders had primary relevance in this matter, and they have been reviewed accordingly in the context of this incident.

1. General Order 079.10 – Special Investigations Unit
2. General Order 100.10 – Powers of Arrest
3. General Order 053.23 – Use of Force
4. General Order 168.06 – Officer Note Taking
5. General Order 034.11 – Report Submissions

Upon review, it was determined that the direction and guidance provided by the relevant general orders is sufficient in its governance for members of the Service and no issues were identified.

### **2. Services Provided by the Niagara Regional Police Service**

There were no issues identified relating to the services provided by the Niagara Regional Police Service during this incident.

### **3. Conduct of Niagara Regional Police Officers**

There were no officer conduct issues identified during the SIU investigation or the Professional Standards Unit investigation and review of this incident with regard to compliance with general orders or legislation.

On behalf of the SIU, Mr. Martino thanked the members of the Police Service for their cooperation during the investigation.

The Professional Standards Unit investigation and review of this incident was undertaken in compliance with Section 32 of Ontario Regulation 268/10 made under the Police

Services Act. The relevant policies of the Police Service, the services provided, and the conduct of the involved Service members was the focus of this review and investigation.

In conclusion, there were no issues identified as it pertains to services provided, the conduct of the involved Police Service members, or the existing general orders governing these situations.

SIU Director Martino noted there appeared to be a late notification to the SIU during this investigation. The injury became known at 0215 hours on February 16, 2022, but the SIU was not notified until 0745 hours. The Director asked that this be noted to avoid late notifications moving forward.

### **Alternatives Reviewed**

- 1) To not receive the report.
- 2) To not make the report available to the public.

Subsection 34(1) of Ontario Regulation 268/10 made under the Police Services Act provides that, upon receiving this report, the Board may make it available to the public.

The Police Services Act provides that meetings of the Police Services Board shall be open to the public subject to exceptions that are set out in Subsection 35(4). The applicable exception to be considered in this case is whether or not *“the desirability of avoiding disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.”*

In considering whether or not to make this report available to the public, it is respectfully submitted that the Board consider the following factors:

1. There are no public security matters revealed in this report.
2. This report does not reveal any intimate financial or personal matters.

### **Relationship to Police Service/Board Strategic Priorities**

Not applicable.

### **Relevant Policy Considerations**

Not applicable.

### **Other Pertinent Reports**

C8.7/2022.09 – Request for Legal Indemnification – SIU Case Number 22-OCI-044 – June 22, 2022.

*This report was prepared by Lynda Hughes, Inspector, Professional Standards Unit and reviewed by Luigi Greco, Acting Superintendent, Executive Services, and recommended by David Meade, Acting Deputy Chief, Support Services.*



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**Submitted by:**  
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Acting Chief of Police

**Appendices**

Not applicable.