IC15-11-26

In Camera REPORT

Peel Police Service Board

For Information

File Class: 1-01-02-01

Cross-Reference File Class: _____

Date: **November 1, 2026**

Subject: **CLOSED SPECIAL INVESTIGATIONS UNIT FILES 26-OCI-190, 26-OCI-207, 26-OCI-215, 26-OCI-250**

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: 26-OCI-190, 26-OCI-207, 26-OCI-215 and 26-OCI-250.

REPORT HIGHLIGHTS

- Details describing the involvement of the officials 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.
- Subject Official is abbreviated S.O.
- Affected Person is abbreviated A.P.
- Witness Officer is abbreviated W.O.
- Civilian Witness is abbreviated C.W.

Discussion

26-OCI-190 (Mr. C.S.)

EXECUTIVE SUMMARY

On Saturday, April 25, 2026, at approximately 2:40 a.m., Constable A.M. was proactively patrolling in the area of the Motel 6 located at 2935 Argentia Road in Mississauga.

Constable A.M. investigated the A.P., who was the driver of a Blue Jeep Cherokee in the parking lot, bearing Ontario license plate CWBF265. Constable A.M. approached the driver's side of the vehicle and observed the A.P. to be in a reclined position and the sole occupant of the vehicle. Constable A.M. knocked on the window several times as the A.P. was unresponsive. The A.P. was finally alerted and exited the vehicle showing signs of impairment.

The A.P. fled on foot towards the hotel and when Constable A.M. caught up and attempted to arrest him for Impaired Operation by Drug, the A.P. struck Constable A.M. on the side of the head with his hand. The A.P. continued to display assaultive behavior causing an "officer needs assistance" broadcast. Constable A.M. deployed his Conducted Energy Weapon (C.E.W.), and the A.P. was arrested for Assault Peace Officer and Operation While Impaired by Drug.

Emergency Medical Services (E.M.S.) attended the scene, and as a precaution, the A.P. was transported to Credit Valley Hospital (C.V.H.). At approximately 6:11 a.m., the A.P. was assessed by C.V.H. emergency physicians, and his injuries were deemed minor and non-life-threatening. The scene was subsequently cleared. The A.P. remained at the hospital for further observation and bloodwork.

Later in the day, the bloodwork revealed significantly elevated muscle enzymes. At approximately 12:00 p.m., Dr. Hathovt, diagnosed the A.P. with Rhabdomyolysis, and he was admitted. Dr. Hathovt noted the C.E.W. deployment as a contributing factor; however, the condition was not considered life-threatening or critical at the time. Constable A.M. did not suffer any injuries.

The A.P. was charged with Assault Peace Officer and was held pending a bail hearing. The charge of Operation While Impaired by Drug was pending the results from the toxicology report.

The S.I.U. was notified and Mr. Barry Millar was assigned as the 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. and conduct an administrative review.

INVOLVED PERSONS

A.P.: Mr. C.S.

S.O.: Constable A.M.

W.O.: Constable E.B.
Constable B.C.
Constable K.E.

FINDINGS OF THE S.I.U.

On August 7, 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 Attorney General (A.G.) he states:

"The Complainant was seriously injured in the course of his arrest by a PRP officer on April 25, 2026. The SIU was notified of the incident and initiated an investigation, naming the SO the subject official. 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 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.

The Complainant was lying in the driver's seat of the Jeep, which was parked with its lights on. He was initially unresponsive to the officer's presence and then delayed acknowledging the officer when he appeared to wake and sat up in his chair. The SO had also asked for a check of the Jeep's licence plate and learned that it was associated with a past incident of impaired driving. On the totality of these circumstances, I am satisfied that there were grounds to reasonably suspect the Complainant was in care and control of a motor vehicle while impaired, and that the SO was therefore entitled to do what he purported to be doing, namely, detain the Complainant for investigation: R v Mann, [2004] 3 SCR 59. When the Complainant resisted detention and struck the SO in the head, he also rendered himself subject to arrest for assault.

As for the force used by the SO, I am unable to reasonably conclude it was more than was necessary to detain and, ultimately, arrest the Complainant. The Complainant objected vociferously to his apprehension and struggled against the SO's efforts to secure him in handcuffs. The officer responded in kind, attempting to wrestle the Complainant under control, but was unsuccessful. The Complainant punched the SO in the head and fled through the interior door of the vestibule once it was opened by a security guard. The SO could not have known where the Complainant was going or whether he even lived at the shelter. In the circumstances, there was some urgency to taking him into custody. The Complainant had proven a formidable physical challenge and seemed intent on escape. The use of the CEW seems a reasonable escalation of force by the officer. If it worked as designed, it would temporarily incapacitate the Complainant, allowing the officer an opportunity to handcuff him. In essence, that is what occurred.

For the foregoing reasons, 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

Constable A.M. was on uniform patrol and operating a fully marked police cruiser when he investigated the A.P. at the Motel 6 in the early morning hours of April 25, 2026. Constable A.M. observed the A.P. reclined in the driver's seat of the vehicle which had the headlights activated. The A.P. was the lone occupant of the vehicle and appeared to be unconscious.

After knocking several times to get the A.P.'s attention, a flashlight was utilized to alert him of police presence. When the A.P. exited the vehicle, Constable A.M. advised that he made observations consistent with signs of impairment. Adding to this, Constable A.M. had queried the license plate of the vehicle and information regarding prior impaired operation, and a previous drug investigation was provided. As the A.P. exited the vehicle, he walked away from the proximity of Constable A.M., paced back and forth, and then quickly fled from Constable A.M. even after requests to stop were made. The A.P. proceeded to run to the front entrance of the Motel 6.

Constable A.M. gave chase and encountered the A.P. inside the motel. The A.P. became resistant and did not comply with Constable A.M.'s commands. Attempts to gain physical control were made by Constable A.M., but were unsuccessful, resulting in the officer drawing his C.E.W. Constable A.M. advised the A.P. that he was being investigated and being detained. Constable A.M. re-holstered his C.E.W. and again attempted to physically gain control of the A.P. The A.P. continued to be actively resistant and then struck Constable A.M. in the head with his fist before fleeing down a hallway towards his room. Constable A.M. again gave chase and

successfully deployed his C.E.W. on the A.P. causing him to fall to the floor. Control of the A.P. was eventually attained and he was handcuffed as additional officers arrived to assist.

Constable A.M. clearly had reasonable and probable grounds to investigate, detain and arrest the A.P. Before he was able to do so, the A.P. attempted to elude the officer by running into the motel. Constable A.M. could perhaps have been clearer and promptly advise the A.P. that he was being investigated and detained, however, events unfolded quickly and Constable A.M. was alone dealing with the A.P. who clearly did not want to co-operate with police. This will be addressed with Constable A.M. during a debrief.

Constable A.M. resorted to deploying his C.E.W. and incapacitating the A.P. after he had been assaulted. This led to the A.P.'s injury, however, Constable A.M. was justified in the level of force used.

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.

Constable A.M. was acting in the course of his duty and proactively patrolling an area known to police for criminal activity when he encountered the A.P. in the parking lot of the Motel 6. Constable A.M. conducted checks on the vehicle that the A.P. was operating, and formed his grounds to further investigate and ultimately arrest the A.P.

Constable A.M. resorted to deploying his C.E.W. after the A.P. was clearly not complying with his commands and was intent on getting away. When attempts to physically gain control were made, the A.P. punched Constable A.M. with a closed fist. Constable A.M. was the lone officer with the A.P. throughout the struggle until backup arrived shortly after.

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

26-OCI-207 (Mr. A.W.)

EXECUTIVE SUMMARY

On Saturday, May 2, 2026, 21 Division officers responded to the Bramalea City Centre (B.C.C.) food court situated at 25 Peel Centre Drive in Brampton for the report of a male armed with a firearm.

At 5:22 p.m., during the course of the firearms investigation, officers were in the food court area dealing with individuals. The A.P. engaged in an altercation with B.C.C. security about the police investigation.

B.C.C. security made attempts to arrest the A.P. for trespassing. The S.O. observed security struggling with the A.P. and intervened. The A.P. continued to struggle with B.C.C. security and the S.O., and ignored commands to comply. The A.P. was taken to the ground where he physically refused to produce his hands. The A.P. was eventually controlled, handcuffed and escorted off B.C.C. property. He was released on a Trespass to Property notice by B.C.C. security.

The interaction was witnessed and recorded by several members of the public. The interaction was captured on the officers Body Worn Camera (B.W.C.).

Investigation into the firearms concern ultimately deemed the report to be unfounded.

At the time of the incident, the A.P. did not present with any noticeable or noted serious injury.

On Friday, May 8, 2026, S.I.U. Manager, Pasha Prendergast, contacted Detective Sergeant Bouwkamp of I.S.B. to notify that the A.P. had reported the interaction to them directly. The A.P. advised that, on the date of the incident (May 2), he attended Peel Memorial Hospital and was diagnosed by Dr. M. Piotrowski to have sustained a concussion.

Mr. Troy Reddington of the S.I.U. 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.

INVOLVED PERSONS

A.P.: Mr. A.W. (Did not consent to the release of their name)

S.O.: Acting Sergeant B.E.

W.O.: Constable D.S.
Constable R.R.
Constable B.O.

FINDINGS OF THE S.I.U.

On August 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 official."

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

"The Complainant was seriously injured in the course of his arrest by PRP officers on May 2, 2026. The SIU was notified of the incident and initiated an investigation, naming the SO the subject official. 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 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.

There is evidence that the Complainant failed to leave the premises in a timely fashion when directed to do so by the security officers. At that point, he was subject to arrest by the security guards and the PRP officers under section 9(1) of the Trespass to Property Act.

The Complainant resisted arrest and was met with what, in my view, was reasonable force to take him into custody. Brought to the ground by the security officers, the Complainant attempted to lift himself as they tried to keep him on the floor. Several police officers intervened to assist the guards, including the SO. At this time, the Complainant was refusing to surrender his arms. Though in a prone position, he was also lifting his head, which was making it difficult to effect his arrest. The use by the SO of his knee and lower leg to keep the Complainant's upper body flat on the floor seems a reasonable tactic in the circumstances. When the officer first brought his right knee down, it made contact with the left side of the Complainant's head before it rested on the ground. Whether the blow was accidental or intentional, it was a glancing one with minimal force behind it. Thereafter, it did not appear on the video footage that the SO put an inordinate amount of pressure on the Complainant's head and upper back with his lower leg. As soon as the Complainant said he could not breathe, the officer removed his leg and stood up. At no point was the Complainant punched or kicked.

For the foregoing reasons, 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 circumstances surrounding the arrest and involved officer's application of force, it is the opinion of the I.S.B. that the S.O. utilized an appropriate level of force given the situation. The S.O. was in the role of Acting Sergeant at the time of the incident. He observed B.C.C. security struggling with the A.P. and acted swiftly to assist.

While attempting to gain control of the A.P., the S.O.'s knee came down and made contact with the A.P.'s head. The force applied did not appear excessive and occurred during the struggle. The A.P. was eventually brought under control and did not present or advise of any injuries suggesting a concussion at the time of the incident.

The S.O. had his B.W.C. activated during the initial firearms investigation and also during the initial interaction with the A.P. when he was directed to leave the premises. The S.O.'s B.W.C. was not recording at the time of the arrest of the A.P., however, the struggle and arrest was captured by the assisting W.O.'s B.W.C. It appears that, due to the sudden need to gain control of the A.P. for officer and security personnel safety, the S.O.'s B.W.C. was not reactivated. This will be addressed with the S.O. during an administrative debriefing of the event.

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.

The S.O. was acting in the course of his duty and assisted B.C.C. security with the lawful arrest of the A.P. who was actively resisting and failed to leave the premises when told to do so. Accordingly, the A.P. was charged with a Trespass to Property offence and escorted off B.C.C. property.

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

26-OCI-215 (Mr. A.M.)

EXECUTIVE SUMMARY

On Saturday May 16, 2026, 21 Division uniform officers located a stolen vehicle, occupied by the A.P., in the parking lot of 3461 Dixie Road in Mississauga.

The involved officers advised the A.P. that he was under arrest and attempted to take physical control to remove him from the vehicle. The A.P. was actively resistant during the arrest and refused to exit the vehicle. The involved officers had to forcibly remove the A.P. who continued to resist, ignore demands, and lock his arm through the doorframe to prevent arrest. Officers were eventually able to secure one (1) arm with handcuffs and ground the accused. It took the assistance of a third officer (the S.O.) to secure and handcuff both hands of the A.P.

Officers sustained minor injuries consisting of forehead and knuckle scrapes for one (1) officer, and knee scrapes and mild elbow hyperextension for another officer. These injuries did not require medical attention.

The A.P. was transported to Mississauga General Hospital for overdose related symptoms and was evaluated by Dr. Waines. X-rays revealed minor fractures to the left eight (8) and nine (9) rib cage area.

During the booking process, the A.P. advised that he was assaulted approximately five (5) days prior by eight (8) to nine (9) individuals and was struck all over the body. The assault went unreported to police.

The A.P. was released from hospital, returned to 12 Division and was held pending a Bail Hearing. Inspector Hutchinson notified S.I.U. Manager, Tim O'Keefe, who invoked their mandate. Mr. Barry Millar was assigned as the lead investigator. The S.I.U. requested assistance from P.R.P. Forensic Identification Services who attended and processed the scene.

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

INVOLVED PERSONS

A.P.: Mr. A.M. (Did not consent to the release of their name)

S.O.: Acting Sergeant L.F-L.

W.O.: Constable J.G.
Constable P.T.
Constable M.C.
Constable S.W.
Staff Sergeant C.H.

FINDINGS OF THE S.I.U.

On August 24, 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. I note what are possible contraventions of sections 10 and 12 of the Police Code of Conduct, in relation to the language A/Sgt F.L directed at Mr. A.M during the arrest, sections 19 and 27, in relation to the officer's use of his BWC. I ask that your service inquire into these matters and take whatever action may be appropriate. Further to section 35.1 of the Special Investigations Unit Act, 2019, I will also be referring these matters to the Law Enforcement Complaints Agency."

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

"The evidence collected by the SIU, including interviews with the Complainant and police eyewitnesses, and video footage that captured the incident, gives rise to the following scenario. As was his legal right, the SO did not agree an interview with the SIU or the release of his notes.

In the morning of May 16, 2026, PRP received a call from a woman reporting that her 2023 Hyundai Sonata had been stolen. The woman further indicated that the vehicle was in the area of 3415 Dixie Road, which she gathered from the use of tracking technology. Police officers were dispatched to the address.

WO #1 and WO #2 arrived at the address – a strip mall – and located the Sonata in the parking lot. It was parked facing towards Dixie Road along the westernmost aisle of parking spaces. Its trunk and driver's door were open, and a male was in the driver's seat. The officers stopped their cruiser behind the Sonata.

The Complainant was in the driver's seat. Approached by WO #1 and told that he was under arrest and to exit the vehicle, the Complainant delayed. The officer reached in to pull him out of the Sonata and the Complainant resisted by holding onto the steering wheel. After a period of struggle, the Complainant was eventually removed from the vehicle. He continued to fight as WO #1 and WO #2 attempted to place his arms behind the back. The Complainant grabbed hold of the driver's door and window frame and refused to let go. WO #1 radioed for assistance as the struggle continued. The Complainant was eventually forced away from the Sonata and brought to ground by the officers.

The Complainant refused to roll onto his front on the ground and surrender his arms to be handcuffed. The officers eventually maneuvered him face down to the ground. The Complainant still refused to give up his arms. Within seconds, the SO appeared and dropped his right knee onto the Complainant's lower back, pinning him flat to the ground. The officer forced the Complainant's left arm behind the back and, with the help of WO #1 and WO #2, handcuffed his hands together.

The Complainant was taken to hospital following his arrest and diagnosed with rib fractures, some of which were old, and others new."

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

Upon review of the circumstances surrounding the arrest and the involved officer's application of force, it is the opinion of the I.S.B. that the initial arresting officers displayed enhanced patience with the A.P. They only resorted to taking physical control and applying force when the A.P. resisted arrest. It took a considerable amount

of time for the arresting officers to take physical control of the A.P. The S.O. heard the radio transmissions of the arresting officers struggling with the A.P. and their request for assistance.

When the S.O. arrived on scene, he could observe the arresting officers struggling to take control. The S.O. approached rapidly and quickly resolved the situation by controlling the A.P. and handcuffs could be secured. While doing so, the S.O., who was clearly in a stressed state, used inappropriate language which was captured on the arresting officers B.W.C. The S.O. did not have their B.W.C. activated upon arriving at scene. I.S.B. recognizes that events of this nature are dynamic and stressful. Involved officers should be given some latitude and understanding that, while unprofessional, foul language is often the by-product being involved in stressful situations. The circumstances surrounding the S.O.'s language, and failure to activate his B.W.C., were reported to the Law Enforcement Complaints Agency (L.E.C.A.) by the S.I.U.

I.S.B. is currently awaiting a decision by L.E.C.A. as to whether they will retain the matter for investigation. It has been communicated to L.E.C.A. by I.S.B. that P.R.P. has the mechanisms and is prepared to address these concerns with the S.O. in accordance with progressive discipline.

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.

I.S.B. will continue to liaise with L.E.C.A. to determine whether they will be retaining the investigation into the circumstances surrounding the complaint submitted by Director Martino.

26-OCI-250 (Mr. B.S.)

EXECUTIVE SUMMARY

On Sunday, May 31, 2026, at 12:53 p.m., 22 Division uniform officers were dispatched to 93 Dells Crescent in Brampton for the report of an intoxicated male (the A.P.), armed with a six (6) inch knife and threatening to kill the occupants of the upstairs portion of the residence. Prior to police arrival, the A.P. had damaged one (1) of the resident's 2011 Ford F150 pick-up truck.

Upon arrival, the involved officers observed the A.P. to be in possession of the knife, and demands were made to drop it, which the A.P. complied. Further demands were made for the A.P. to drop to his knees and then to his stomach. The knife remained in close proximity to the A.P. The A.P. did not prone out onto his stomach and was forced to the ground, striking his face on the pavement. At 12:58 p.m. the A.P. was handcuffed to the rear and arrested for Weapons Dangerous and Uttering Threats.

It was noted that the A.P. was bleeding from the nose. An ambulance was requested and attended to the injury. The A.P. was transported to Brampton Civic Hospital for further medical evaluation. At 8:08 p.m. Dr Zoccoli diagnosed a fractured nose as a result of a Computed Tomography (C.T.) scan.

The A.P. was also placed under a Form 1 under the *Mental Health Act.*

A/Inspector Roberts was notified by A/Duty Inspector Miller of the details. S.I.U. Manager, Pasha Prendergast, was notified and invoked their mandate. S.I.U. forensics were dispatched to photograph and document the scene. The interaction was captured on officers B.W.C.

INVOLVED PERSONS

A.P.: Mr. B.S.

S.O.: Constable L.C.

W.O.: Constable D.K.
Acting Sergeant J.C.
Sergeant S.M.

FINDINGS OF THE S.I.U.

On September 14, 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:

"In the afternoon of May 31, 2026, PRP officers were dispatched to a residence in the area of Sandalwood Parkway West and McLaughlin Road North, Brampton, following calls to police about a male brandishing a knife. Tenants at the address reported that a fellow tenant – the Complainant – had waved a knife at them and threatened to kill them. He was presently outside behaving erratically, the knife still in his possession.

WO #1 was the first officer on scene, followed shortly by the SO. The officers confronted the Complainant on the roadway and ordered him at gunpoint to drop the knife and get down to the ground. The Complainant was intoxicated and of unsound mind, but he complied with the direction by dropping the knife, raising his hands and then dropping to his knees, his back turned to the officers. The officers, east of the Complainant at a distance of several metres, directed him several times to lay flat on the road. The Complainant either did not understand the instruction or refused to comply. He remained on his knees with his torso erect. When the Complainant subsequently lifted his shirt above the waist, the SO moved in quickly and kicked him in the back. The strike propelled the Complainant forward onto his front. He struck his face on the road and broke his nose in the process. The SO and WO #1 moved in, controlled the Complainant's arms and handcuffed him behind the back."

S.I.U. ANALYSIS AND DIRECTOR'S DECISION

"The Complainant was seriously injured in the course of his arrest by PRP officers on May 31, 2026. The SIU was notified of the incident and initiated an investigation, naming the SO the subject official. 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 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 threatened several persons with a knife, I am satisfied the SO and WO #1 were within their rights in moving to arrest him for uttering threats and possession of a weapon contrary to sections 264.1 and 88 of the Criminal Code, respectively.

I am also satisfied that the officers used only lawful force to take the Complainant into custody. They understandably confronted the Complainant with their firearms drawn and pointed at him. The Complainant had threatened to use the knife to kill people and represented a risk of serious bodily harm or death to the officers and others in the vicinity. Even when he dropped the knife, it remained nearby and was easily accessible to him before he was knocked to the ground. For that same reason, and because the Complainant was refusing to prostrate himself and had even lifted his shirt, the SO's kick was legally justified. That action, delivered with moderate force, immediately neutralized the Complainant as a serious threat and led to his prompt apprehension.

In the result, while it is regrettable that the Complainant's nose was broken by the SO, there are no reasonable grounds to believe that the injury is attributable to unlawful conduct on the part of the officer. As such, there is no basis for proceeding with criminal charges in this case.

Before closing the file, I note for the record that the SO did not activate his BWC in a timely fashion, in possible contravention of sections 19 and 27 of the Police Code of Conduct. I will be referring this matter to the chief of police and, pursuant to section 35.1 of the Special Investigations Act, 2019, to the Law Enforcement Complaints Agency."

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

Upon review of the circumstances surrounding the involved officer's application of force during the arrest of the A.P., it is the position of the I.S.B. that the involved officer's actions were lawful, justified and, in fact, commendable.

While attending the scene, the involved officers were made aware of the A.P.'s state of intoxication, volatility, threatening behaviour, and that the A.P. was armed with a large knife. The A.P. threatened to kill an occupant of the residence. Recognizing the need for immediate action, the involved officers did not hesitate in engaging the A.P. They relied on their training and quickly and effectively brought him into custody, mitigating the threat to public safety.

At the conclusion of the S.I.U.'s investigative report, Director Martino made note of a possible contravention of the Police Code of Conduct for the S.O. by not activating his B.W.C. in a "*timely fashion.*"

Upon review of the available B.W.C. footage captured by the W.O. and S.O., the following timeline illustrates how the interaction unfolded:

W.O. B.W.C. Footage:

12:57:43 Upon arrival the W.O. is directed towards the threat by a civilian eyewitness operating a red service truck.

W.O. engages the A.P. who is armed with a knife in his left hand on the roadway.



12:58:13 The S.O. is heard on the W.O.'s B.W.C. making compliance demands to the A.P.

S.O. B.W.C. Footage:

12:58:32 S.O.'s B.W.C. activates while the officers are placing handcuffs on the A.P.



The S.O. arrived on scene and observed a W.O. with his firearm drawn at the A.P. The S.O. self initiates his B.W.C. when a W.O. and the S.O. are attempting to place handcuffs on the A.P. In reviewing the B.W.C. footage, the entire interaction with the A.P. is clearly documented with a W.O.'s B.W.C.

It is the position of the I.S.B. that, with the evidence and available B.W.C. footage provided to the S.I.U., the facts in issue can be clearly ascertained and that the injury sustained by the A.P. was not as a result of police criminality. The involved officers were acting lawfully, in accordance with training, P.R.P. policy, and the level of force applied was justified.

It is more than reasonable that, upon arrival, the S.O.'s attention was focused on the events that were unfolding and that their failure to immediately activate their B.W.C. was impacted by concern for officer and public safety.

P.R.P. B.W.C. policy I-B-173 (F) states:

> ***"F. <u>Operation of a Body Worn Camera</u>***
>
> *1. An Officer shall activate their BWC and/or ensure their BWC remains activated:*
>
> *(a) when interacting with a member of the public,* ***at the earliest opportunity that allows for Officer safety****;*

It is the position of I.S.B. that the delay by the S.O. in activating their B.W.C. is reasonable and does not amount to police misconduct or impact the S.I.U.'s ability to draw a conclusion as to whether the A.P.'s threshold injury was a result of any criminal intent on behalf of the involved member.

<u>CONCLUSION</u>

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 P.R.P. member whose presence at the scene was confirmed.

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

I.S.B. will continue to liaise with L.E.C.A. to determine whether they will be retaining the investigation into the circumstances surrounding the complaint submitted by Director Martino.

Approved for Submission



Nishan Duraiappah, Chief of Police

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

Authored By: Detective Sergeant Jayson Bouwkamp #2165