



# NIAGARA REGIONAL POLICE SERVICE

## Police Service Board Report

### CONFIDENTIAL AGENDA

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**Subject:** Special Investigations Unit – Case Number 24-OVI-342 – Incident of August 14, 2024

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

**Report Date:** 2025-03-03

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### Confidential Report

Confidential Report with respect to the legal matter of an identifiable individual – *Community Safety and Policing Act, s. 44(2)(b)* “personal matters about an identifiable individual, including members of the police service or any other employees of the board” and *Community Safety and Policing Act 2019, s.44(2)(e)* “litigation or potential litigation affecting the Board, including matters before administrative tribunals.”

### Recommendation(s)

1. That the Niagara Police Service Board (Board) receives this report for information.
2. That the 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). Section 81 of the Community Safety and Policing 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.
- August 14, 2024, a notification was made to the SIU regarding a female who had suffered two broken vertebrae during an interaction with an officer, resulting in the incident meeting the investigative mandate of the SIU.
- On December 12, 2024, the SIU notified the Service that their investigation had concluded and advised that there were no grounds for criminal charges against the subject official.
- The subsequent Section 81 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 (NRPS).

## **Financial Considerations**

There are no financial implications relating to the recommendations contained in this report.

## **Analysis**

On August 14, 2024, a uniformed officer was on routine patrol in the City of Niagara Falls when they observed a vehicle operating in an aggressive manner on Thorold Stone Road. The officer turned to follow the vehicle to make further observations. The vehicle suddenly turned northbound on Stanley Avenue and drove at a high rate of speed prior to a traffic stop being attempted. When the officer turned onto Stanley Avenue, they observed that the vehicle had left the roadway near a trail approximately 500 meters away and crashed into a fence.

The officer arrived at the scene and observed a male flee the vehicle and hop over a barbed wire fence onto Ontario Power Generation property. Two females remained in the car. One was placed under arrest; however, the second female was in the backseat injured and could not move. A K9 track was commenced; however, the male was not located.

The injured female was transported to the hospital, where it was later determined her injuries were two broken vertebrae.

The SIU was contacted and invoked their mandate.

The SIU designated three members of the Service as Witness Officials.

One member was designated as a Subject Official.

On December 12, 2024, the SIU closed its investigation into this matter. In his decision letter, SIU Director, Mr. Joseph Martino wrote " 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."

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

In accordance with Section 81, the Service's Professional Standards Unit conducted an investigation and review of this incident which considered the following three areas:

1. The member's conduct in relation to the incident;
2. The policing provided by the member in relation to the incident; and
3. The procedures established by the chief of police as they related to the incident.

The Section 81 investigation encompassed a compliance review of applicable provincial legislation which 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. Conduct of NRPS Officers

There were no officer conduct issues identified during the SIU investigation or the Professional Standards Unit investigation and review of this incident regarding compliance with General Orders or legislation.

2. Services Provided by the NRPS

There were no issues identified relating to the services provided by NRPS during this incident.

3. The Policies of the NRPS

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 168.06 – Officer Note Taking
- 3) General Order 042.13 – Suspect Apprehension Pursuits

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.

The Professional Standards Unit investigation and review of this incident was undertaken in compliance with Section 81 of the Community Safety and Policing Act. The relevant policies of the 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 Service members, or the existing General Orders governing these situations.

## Alternatives Reviewed

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

The Community Safety and Policing Act provides that meetings of the Police Services Board shall be open to the public subject to exceptions that are set out in Subsection 44. The applicable exception to be considered in this case is the subject matter being considered includes, *“personal matters about an identifiable individual, including members of the police service or any other employees of the board.”*

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

C8.14-2025.02.27 – Request for Legal Indemnification – SIU Case 24-OVI-342 Incident of August 14, 2024.

*This report was prepared by Lynda Hughes, Acting Superintendent, Executive Services. Recommended by Darrin Forbes, Acting Deputy Chief, Support Services.*



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### Submitted by:

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Chief of Police

## Appendices

Not applicable.