



HAMILTON POLICE SERVICE

CONFIDENTIAL

INFORMATION REPORT

TO:	Chair and Members Hamilton Police Service Board
BOARD MEETING DATE:	October 1, 2026
SUBJECT:	SIU File 26-OVI-096 - Injury of M.M.
REPORT NUMBER:	26-090
PRESENTATION:	No
OUTSTANDING BUSINESS ITEM:	No
SUBMITTED BY:	Frank Bergen, Chief of Police
SIGNATURE:	

EXECUTIVE SUMMARY

On February 28, 2026, at approximately 2:40 a.m., the Subject Official (SO) was in a parking lot at the intersection of Centennial Parkway and Delawana Drive, Hamilton. Two vehicles were observed to be racing north on Centennial Parkway North. The SO pulled out onto Centennial Parkway and activated his emergency equipment. The SO made efforts to catch up with the vehicles. One of the vehicles fled the area and the second, a 2015 black Kia Rio, was involved in a multi vehicle collision at the intersection of Centennial Parkway North and South Service Road. The Complainant was a passenger in the Kia Rio. Emergency Medical Services (EMS) attended and the Complainant was transported to hospital where he was diagnosed with a small avulsion fracture to his left hip.

The SIU were contacted and they invoked their mandate. The SIU concluded there are no reasonable grounds to believe that the Subject Official committed a criminal offence in connection with the Complainant's injury.

APPENDICES ATTACHED

Appendix A – Summary

FB/W. Mason

c: Robin Abbott, Deputy Chief – Support
Will Mason, Superintendent – Professional Development Division
Marco Visentini, Legal Counsel

Vision: To be a trusted partner in delivering public safety.

Mission: To serve and protect in partnership with our communities.

Our Values: Compassionate, Dedicated, Inclusive, Integrity, Innovative, Professional, Teamwork

26-090 Appendix A – Summary Special Investigation Unit’s Probe into the injury of M.M. SIU File 26-OVI-096

BACKGROUND

Provincial legislation requires that the Chief or designate shall conduct an investigation promptly into any incident in which the Special Investigations Unit (SIU) has investigated a member of a police service. The purpose of the Chief’s investigation is to investigate the member’s conduct in relation to the incident, the policing provided by the member in relation to the incident, and the procedures established by the Chief of Police as they related to the incident (Section 81(4)). The Chief is mandated to make the report to the Board within 90 days after the SIU Director publishes a report in respect of the incident (if no charges are laid), or within 90 days after the disposition of the charges (if charges are laid) (Section 8(3) of Ontario Regulation 90/24). The Board shall publish the report on the internet within 30 days of receiving the report (section 8(5) O. Regulation 90/24).

- On February 28, 2026, at approximately 2:40 a.m., the SO sat stationary in his marked cruiser in a parking lot at the corner of Centennial Parkway North and Delawana Drive, Hamilton. Two vehicles were observed racing northbound on Centennial Parkway North, a white Volkswagen Golf and a black Kia Rio. The SO pulled on Centennial Parkway North and accelerated after the vehicles, intending on stopping them in connection with their speed.
- The racing vehicle’s speeds went as high as 170 km/hr. The racing vehicles travelled approximately 1.5 km north to the intersection of Centennial Parkway North and South Service Road. The black Kia Rio struck three vehicles at this intersection that were stopped, facing northbound, waiting on a red traffic light. The white Volkswagen Golf fled the scene. The SO arrived shortly thereafter and the driver of the black Kia Rio, Civilian Witness #2 (CW2), was arrested for dangerous driving. EMS was called and the Complainant was transported to hospital. The Complainant was diagnosed with a fractured hip.
- The SIU was notified and invoked their mandate.
- In the report prepared by the SIU Director Joseph Martino, he stated, “On my assessment of the evidence, there are no reasonable grounds to believe that the SO committed a criminal offence in connection with the Complainant’s injury”, and also, “In the circumstances, I am satisfied that the SO was within his rights when he initiated a pursuit to stop the vehicle or, at least, to identify the vehicle or its occupants. In the short pursuit that unfolded, I am satisfied that the SO comported himself with due care and regard for public safety.”
- The SIU Director also identified potential misconduct on the part of the SO, as the SO went through a red light at the intersection of Centennial Parkway North and Arrowsmith Road. The SIU Director stated “I note for the record evidence of potential misconduct by the SO when he travelled through a red light without stopping in possible violation of sections 19 and 27 of the Police Code of Conduct. I

will be referring this matter to the police service for their review. Further to section 35.1 of the *Special Investigations Unit Act, 2019*, I will also be referring the matter to the Law Enforcement Complaints Agency (LECA)".

- The Special Investigations Unit Act, section 35.1 (1), dictates that if, during the SIU's investigation, potential police officer misconduct is discovered (as defined in the Community Safety and Policing Act), The SIU Director shall notify the Complaints Director. As well, section 35.2 of the SIU Act dictates that if, during the SIU's investigation, potential issues are discovered relating to the adequacy and effectiveness of policing including policies and procedures, the SIU Director shall notify the Inspector General of Policing. At the conclusion of the SIU Investigation, the SIU Director did notify LECA. HPS is currently waiting for LECA to determine if they will undertake the misconduct investigation, or if it will be taken over by the HPS Professional Standards Branch.